Development Control Plan

20 May 2022



PORT STEPHENS COUNCIL

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Quick Start Guide

If the Port Stephens Development Control Plan 2014 (**DCP**) applies, the steps listed below set out the process to be followed:

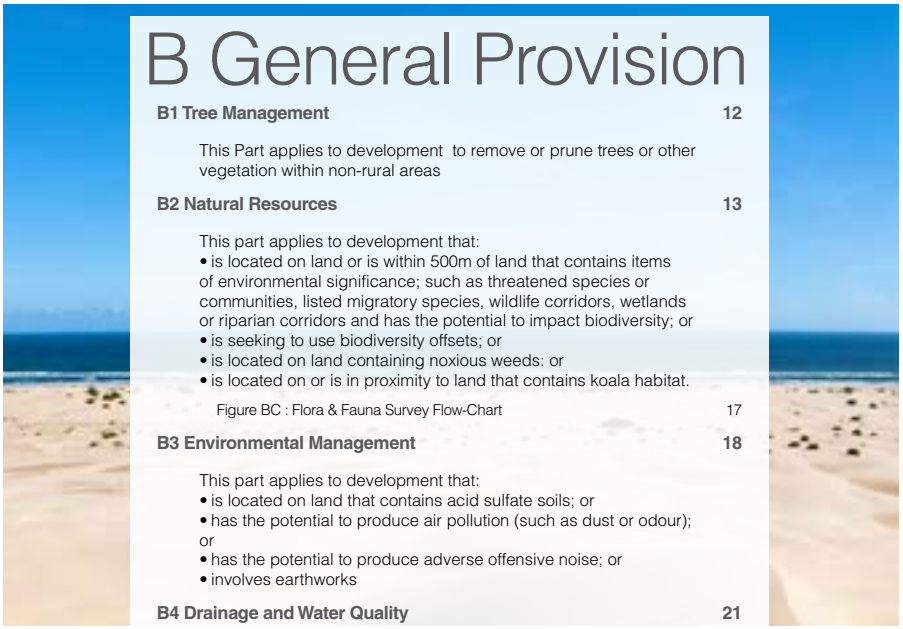
Step 1

Refer to the Reference table at the start of Section B – General Provisions, Section C – Development Type and Section D – Specific Areas to determine which Parts within those sections apply to the proposed development type.

Title of Section →

Title of Part →

This Part applies to development that is to remove or prune trees or other vegetation within non-rural areas. If the proposed tees or other vegetation is located within a rural area or if the development does not involve the removal or pruning of trees or other vegetation than it need not reference this Part →



B General Provision

B1 Tree Management 12

This Part applies to development to remove or prune trees or other vegetation within non-rural areas

B2 Natural Resources 13

This part applies to development that:
- is located on land or is within 500m of land that contains items of environmental significance; such as threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or
- is seeking to use biodiversity offsets; or
- is located on land containing noxious weeds: or
- is located on or is in proximity to land that contains koala habitat.

Figure BC : Flora & Fauna Survey Flow-Chart 17

B3 Environmental Management 18

This part applies to development that:
- is located on land that contains acid sulfate soils; or
- has the potential to produce air pollution (such as dust or odour); or
- has the potential to produce adverse offensive noise; or
- involves earthworks

B4 Drainage and Water Quality 21

Step 2

If a Part applies, then refer to the requirements listed under that Part. Where those requirements cannot be met, demonstrate compliance with the objectives.

Title of Part →

This Part applies to development located within or defined as →

Development Objectives →

Development Requirements →

B3 Environmental Management

Application

This part applies to development that:

- is located on land that contains acid sulfate soils; or
- has the potential to produce air pollution (such as dust or odour); or
- has the potential to produce adverse offensive noise; or
- involves earthworks

B3.A Acid Sulfate Soils

Objective

To ensure that **development** does not disturb, expose or drain **acid sulfate soils** and cause environmental damage

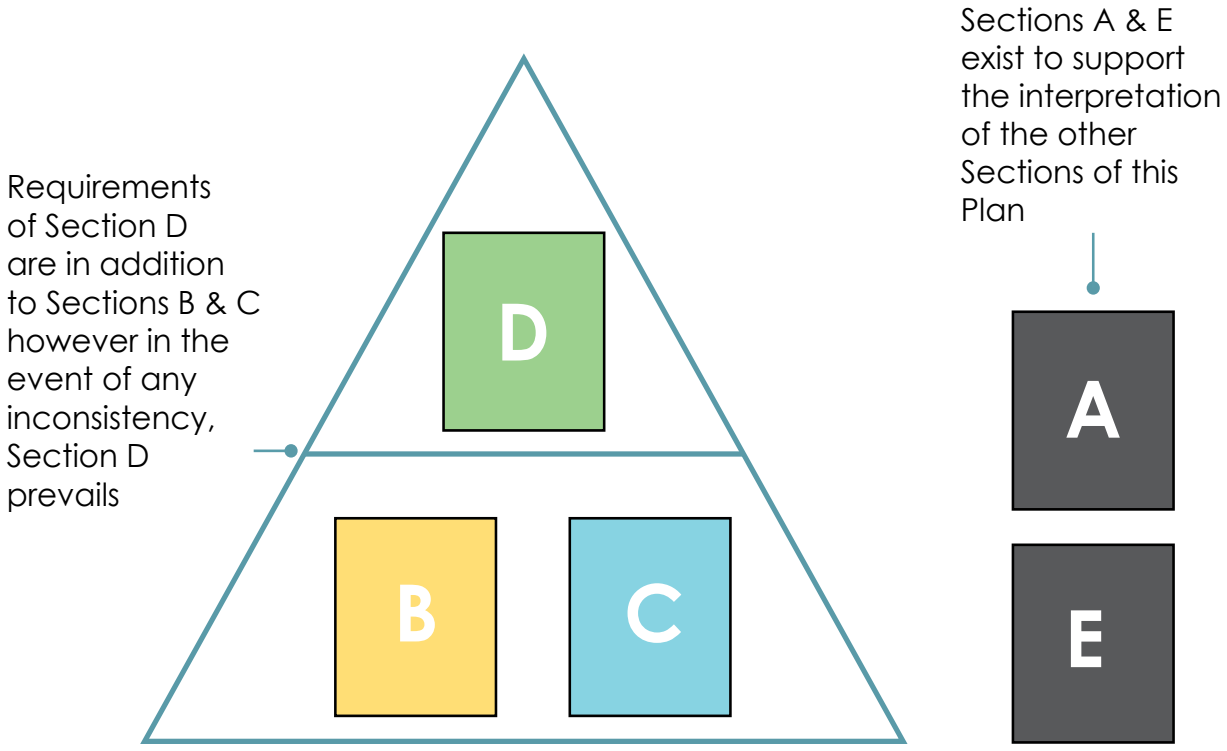
Development controls	
B3.1	**Development** located on **Acid Sulfate Soils (ASS)** as identified on the Acid Sulfate Maps of the **Local Environmental Plan** adheres to the **Local Environmental Plan** requirements by taking one of the following three paths: 1. Accept that **ASS** is present and prepare a **development application** and an **ASS management plan** as set out in the **NSW ASS Manual**[40]; or 2. Provide a framework for the on-going management and monitoring of the

Step 3

Address the relevant objectives and requirements within the Statement of Environmental Effects (SEE) that is provided by the applicant with the lodgement of the development application.

This Quick Start Guide is not a formal part of this Plan. The legislative interpretation of this Plan is provided under Section A – Introduction.

The following diagram seeks to quickly illustrate the Structure of this Plan. Most notably, the requirements and objectives listed under Section D – Specific Areas overrides those requirements and objectives listed under Section B – General Provisions and Section C – Development Types. While, Section A – Introduction and Section E – Schedules simply exist to support the interpretation of the other Parts.



A Introduction

A1 Name of this Plan

The name of this Plan is the Port Stephens Development Control Plan 2014 **(DCP)**.

A2 Aim of this Plan

The aim of this Plan is to facilitate development in accordance with the ***Local Environmental Plan*** **(LEP)** applying to the land to which this Plan applies.

A3 Commencement of this Plan

This Plan was adopted by Council on 14 July 2015 and commenced on 6 August 2015. The following amendments have occurred since this Plan commenced:

Date	Amendment
3 September 2015	Plan amended to give effect to Council's resolution of 25 August 2015. Changes limited to Part B1 – Tree Management.
10 December 2015	Plan amended to give effect to Council's resolution of 24 November 2015. Changes limited to D1 – Heatherbrae Industrial and D11 – Raymond Terrace Town Centre.
22 February 2018	Plan amended to give effect to Council's resolution of 13 February 2018. Minor amendments and corrections were made throughout the **DCP**.
26 April 2018	Plan amended to give effect to Council's resolution of 13 February 2018. Amendment to Part D9 North Medowie – Medowie (Bower Estate).
21 June 2018	Plan amended to give effect to Council's resolution of 12 June 2018. Amendment inserts Part D16 Medowie Strategy (Precinct E) for the purposes of satisfying clause 6.3 of the **LEP**.
23 August 2018	Plan amended to give effect to Council's resolution of 10 July 2018. Amendment makes administrative changes including references to the *Environmental Planning and Assessment Act 1979* and the repeal of savings and transitional provisions.
25 July 2019	Plan amended to give effect to Council's resolution of 9 July 2019. Amendment to the aircraft noise planning map to reflect **2025 ANEF**.
5 September 2019	Plan amended to give effect to Council's resolution on 27 August 2019. Amendment to Part D13 Rees James Rd - Raymond Terrace.
12 December 2019	Plan amended to give effect to Council's resolution on 22 October 2019. Amendment to Part B4 Drainage and Water Quality.
14 May 2020	Plan amended to give effect to Council's resolution of 12 May 2020. Amendment removes Part A11 Development Notification.
15 September 2020	Plan amended to give effect to Council's resolution of 25 August 2020. Amendment to Part B1 Tree Management.
10 December 2020	Plan amended to give effect to Council's resolution of 24 November 2020. Amendments were made throughout the **DCP** to improve the efficiency of the development assessment process.
10 December 2020	Plan amended to give effect to Council's resolution of 8 December 2020. Amendment to Part B5 Flooding.
11 January 2021	Plan amended to give effect to Council's resolution of 24 November 2020. Amendment to Part D5 Nelson Bay Centre and Part D6 Nelson Bay West.

Date	Amendment
20 May 2022	Plan amended to give effect to Council's resolution of 27 July 2021. Amendment inserts Part D17 Stockton Rifle Range for the purposes of satifying clause 6.3 of the **LEP**.

A4 Land to which this Plan applies

This Plan applies to the land within the Port Stephens local government area.

A5 Development to which this Plan applies

This Plan applies to all **development** requiring **development consent** in accordance with Part 4 Development Assessment of the *Environmental Planning and Assessment Act 1979* **(EP&A Act)**.

In determining a **development application**, Council is to provide consideration to this Plan under section 4.15 of the **EP&A Act**.

This Plan does not apply to **development** that is:

- identified as permissible without consent
- carried out under Part 5 Environmental assessment of the **EP&A Act**
- assessed under the provisions of another **Environmental Planning Instrument (EPI)** that excludes the provisions of the ***Local Environmental Plan*** **(LEP)**

A6 Interpretation

Terms requiring definition are bold; they are defined under E1 Glossary.

This **DCP** adopts the terms and definitions of the Standard Instrument—Principal Local Environmental Plan, unless otherwise defined in the Glossary.

Abbreviated terms are bold; they are listed under E2 Acronyms.

A reference to any Australian Standard, legislation or supporting documentation includes a reference to any amendment or replacement as made.

A7 Structure of this Plan

This Plan is divided into sections, parts, objectives and development controls. The Sections are as follows:

- Quick Start Guide, Table of Contents and Checklists
  - Provides tools to increase the useability of the Plan
- Section A - Introduction
  - Explains the purpose of this Plan and legislative requirements
- Section B - General Provisions
  - Provides **development** objectives and requirements that relate to the site in all locations in which **development** is proposed. This Section is to be referenced by all **development applications**.

- Section C - Development Types
  - Provides **development** objectives and requirements that relate to specific **development types**. Development will generally fall within one or more of these specified development types. The Requirements under this Section are to be read in conjunction with the General Provisions, which relate to all **development applications**.
- Section D - Specific Areas
  - Provides **development** objectives and requirements that relate to a specific locality in which **development** is proposed. The provisions of this Section provide specific location requirements that apply in conjunction with other sections and prevail to the extent of any inconsistency.
- Section E - Schedules
  - Provides important terms and references to assist in the accurate interpretation of the Plan, such as technical specifications

This structure seeks to facilitate permissible **development** and support alternative **merit-based approaches** to **development** that is permissible under the **LEP** This is consistent with the purpose and status of a development control plan under section 3.42 of the **EP&A Act** as follows:

1. The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development which this Part applies and to the consent authority for any such development:
   a. Giving effect to the aims of any environmental planning instrument that applies to the development.
   b. Facilitating development that is permissible under any instrument.
   c. Achieving the objectives of land zones under any such instrument

   The provisions of a development control plan made for that purposes are not statutory requirements.
2. The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).
3. Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.

A8 Explanation of development objectives and requirements

The relevant parts of this Plan contain **development** objectives and requirements. A **development** objective clearly states the intent of a **development** requirement.

Where the **development** requirement cannot be achieved, the applicant is provided with the opportunity to demonstrate through alternative **merit-based** solutions how the proposed **development** complies with the **development** objective. This approach seeks to encourage a **merit-based approach** to the evaluation of **development applications**, while ensuring appropriate consideration is provided to the intent of the **development** requirements.

A9 Relationship to legislation, plans and policies

This Plan must be read in conjunction with the ***Local Environmental Plan***. This Plan:

- was prepared in accordance with section 3.43 of the **EP&A Act** and Part 3 of the *Environmental Planning and Assessment Regulation 2000*
- identifies further detail of Council's requirements for local **development** requiring **development consent**
- is consistent with the provisions of the **LEP** and other applicable **EPI**, however, in the event of any inconsistency, the requirements of the **EPI** will prevail in accordance with section 3.28 Inconsistency between instruments of the **EPA&A Act**
- replaces the whole of the Port Stephens Development Control Plan 2013 **(DCP 2013)**
- is to be applied in conjunction with other Council **development** guidelines, policy, specifications and technical manuals, where cited

A10 Monitoring and review

Section 3.21 of the **EP&A Act** requires councils to keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are -- having regard to such changing circumstances as may be relevant -- achieved to the maximum extent possible.

Port Stephens Council **(PSC)** will aim to regularly review this Plan.

B General Provisions

B1 Tree Management 12

This Part applies to **development** to remove or prune trees or other vegetation within **non-rural areas**

B2 Natural Resources 16

This Part applies to **development** that:

- Is located on land or is within 500m of land that contains items of **environmental significance**; such as threatened species or communities, listed migratory species, wildlife corridors, **wetlands** or **riparian corridors** and has the potential to impact biodiversity; or
- Is seeking to use **biodiversity offsets**; or
- Is located on land containing **noxious weeds**; or
- Is located on or is in proximity to land that contains **koala habitat**.

B3 Environmental Management 20

This Part applies to **development** that:

- Is located on land that contains **acid sulfate soils**; or
- Has the potential to produce **air pollution** (such as dust or odour); or
- Has the potential to produce adverse **offensive noise**; or
- Involves **earthworks**.

B4 Drainage and Water Quality 23

This Part applies to development that:

- Increases **impervious surfaces**; or
- Drains to the **public drainage** system; or
- Involves a controlled activity within 40m of **waterfront land**.

B5 Flooding 28

This Part applies to all development on **flood prone land**.

B6 Williamtown RAAF Base – Aircraft Noise and Safety 38

This Part applies to **development** that is situated within the **2025 Australian Noise Exposure Forecast (ANEF)**, **bird strike zone**, extraneous lighting area or the Royal Australian Air Force (**RAAF**) Base Williamtown Obstacle Limitation map

B7 Heritage 48

This Part applies to **development** that is situated on land that contains a **heritage item** or within a **heritage conservation area**

This Part applies to **development** with the potential to impact on the existing road network or create demand for **on-site parking**. This Part lists general requirements more specific requirements relating to **development types** may be provided under Section C Development Types.



B1 Tree Management

Application

This Part applies to **development** to remove or prune trees or other vegetation within **non-rural areas**

Note: Clearing of native vegetation in **rural areas** is regulated by the *Local Land Services Amendment Act 2016*

B1.A Non-rural areas

Objective

To give effect to *State Environmental Planning Policy (**SEPP**) (Vegetation in Non-Rural Areas) 2017* by listing those trees or other vegetation that require approval

Development controls	
B1.1	Where any activity specified in Column 2 is proposed an applicant must attain the corresponding approval type specified in Column 1 except for an activity where no approval is required

Figure BA: Approval requirements thresholds

Column 1 – Approval type required	Column 2 – Tree management activity
Native vegetation panel approval	Clearing of **native vegetation** that is subject to the biodiversity offset scheme as specified in the *Biodiversity Conservation Act 2016*
Council issued permit	• Removal or pruning of a tree or other vegetation where height exceeds 3m or **circumference** breast height exceeds 300mm; or • Removal or pruning of a tree or other vegetation, irrespective of the size, that is: - a NSW Christmas Bush (*Ceratopetalum gummiferum*); - a Cabbage Tree Palm (*Livistona australis*); - a species listed under the *Biodiversity Conservation Act 2016*; - listed under the **register of significant trees**[3]; or - part of a **heritage item**, **heritage conservation** area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: - is of a minor nature or is for the maintenance of that item, area, object or place; and - will not adversely affect the significance of that item, area, object or place
Council issued **development consent**	Removal or pruning of a tree or other vegetation that forms part of a **heritage item**, **heritage conservation area**, Aboriginal object or Aboriginal place of significance, which Council is not satisfied: • is of a minor nature or is for the maintenance of that item, area, object or place; and • will not adversely affect the significance of that item, area, object or place Note: A **development application** will need to be lodged

Column 1 – Approval type required	Column 2 – Tree management activity
Council approval not required	Removal or pruning of a tree or other vegetation: • authorised under other legislation, such as vegetation clearing authorised under the *Rural Fires Act 1997*, or a **construction certificate** or **subdivision certificate**; or • where height exceeds 3m or **circumference breast height** exceeds 300mm, that is: - within 5m of the wall of an approved structure measured from the wall to the trunk of the tree; - a tree grown for fruit or nut production; - maintenance of less than 12 months growth or 10% of foliage in accordance with Australian Standard (**AS**) 4373– Pruning of amenity trees; - an **undesirable species**; or • not otherwise listed as requiring Council approval; or • that requires urgent removal on account of immediate failure when Council is provided with a **tree removal notification** post-event; or • where there is a risk to human life or property, when Council is provided with a **tree removal notification** 10 days prior to removal; or • where it is dead or dying and it is not required as the habitat of native animals, when Council is provided with a **tree removal notification** 10 days prior to removal. Note: The onus of proof is on the landowner and photos should be taken before and after removal. Landowners are encouraged to seek the advice of a **qualified arborist** in determining the direct threat of any tree.

Note: Applicants for tree clearing and removals will also need to consider the provisions of other legislation including but not limited to the following:

- *Biodiversity Conservation Act 2016 (NSW)* - A licence may be required if tree removal would also harm the animals listed in this Act. Contact NSW Environment, Energy and Science.
- *Biosecurity Act 2015 (NSW)* - clearing of weeds. Contact NSW Local Land Services (**LLS**) – Hunter.
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) - protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment.
- *Fisheries Management Act 1994 (NSW)* - prohibits cutting of mangroves. Contact the NSW Department of Primary Industries (**DPI**).
- *Heritage Act 1977 (NSW)* - sites under conservation orders, relics, etc. Contact NSW Environment, Energy and Science.
- *Local Land Services Act 2013 (NSW)* - clearing of native vegetation, regional vegetation management plans, property agreements. Contact NSW Local Land Services (**LLS**) - Hunter.
- *National Parks and Wildlife Act 1974 (NSW)* - Regulates works in Aboriginal places or impacting Aboriginal objects. Contact the National Parks and Wildlife Service at NSW Environment, Energy and Science.
- *Rural Fires Act 1997 (NSW)* - '10/50 Vegetation Clearing Code of Practice for NSW', and authorised removal of fire hazards. Contact the NSW Rural Fire Service.

B1.B Assessment requirements

Objective

To ensure adequate consideration is provided to the relevant matters for the removal or pruning of trees or other vegetation

Development controls	
B1.2	Council assessment of applications to remove or prune trees or other vegetation has regard for: • whether the tree is dead and provides habitat • damage to an existing structure or utility service substantiated by a qualified person • interfering with a solar photovoltaic/hot water system • interfering with the amenity of a **habitable room** • threatened by a **development consent** • consistency with a **flora, fauna or conservation strategy** • the tree is interfering, or likely to interfere, with the provision of a public utility or road/**driveway** construction, provided the impact on the trees has been considered in the design phase • impact on threatened species, populations or ecological communities and their habitats • retention value under the **tree technical specification**[1] • other relevant circumstances, as per the **tree technical specification**[1]

B1.C Supporting information

Objective

To ensure adequate information is provided to determine the application for the removal of trees or vegetation

Development controls	
B1.3	An **arborist report** consistent with **tree technical specification**[1] is required: • for a tree or other vegetation listed under **register of significant trees**[3] • to assess the impact on existing trees as part of a **development application** as per AS 4970 – Protection of trees on development sites • to support reassessment of applications for tree removal on a technical basis • to support the release of a tree bond
B1.4	A tree bond consistent with the **tree technical specification**[1] is imposed where Council deems a public tree is at risk

Development controls	
B1.5	A request to remove 20 or more trees requires a **vegetation management plan** consistent with **vegetation technical specification**[2] Note: An application to remove 20 or more trees, where tree height exceeds 3m or **circumference breast height** exceeds 300mm, may require a referral to be provided to Hunter Water by the assessing officer in accordance with the 'Guidelines for developments in the drinking water catchments'
B1.6	**Compensatory planting** consistent with the **tree technical specification**[1] may be required when council approval to remove trees is provided
B1.7	A **hollow tree assessment** is required to remove hollow bearing trees: • Two replacement hollows are provided for each hollow tree identified by the **hollow tree assessment** • Salvaged hollows are preferred over nest boxes, which are consistent with the **nest box technical specification**[5] Note: B2.1 requires a **hollow tree assessment** and replacement or salvaged hollows if a **flora and fauna survey** report proposes their removal

B2 Natural Resources

Application

This Part applies to **development** that:

- Is located on land or is within 500m of land that contains items of **environmental significance**; such as threatened species or communities, listed migratory species, wildlife corridors, **wetlands** or **riparian corridors** and has the potential to impact biodiversity; or
- Is seeking to use **biodiversity offsets**; or
- Is located on land containing **noxious weeds**; or
- Is located on or is in proximity to land that contains **koala habitat**.

Note: *The Biodiversity Conservation Act 2016* was enacted on the 25 August 2017 which repealed the provisions of *Threatened Species Conservation Act 1995* (**TSC Act**). Transitional arrangements for developments have been put in place to ensure a smooth transition to the new legislation. These are set out in the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

B2.A Environmental significance

Objective

To ensure adequate consideration is provided to the protection and conservation of items of **environmental significance**

Development controls	
B2.1	**Development** located on land or is within 500m of land that contains items of **environmental significance**, such as threatened species or communities, listed migratory species, wildlife corridors, **wetlands** or **riparian corridors** and has the potential to impact biodiversity provides: • a **flora and fauna survey** to inform the **assessment of significance**, - The **flora and fauna survey** is in accordance with: - NSW Department of Environment and Conservation. 2004, 'Threatened Species Survey and Assessment: Guidelines for development and activities'[8] - Hunter and Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter and Central Coast Regional Fauna and Flora Guidelines'[9] - If **development** poses a **significant effect** under 5A of the **EP&A Act** or if development is on land which is, or is part of, critical habitat then a **species impact statement (SIS)** is required

Development controls	
	- If **development** does not pose a **significant effect** under 5A of the **EP&A Act**, but proposes unavoidable vegetation impacts then a **vegetation management plan (VMP)** that is consistent with the **vegetation technical specification**[2] is required Note: Under section 5.5 of the **EP&A Act** the determining authority has a duty to consider the environmental impact of proposed activities • If the **flora and fauna survey** proposes the removal of hollow bearing trees then a **hollow tree assessment** is required: - Two replacement hollows are provided for each hollow tree identified by the **hollow tree assessment** - Salvaged hollows are preferred over nest boxes that are consistent with the **nest box technical specification**[5] Note: This is consistent with B1.7 that requires a **hollow tree assessment** to remove hollow bearing trees on land to which B1 applies • A proposed **buffer** on the land subject to the **development** is provided to items of **environmental significance**. The width of the **buffer** is recommended by the **flora and fauna survey** report based and is based on taking into account the following parameters: - The condition of the item of **environmental significance** - Proposed methods of mitigating adverse impact - Possible external effects, such as weed encroachment or domestic animals and their potential to cause impact - Where the vegetation of **buffers** are proposed, the vegetation is established along the relevant boundaries prior to the issuing of the relevant **subdivision** or **occupation certificate** Note: C4.11 nominates a suitable buffer for residential accommodation adjoining land used for agricultural purposes

B2.B Biodiversity offsets

Objective

To provide further guidance for the use of **biodiversity offsets** within the Port Stephens local government area

Development control	
B2.2	If **biodiversity offsets** are employed as a suitable compensatory measure under the **TSC Act** then they are: • calculated in accordance with the **bio-metric terrestrial biodiversity assessment tool** • consistent with the **vegetation technical specification**[2] • in a secure tenure ownership • located on land to which this Plan applies

B2.C Noxious weeds

Objective

To reduce the negative impact of **noxious weeds** on the economy, community and environment by eliminating or restricting their geographical spread

Development control	
B2.3	**Development** situated on land that contains **noxious weeds**, as identified by a section 64 certificate under the *Noxious Weeds Act 1993* will seek to prevent, eliminate or restrict the spread of **noxious weeds** in accordance with **noxious weeds technical specification**[6]

B2.D Koalas

Objective

To encourage the proper conservation and management of areas of natural vegetation that provide **koala habitat** to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline

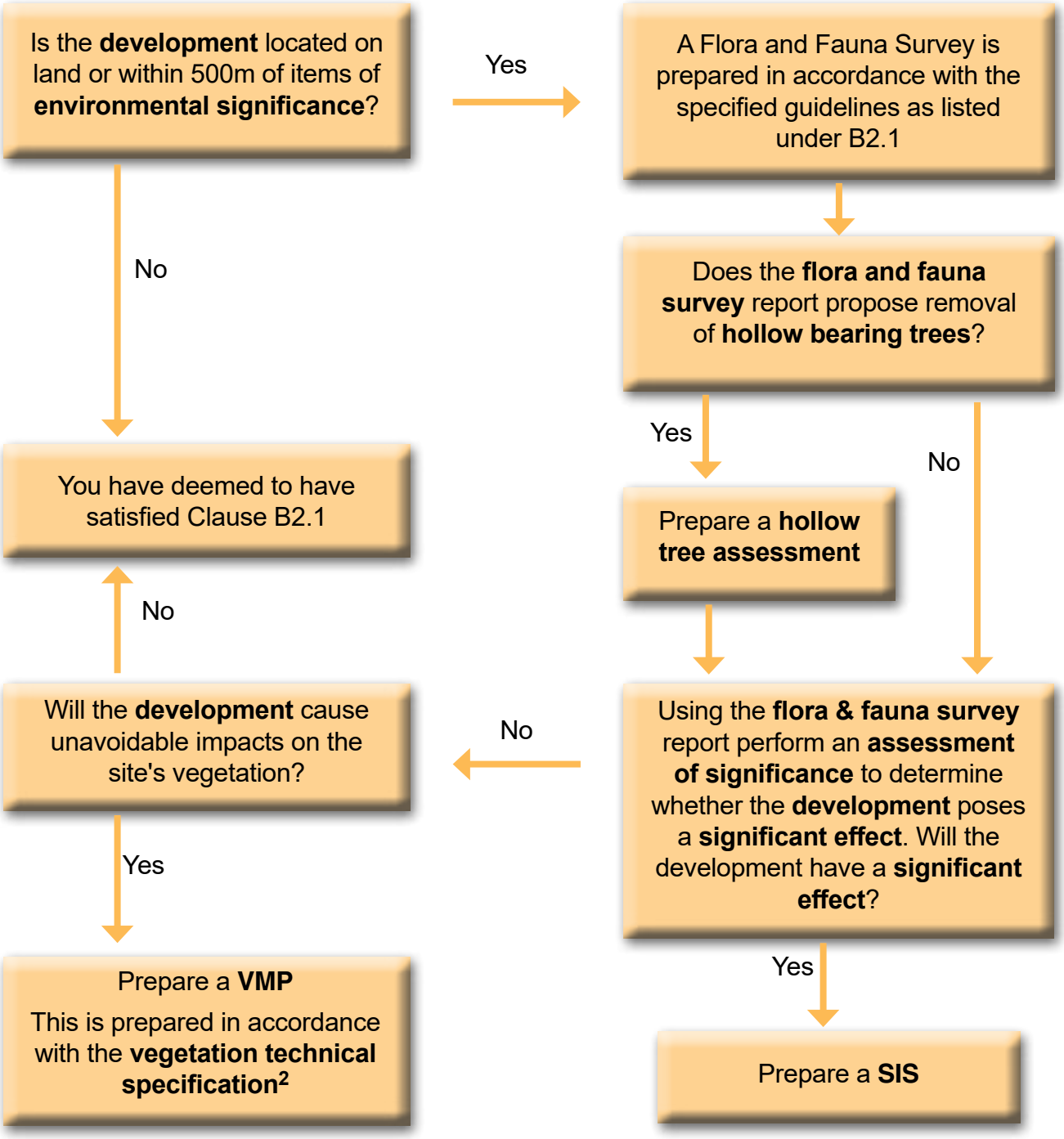
Development controls	

B2.4	**Development** located on or in proximity to land identified as **koala habitat** complies with the *Port Stephens Comprehensive Koala Plan of Management*[10] through consideration to the performance criteria, being:
	• Minimising the removal or degradation of **native vegetation** within **preferred koala habitat** or **supplementary koala habitat**
	• Maximising the retention and minimising degradation of **native vegetation** within **supplementary habitat**, habitat buffers and habitat linking areas
	• Minimising removal of any individual preferred koala feed trees
	• Where appropriate, restore and rehabilitate **koala habitat**/buffers and linking areas
	  - Removal of **koala habitat** is off-set by a net gain of **koala habitat** on-site or adjacent
	• Make provision for long-term management of both existing and restored **koala habitat**
	• Not compromise the safe movement of koalas, through:
	  - Maximisation of tree retention
	  - Minimising barriers for movement, such as fences
	• Restrict **development** to defined building envelopes
	• Minimising the threat to koalas from dogs, motor vehicles and **swimming pools**
	  - **Development** demonstrates consideration to the performance criteria within the **statement of environmental effects (SEE)** by providing the following:
	  - Assessment of **koala habitat** in accordance with Appendix 6 – Guidelines for Koala Habitat Assessment of the *Port Stephens Comprehensive Koala Plan of Management*[10]

Development controls

B2.4	- **Site analysis plan** indicates vegetation to be disturbed, cleared or retained - Illustration of the **Asset Protection Zone (APZ)** - Proposed measures for the safe movement of koalas, such as fencing or traffic control measures - Details of any programs to monitor koala populations Note: The *Port Stephens Comprehensive Koala Plan of Management*[10] applies through the application of the ***SEPP** (Koala Habitat Protection) 2019*

Figure BB : Flora & fauna survey flow-chart



B3 Environmental Management

Application

This Part applies to **development** that:

- Is located on land that contains **acid sulfate soils**; or
- Has the potential to produce **air pollution** (such as dust or odour); or
- Has the potential to produce adverse **offensive noise**; or
- Involves **earthworks**.

B3.A Acid sulfate soils

Objective

To ensure that **development** does not disturb, expose or drain **acid sulfate soils** and cause environmental damage

Development controls	
B3.1	**Development** located on **acid sulfate soils (ASS)** as identified on the Acid Sulfate Maps of the ***Local Environmental Plan*** adheres to the ***Local Environmental Plan*** requirements by taking one of the following three paths: 1. Accept that **ASS** is present and prepare a **development application** and an **ASS management plan** as set out in the **NSW ASS Manual**[40]; or 2. Provide a framework for the on-going management and monitoring of the impacts throughout the **development**, in your **ASS management plan**. There is no set formula for managing **ASS** and each case must depend on the particular circumstance. Please refer to the **NSW ASS Manual**[40] for details; or 3. Undertake a preliminary assessment as set out in the **NSW ASS Manual**[40], to determine whether **ASS** is present and whether the proposed works are likely to disturb or oxidise these soils or lower the water table. If **ASS** is present, Council must consider the following matters before **development consent** is granted: • The likelihood of the proposed **development** resulting in the discharge of acid water • The adequacy of the **ASS management plan** prepared for the proposed **development** in accordance with the **NSW ASS assessment guidelines**

B3.B Air quality

Objective

To ensure air quality is not negatively impacted on by dust and odour in recognition of the associated human health impacts

Development controls	
B3.2	• An **air quality impact assessment** is required where **development** has potential to **adversely impact** surrounding areas in terms of air quality • An **air quality impact assessment** is to be generally provided for the following **development types**: - Rural industries - Heavy Industry - Sewerage systems - Waste or resource management facilities - Extractive industry - Other **development types** identified by Council • An **air quality impact assessment** is to: - address construction, operation and occupational impacts - identify emissions and measures to mitigate against impact on any nearby residences, especially on **sensitive receivers** - be prepared in accordance with the NSW Department of Environment and Conservation, 2001. 'Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales'[39]

B3.C Noise

Objective

To identify potentially **offensive noise** to ensure it is managed within the relevant legislative requirements

Development controls	
B3.3	An **acoustic report** is required for **development** that has the potential to produce **offensive noise**, meaning: • that, by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances: - is harmful to (or is likely to be harmful) to a person who is outside the premises from which it is emitted, or - interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted • that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations, such as the Environmental Protection Authority. 2000, 'NSW Industrial Noise Policy'[14] Note: **Development** that is likely to require compliance with this requirements includes: • clubs, hotels and pubs with outdoor smoking, dining and gaming areas, mechanical plant, carparks; • **function centres** that host outdoor weddings;

Development controls	
	• childcare centres with outdoor and indoor play areas, air-conditioning plant, carparks; • residential **developments** with ventilation and air-conditioning plant, carparks; and • commercial **developments** with workshops, mechanical and ventilation plant such as air exhaust and supply fans, chillers, cooling towers, truck and freight train movements, loading docks etc.

B3.D Earth-works

Objective

To facilitate **earthworks** so as to minimise potential environmental impacts, such as erosion or the release of sulfuric acids as identified by the ***Local Environmental Plan***

Development controls	
B3.4	**Development** may need to provide a **bulk earthworks plan** in order to adequately address the above matters when: • **cut** exceeds 2m in depth • **fill** has a total area of 100m^2 or more • is within 40m of the top bank of a **riparian corridor** as defined under the *Water Management Act 2000*
B3.5	**Fill** must consist of **virgin excavated natural material (VENM)** as defined under the Protection of *Environment Operations Act 1997* or any other waste-derived material the subject of a resource recovery exemption under clause 91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as **fill** material.

B4 Drainage and Water Quality

Application

This Part applies to development that:

- Increases **impervious surfaces**; or
- Drains to the **public drainage** system; or
- Involves a controlled activity within 40m of **waterfront land**.

B4.A Stormwater drainage plan

Objectives

- To ensure a **stormwater drainage plan** is submitted when **development** either increases impervious surfaces or drains to the **public drainage** system.
- To ensure the **stormwater drainage plan** details a legal and physical point of discharge to minimise impacts on **water balance**, **surface water** and **groundwater** flow and volume regimes and flooding.
- To implement sustainable mitigation systems that can be maintained using resources available to the maintainer.

Development controls	
B4.1	**Development** that applies to this part is to provide a **stormwater drainage plan** and a written description of the proposed drainage system within the **SEE**. Note: C1.D also provides drainage requirements for **development** relating to **subdivision** Note: Hydrological/hydraulic calculations and designs shall be prepared in accordance with the approaches outlined in the current **Australian rainfall and runoff** guidelines using the current hydrologic soil mapping data for Port Stephens available from Council. Other current Australian published design guides may also be applied to particular design situations.

B4.B On-site detention / on-site infiltration

Objective

To regulate the impacts on the capacity of the **public drainage** system

Development controls	
B4.2	**On-site detention / on-site infiltration** is required in **stormwater requirement areas** where: • the post-development flow rate or volume exceeds the pre-development flow rate or volume; or

Development controls	
	• **impervious surfaces** exceed the total percentage of **site area** listed under Figure BC; or • it is identified under Section D Specific Areas of the **DCP**. Note: A map of **stormwater requirement areas** is published on Council's website.
B4.3	**On-site detention / on-site infiltration** is to be: • sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% **annual exceedance probability (AEP)** storm event • provided by either underground chambers, surface storage or a combination of the two and are generally positioned: - under grassed areas for any **cellular system** (which can be easily maintained) - under hardstand areas such as **driveways** for any concrete tank structures Note: A neutral or beneficial effect (**NorBE**) on water quality must be designed for all storm events.
B4.4	Details of the **on-site detention / on-site infiltration** concept design must be provided in the **stormwater drainage plan** and the written description and must include information on: • the location and type of detention / infiltration system • demonstrated flow rate / volume for all design storm events up to the **1% AEP** • pipes, pits, **overland flow** and discharge point • surface grates and maintenance access points • orifice type, location and screening facility • slope/gradient of the land • post-development flow rate and volume for the site equal to pre-development flow rate and volume for the site Note: B4.8 states that **on-site detention / on-site infiltration** may not be required for **dual occupancy development** if the water quality requirements under Figure BE have been satisfied.

Figure BC: Maximum impervious surface table

Land use zone	Maximum impervious surface area (%)
E4, R5, RU1, RU2 & RU3	Refer to Figure BD (below)
E1, E2, E3, IN4, RE1, RE2, SP1, SP2, W1 & W2	**merit-based approach**
R1, R2 & RU5	60
R3	75
B5, B7, IN1 & IN2	90
B1, B2, B3 & B4	100

Figure BD: Lot area impervious surface table

Lot area (m^2)	Maximum impervious surface area (%)
>5000	7.5
2000 to 5000	30
900 to 2000	40
<900	60

Note: Figure BD above only applies to land zoned E4, R5, RU1, RU2 and RU3

B4.C Water quality

Objectives

- To ensure **development** does not detrimentally impact on water quality through the use of water quality modelling, such as small scale stormwater water quality model (**SSSQM**) or **model for urban stormwater improvement conceptualisation (MUSIC)**, and subsequent **water sensitive urban design (WSUD)** measures
- To safeguard the environment by improving the quality of stormwater run-off
- To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures
- To provide further guidance to clauses in the local environmental plan relating to water quality for **development** in **drinking water catchments**

Development controls	
B4.5	**Development** is to provide **stormwater quality improvement devices (SQIDs)** in accordance with Figure BE: Water quality table, unless: • a **WSUD** strategy that applies to the land has been approved by Council and is listed on Council's website for the purposes of this requirement. • the **development** is a **dwelling house**, semi-detached **dwelling**, **secondary dwelling**, and/or **ancillary structure** to residential **development**, or; • the **development** is for alterations and additions to a **dwelling house**, semi-detached **dwelling**, **secondary dwelling**, and/or **ancillary structure** to residential **development**, or; • the development is for other minor alterations and additions on a lot of less than 250m^2 A document listing approved **WSUD** strategies is available on Council's webpage. Where an approved **WSUD** strategy applies to the land, details are to be provided which demonstrate that any requirements outlined in the list of approved **WSUD** strategies have been incorporated into the development. Note: The list of approved **WSUD** Strategies should be consulted for the purpose of determining whether **SQID**s are required for a complying development proposal.
B4.6	**Stormwater quality improvement devices (SQIDs)** are designed to be taken off-line from minor and major drainage systems.
B4.7	**Development** submits the evidence of how the water quality targets have been achieved (eg **SSSQM** Certificate, **MUSIC** or **MUSIC**-Link report).

Development controls	
B4.8	**On-site detention / on-site infiltration** may not be required for **dual occupancy development** if the water quality requirements under Figure BE for sites less than 2,500m^2 have been satisfied
B4.9	Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent
B4.10	**Development** that, in the opinion of the Council, has the potential to significantly adversely affect the water quality of the **drinking water catchment** will be referred to Hunter Water under section 51 of the *Hunter Water Act 1991*. **Development** or activities which pose unacceptable risks to a **drinking water catchment** are not likely to be supported by Hunter Water. Note: Refer to Hunter Waters' document 'Guidelines for developments in the drinking water catchments' for **development types** that will likely trigger referral to Hunter Water.

Figure BE: Water quality table

Type of development or site area	Water quality targets		Tool used to achieve target
	Devlopment within a drinking water catchment	Development outside a drinking water catchment	
Dwelling house, semi-detached **dwelling**, **secondary dwellings**, and **ancillary structures** to residential **development**	No water quality measures are required	No water quality measures are required	-
Alterations and additions to **dwelling house**, semi-detached **dwelling**, **secondary dwellings**, and **ancillary structures** to residential **development**	No water quality measures are required	No water quality measures are required	-
Other minor alterations and/or additions on a lot with a **site area** less than 250m^2	No water quality measures are required	No water quality measures are required	-

Type of development or site area	Water quality targets		Tool used to achieve target
	Devlopment within a drinking water catchment	Development outside a drinking water catchment	
Lots with a **site area** greater than 250m^2 and less than 2,500m^2	Before water is released into **public drainage**, the water quality outcomes shall achieve: • **NorBE**; or • Council's **water quality stripping targets** whichever achieves the better water quality outcome.	Before water is released into **public drainage** it must achieve Council's **water quality stripping targets**	Either: • Water quality modelling, such as **SSSQM** or **MUSIC**; or • Compliance with a standard drawing produced by Council for the purposes of development control B4.5 published on Council's website
Lots with a **site area** equal to or greater than 2,500m^2	Before water is released into **public drainage**, the water quality outcomes shall achieve: • **NorBe**: or • Council's **water quality stripping targets** whichever achieves the better water quality outcome.	Before water is released into **public drainage** it must achieve Council's **water quality stripping targets**	Water Quality Modelling, such as **MUSIC** Modelling

B4.D Riparian corridors

Objective

To protect and retain **riparian corridors** as localities of environmental importance

Development controls	
B4.11	**Development** involving a **controlled activity** within **waterfront land** (within 40m from the highest bank of the river, lake or estuary) adheres to the *Water Management Act 2000* Note: Council can advise on the location and order of **waterfront land**
B4.12	**Development** provides the following **buffers** to **riparian corridors** that are generally consistent with the recommendations of the NSW Office of Water. 2012, 'Guidelines for riparian corridors on waterfront land'[15]: • 50m buffer from **3rd order water courses** or above with a 40m vegetated riparian zone and 10m vegetated buffer • 30m buffer from **1st-2nd order water courses** with a 20m **vegetated riparian zone** and 10m vegetated **buffer**
B4.13	**Riparian corridors** are dedicated as **public open space** when Council agrees to take ownership of that land

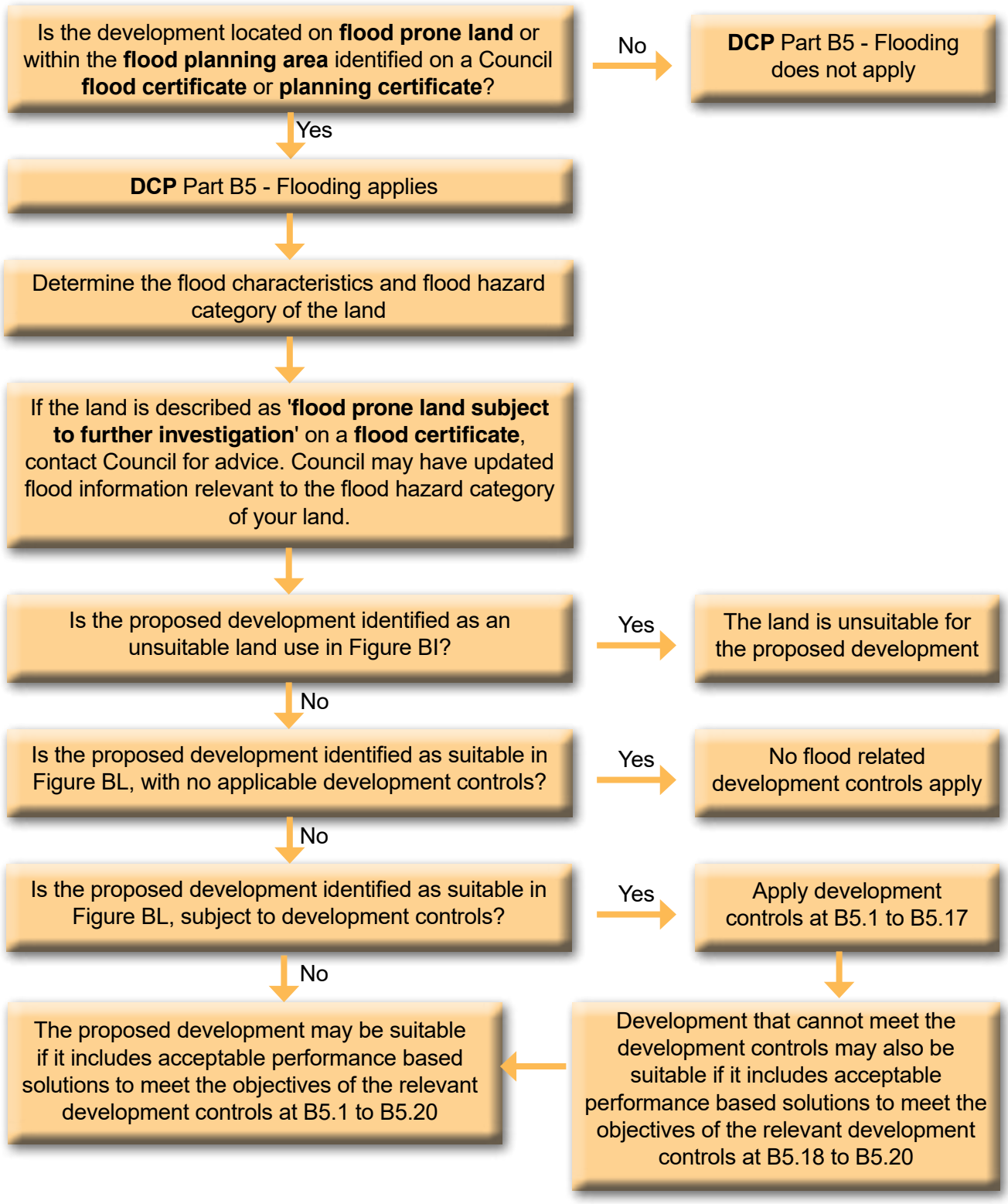
B5 Flooding

Application

This Part applies to all development on **flood prone land**.

Refer to the flow chart at Figure BF to determine the assessment pathway for new development.

Figure BF: Determine the assessment pathway



How flood impacts are assessed

A **flood certificate** identifies the flood category and flooding characteristics of the land to inform the assessment of proposed development.

The **flood certificate** will describe the highest flood category applicable to the land (a combination of the **flood hazard** and the **hydraulic category**), as well as various flood levels (such as the **flood planning level** and the **probable maximum flood** level). Figure BG shows the possible flood categories and Figure BH shows how flood categories reflect the landscape and the relationship between water depth and water velocity in a flood.

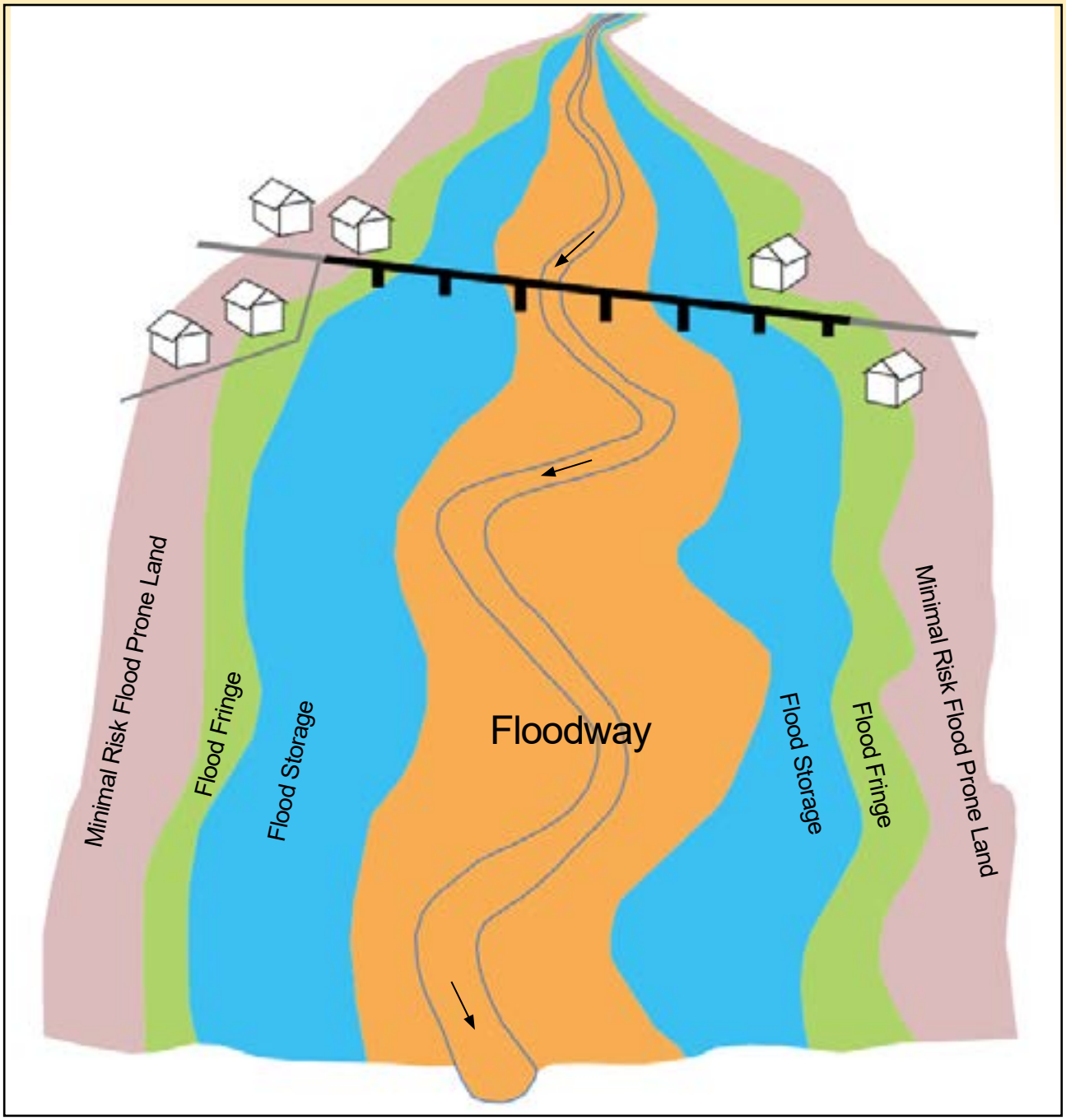
Land in the hydraulic categories **flood fringe**, **flood storage** and **floodway** will generally make up the visible **floodplain**, whilst **overland flow paths** feed into the **floodplain**. Consequently, the characteristics of **overland flow paths** are considered separately from other flood categories and are not detailed in Figure BH below.

A **flood certificate** may also identify land as '**minimal risk flood prone land**' where only minimal impacts are anticipated, or as '**flood prone land subject to further investigation**' when Council does not hold detailed flood information. The requirements that apply to these categories are detailed in this Part.

Figure BG: Flood categories

Hydraulic category	Flood hazard	
	Low hazard	High hazard
Flood Prone	Minimal Risk Flood Prone Land	
Flood Fringe	Low Hazard Flood Fringe	High Hazard Flood Fringe
Flood Storage	Low Hazard Flood Storage	High Hazard Flood Storage
Overland Flow Path	Low Hazard Overland Flow Path	High Hazard Overland Flow Path
Floodway	Low Hazard Floodway	High Hazard Floodway

Figure BH: Flood hazard categories: landscape



Determining development suitability

Figure BI below sets out whether or not different types of new development are considered suitable on land designated a paticular flood hazard category (as identified on a **flood certificate**).

Most new development proposed on **flood prone land** will need to address the development controls in this Part to mitigate risks and be considered suitable (Refer to Figure BI below).

Where risks are assessed as low, such as where land is identified as '**minimal risk flood prone land**' on a **flood certificate**, the requirements for new development will be minimal and most new development on that land is considered suitable (Refer to Figure BI below).

In some instances the risks of new development are substantially higher and the ability to develop the land is less certain. In these instances, an applicant may prepare performance based solutions to meet the objectives of the relevant development controls and demonstrate that the risks have been mitigated. If the solution cannot demonstrate acceptable mitigation of risk, the new development may be an unsuitable use of the land (Refer to Figure BI below).

Figure BI: Suitable land uses by flood hazard category (as identified on a flood certificate)

Development suitability	Flood Hazard Categories (as identified on a flood certificate)	Minimal Risk Flood Prone Land	Low Hazard Flood Fringe	High Hazard Flood Fringe	Low Hazard Flood Storage	High Hazard Flood Storage	Low Hazard Overland Flow Path	High Hazard Overland Flow Path	Low Hazard Floodway	High hazard Floodway
Development vulnerable to emergency response and critical infrastructure		S	U	U	U	U	U	U	U	U
Residential accommodation (other than a dwelling house)		NA	S	S	S	S	S	S	U	U
Residential subdivision		NA	S	S	S	S	S	S	U	U
Dwelling house		NA	S	S	S	S	S	S	PB	PB
Farm buildings		NA	S	S	S	S	S	S	S	S
Fill		NA	S	S	S	S	S	S	S	S
Non-residential subdivision		NA	S	S	S	S	S	S	PB	PB
All other development		NA	S	S	S	S	S	S	PB	PB

Key	
U	Unsuitable land use on flood prone land
NA	Suitable, no applicable development controls
S	Suitable, subject to development controls
PB	A **performance based solution** may be provided to demonstrate that the proposed land use is suitable

B5.A Development on all flood prone land

Objectives

- To ensure development satisfies the provisions of the **LEP**.
- To provide detailed controls for the assessment of development proposed on **flood prone land** in accordance with the *Environmental Planning and Assessment Act 1979*.
- To ensure flood risk is considered as early as possible in the planning and development process, based on the best available flood information.
- To reduce the impact of flooding and flood liability on individual owners and occupiers of **flood prone land**.
- To recognise **flood prone land** as a valuable social, economic and environmental resource that should not be sterilised by inappropriate development.

- To ensure that the use and development of **flood prone land** includes risk consequences that are manageable.
- To implement the principles of the **NSW Government 'Floodplain Development Manual'** (as updated from time to time), **Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board)** and Council's **Floodplain Risk Management Policy** and **flood hazard maps** as identified within Figure BF.

Development controls	
Site selection	
B5.1	If multiple flood hazard categories are specified for a site on a **flood certificate**, the proposed development must be located on the land with the lowest flood risk.
Finished floor level (FFL)	
B5.2	Development must meet the minimum **FFL** as specified in Figure BJ. Note: The National Construction Code may provide minimum **FFL**s for some categories of development which prevail to the extent of any inconsistency with these controls.
	The finished surface of open space car parking, carports and driveways should be designed having regard to vehicle stability, including consideration of depths and velocity during inundation by flood waters.

Figure BJ: Finished floor level

Development type	Required FFL
Development vulnerable to emergency response, and critical infrastructure	**Probable maximum flood (PMF)** level
Residential accommodation (including dwelling houses)	• Habitable rooms – **flood planning level** • Non-habitable rooms – **adaptable minimum floor level** • Flood refuge – **probable maximum flood** Level (see B5.14 to determine if a flood refuge is required)
Subdivision	**Flood planning level**
Farm buildings	Onsite waster water level
Commercial premises	• **Habitable rooms - flood planning level** • Non-habitable rooms - onsite waster water level
Industrial premises	• **Habitable rooms - flood planning level** • Non-habitable rooms - onsite waster water level
Garages, open car parking spaces and carports	Current day 1% **AEP** flood level
Driveways and acess	Current day 1% **AEP** flood level, or the **flood immunity** of the connecting public road

Development controls	
Flood compatible design	
B5.3	Development for a building (and/or an associated driveway or access) must be of a **flood compatible design** and construction and shall meet the relevant requirements in the ***Construction of Buildings in Flood Hazard Areas*** **(Australian Building Codes Board)**. Council may also require **structural certification** for development proposed on land which becomes a floodway in the **PMF**.

Development controls	
Fencing	
B5.4	Fencing on **flood prone land** should be stable in events up to the current day **1% AEP flood event** and not obstruct the flow of floodwater.
Electrical features	
B5.5	All incoming main power service equipment, including all metering equipment, and all electrical fixtures, such as power points, light fittings, switches, heating, ventilation and other service facilities must be located above the **FPL**, or where possible above the **PMF**. Where the above cannot be achieved, the following features shall be used: • Electrical cabling is not to be installed within walls, or chased into walls; and • Any circuit containing switches, power points or any other electrical fitting that are located below the **FPL**, shall connect to the power supply through an individual Residual Current Device (**RCD**), located in the meter box.
Potentially hazardous and/or polluting material	
B5.6	The storage of hazardous or potentially hazardous materials, potentially polluting material or material that could be washed from site and cause harm downstream must be stored above the **FPL** with appropriate bunding.
B5.7	Items that may wash away during flood events (e.g. rainwater tanks, hot water tanks, gas cylinders, shipping containers) must be elevated above the **1% AEP flood event** level in the year 2100 (without **freeboard**) or anchored to resist buoyancy and impact forces.

B5.B Development on all flood prone land other than minimal risk flood prone land

Objectives

In addition to the objectives listed in B5.A, the following objectives apply to development on all **flood prone land** other than **minimal risk flood prone land**:

- To ensure that appropriate controls are applied to development on land where more than a minimal risk is present.

Development controls	
Flood impact and risk assessment	
B5.8	A **flood impact and risk assessment** is required for: • Any **fill** on land identified as **floodway**. • Any **fill** located in a **flood storage area**, unless: - The net volume of **fill** does not exceed the lesser of 20% or 2000m^3 of the **flood volume** of the lot in the **1% AEP flood event** in the year 2100 (this includes consideration of previous **fill** volumes); and - It is demonstrated that the **fill** does not adversely affect local drainage patterns of all events up to the **1% AEP flood event** in the year 2100.

Development controls	
	Note: Fill in **flood storage areas** greater than the abovementioned volume can be offset by **flood storage**. Offsetting can be achieved through consolidation of lots and/or assigning an 'easement to flood land' on the compensatory lot/s. Compensatory lots must be located within the zone of influence of the proposed **fill** (as demonstrated by the **flood impact and risk assessment**) or adjacent to the proposed **fill** and be of the same hazard category of the subject site. • Any **fill** for the purposes of a **livestock flood refuge mound**, unless the **livestock flood refuge mound** is located in an identified **flood fringe area**: - The volume/size and location of the **livestock flood refuge mound** meets the criteria in Figure BK; and - The size of the mound must have regard to the agricultural capacity of the land. The design and size of the mound shall be determined by reference to the *NSW Department of Primary Industries –Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'*; and • Where the proposed development could change flood behaviour, affect existing flood risk, or expose people to flood risks that require management or; • If Council determines a **flood impact and risk assessment** is necessary for any other reason.

Figure BK: Livestock flood refuge mound

Size of mound	Distance from nearest property
20m x 20m (at current day 1% AEP flood level and 0.5m below the current day 1% AEP flood level)	> 180m
20m x 20m (1.0m below the current day 1% AEP flood level)	> 40m
20m x 20m (1.5m below the current day 1% AEP flood level)	> 25m
40m x 40m (at current day 1% AEP flood level, 0.5m below the current day 1% AEP flood level and 1.0m below the current day 1% AEP flood level)	> 830m
40m x 40m (1.5m below current day 1% AEP flood level)	> 170m

Note: Interpolation between the values listed above should be based on the length of the mound perpendicular to the direction of flow, followed by the depth below the current day 1% **AEP flood event** level.

Development controls	
Ongoing flood adaptation	
B5.9	For residential accommodation, subdivision, commercial premises, industrial premises, garages, open car parking spaces and carports, a reduced **planning horizon** of 50 years from the date of determination will be accepted where the design facilitates ongoing flood adaptation (ie the future raising of the building).
Minor alterations and additions to existing residential accommodation	
B5.10	Where proposed alterations and additions to existing **residential accommodation** is less than 40% of the **gross floor area** of the existing **residential accommodation**, and does not involve a net increase in the number of bedrooms, Council will consider a **FFL** lower than the **flood planning level (FPL)**, but not

Development controls	
	lower than the existing floor level. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.
Driveways and access	
B5.11	Access from the building envelope to the public road is to have a minimum **finished access level** of: • The **flood immunity** of the connecting public road; or • The current day **1% AEP flood event** level for the site.
B5.12	Earthworks for driveways and access must satisfy the objectives of B3.D of the **DCP** and **LEP**. Note: Impacts on local drainage and localised flooding should be considered and addressed. Driveways should be designed and constructed in accordance with Councils standard design drawings.
Subdivision	
B5.13	Subdivision that creates the ability to erect additional dwellings is to indicate building envelopes above the **FPL** and comply with the requirements of B5.11, B5.12 and B5.14 of this Part.
Emergency onsite flood refuge	
B5.14	If evacuation egress from residential accommodation, a commercial premises, an industrial premises, fill or development vulnerable to emergency response and critical infrastructure to flood free areas cannot be achieved via a route that is flood free in the current day **1% AEP flood event** or is a **low hazard flood area**, an onsite **flood refuge** must be provided meeting the following criteria: • Is located above the **PMF** level; • Is intrinsically accessible to all people on the site, plainly evident and self-directing; • Is accessible in sufficient time for all occupants with fail safe access and no reliance on elevators; • Has unobstructed external access for emergency boats during flooding; • Caters for the number of persons that could reasonably be expected on-site at any one time (approx. $2m^2$ per person); • Provides adequate shelter from the storm and has natural lighting and ventilation; and • Contains sufficient clean water, a first aid kit, portable radio with spare batteries and a torch with spare batteries. Note: If a **flood refuge** is required, the DA must be accompanied by **structural certification**.
Development on land identified as **overland flow path**	
B5.15	A **site based overland flow report** must be submitted for development located within a designated **overland flow path**. The purpose of this report is to demonstrate that the development: • Will not result in material increase in flood level or flood hazard upstream, downstream or surrounding properties; and

Development controls	
	• Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people.

B5.C Development on land identified as floodway

Objectives

In addition to the objectives listed in B5.A and B5.B, the following objectives apply to development onland defined as **floodway**:

- To ensure development on land identified as **floodway** is restricted to low risk development.
- To ensure the capacity of the **floodway** to convey and contain floodwaters is not diminished.

Development controls	
Appropriate development	
B5.16	Development other than farm buildings and/or **fill** is not supported on land identified as either low hazard floodway or high hazard floodway.
Fencing	
B5.17	Fencing in a **floodway** should not include non-permeable materials or fencing types that could restrict or redirect flood waters.

B5.D Application of performance based solutions

Objectives

Performance based solutions that meet the objectives listed below apply to:

- Proposed development identified as suitable on flood prone land in Figure BI that cannot meet the relevant development controls in this Part; or
- Proposed development that is identified as possibly suitable on flood prone land in Figure BL, subject to performance based solutions.

Performance based solutions	
Risk to life	
B5.18	The proposed land use is consistent with Figure BI, which shows suitable land uses by flood hazard category (as identified on a **flood certificate**) and the proposed development incorporates adequate measures to manage risk to human life from flooding, including: • Evacuation access from an area affected by flooding to an **area free of risk from flooding**, taking into account any potential access restrictions; • Warning times and procedures to make people aware of the need to evacuate; • Consideration of the current and potential future occupants; and • Consistency with the most recent Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

Performance based solutions	
Risk to property	
B5.19	The proposed development will not increase the potential individual or cumulative flood impacts on other development or properties that are likely to occur in the same **floodplain**. In determining any potential increase in flood impacts, Council will consider: • Future (in the year 2100) flood levels and/or velocities including, but not limited to the **5% AEP flood event**, **1% AEP flood event** and **probable maximum flood (PMF)** events; • Loss of **flood storage** in the immediate **floodplain**; and • Consistency with the most recent, Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.
Flood hazard compatibility	
B5.20	The proposed development must be compatible with the flood hazard category of the land (as identified on a **flood certificate**) or include mitigation measures or offsets to reduce the **flood risk**. In determining compatibility, Council will consider: • Whether there is other land on the site with lower flood risks where the development could be located; • Depth of flood inundation on the site and the adjacent land; • Flow velocity on the site as well as upstream and downstream from the site; • Suitability of design so that the development does not become isolated by high hazard floodwaters; and • Consistency with the most recent, Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

B6 Williamtown RAAF Base - Aircraft Noise and Safety

Application

This Part applies to **development** that is situated within the **2025 Australian Noise Exposure Forecast (ANEF)**, **bird strike zone**, extraneous lighting area or the Royal Australian Air Force (**RAAF**) Base Williamtown Obstacle Limitation map

B6.A Site acceptability

Objectives

- To ensure **development** satisfies the requirements of the ***Local Environmental Plan***
- To ensure appropriate consideration is given to land burdened by aircraft noise

Development controls	
B6.1	When **development** is located within the **2025 ANEF**, which is identified by Figure BP, it is classified into one of the following classifications through referencing Figure BL: • Acceptable – no design measures required to reduce aircraft noise, or • Conditionally acceptable – design measures required, or - An **acoustic report** is required for the following: - to support **development** that is classified as conditionally acceptable - to support **subdivision** of land and subsequent permissible **development types** by referencing Figure BL and Figure BM • Unacceptable – **development** is generally unacceptable. However, details submitted with a **development application** that demonstrate the following will be considered on a **merit-based approach**: - **Development** on a vacant pre-existing lot within the **ANEF** 25-30 noise contours that satisfies AS 2021 - Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements[20] - Replacement of a pre-existing **dwelling** in any of the ANEF noise contours satisfies the AS 2021 - Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements[20] - **Development** on land zoned B7 Business Park and adjacent to the Williamtown (Newcastle) Airport Note: Part D15 - Defence or Airport Related Employment Zone (**DAREZ**) provides site specific requirements for land zoned B7 Business Park and adjacent to the Williamtown Airport

Figure BL: Building site acceptability based on ANEF Zone

Development type	Acceptable	Conditionally acceptable	Unacceptable
	ANEF Zone		
• **residential accommodation** • caravan parks	<20	20-25	>25
• tourist & visitor accommodation	<25	25-30	>30
• educational establishments	<20	20-25	>25
• respite day care centres • health services facilities	<20	20-25	>25
• places of public worship • entertainment facility • information and education facility	<20	20-30	>30
• **commercial premises**	<25	25-35	>35
• general industry • light industry	<30	30-40	>40
• heavy industry	Acceptable in any **ANEF** Zone		

Figure BM: Indoor design sound levels

Development type	Indoor design average maximum sound level (dB(A))
residential accommodation & caravan parks	
sleeping areas & dedicated lounges	50
habitable room other than sleeping areas & dedicated lounges	55
bathrooms, toilets & laundries	60
tourist and visitor accommodation	
relaxing & sleeping	55
social activities	70
service activities	75
educational establishments	
libraries & study areas	50
teaching & assembly areas	55
workshop areas & gymnasia	75
respite day care centres & health facilities	
wards, theatres, treatment & consulting rooms	50
laboratories	65
service areas	75
public buildings	
places of public worship	50
entertainment facility	40
information & education facility	50

Development type	Indoor design average maximum sound level dB(A)
commercial buildings, offices & retail premises	
private offices & conference rooms	55
drafting & open offices	65
typing & data processing	70
shops, supermarkets & showrooms	75
industrial	
inspection, analysis & precision work	75
light machinery, assembly & bench work	80
heavy machinery, warehouse & maintenance	85

B6.B Indoor noise

Objective

To ensure acceptable levels of indoor noise in accordance with the relevant Australian Standards

Development controls	
B6.2	**Development** must satisfy the maximum internal sound levels specified in Figure BM by providing an **acoustic report**
B6.3	Noise attenuation levels that comply with Figure BM are not considered to be reasonable or practicable for a **dwelling** when seeking to achieve noise reduction greater than: • 35 **dB(A)** for sleeping areas • 30 **dB(A)** for habitable spaces

B6.C Alterations & additions

Objective

To facilitate alterations and additions of existing **development** within the **2025 ANEF**

Development controls	
B6.4	Additions and/or alterations less than 40% of **gross floor area** of an existing building must be constructed to the same indoor sound levels as the existing building
B6.5	Additions and/or alterations greater than 40% **gross floor area** of an existing building requires noise attenuation measures consistent to meet the indoor noise levels listed in Figure BM

B6.D Impacts on operation of aircraft

Objective

To ensure that the operational needs of the Williamtown **RAAF** Base are considered

Develpoment controls

B6.6	When **development** types listed in column 1 are proposed in the **bird strike zone**, which is identified by Figure BN, the development application must be prepared in accordance with the provisions of column 2.

Figure BN: Development types to be avoided or where impacts can be mitigated in a bird strike zone

Column 1	Column 2		
Development type	**Group A** (3km radius from airport runway)	**Group B** (3km-8km radius from airport runway)	**Group C** (8km-13km radius from airport runway)
Agriculture			
Intensive plant agriculture (turf farm)	A	Mi	Mo
Horticulture (fruit tree farm)	A	Mi	Mo
Livestock produce industry (fish processing / packing plant)	A	Mi	Mo
Intensive livestock agriculture (piggery)	A	Mi	Mo
Intensive livestock agriculture (cattle, dairy or poultry farm)	Mi	Mi	Mo
Conservation			
Environmental protection works (wildlife sanctuary - wetland)	A	Mi	Mo
Environmental protection works (wildlife sanctuary - dryland)	Mi	Mi	Mo
Recreation			
Recreation facility - major (showground)	A	Mi	Mo
Recreation facility - major (racecourse, sports stadium, theme park)	Mi	Mi	Mo
Recreation facility – outdoor (golf course, park, playground, sports)	Mi	Mi	Mo
Camping Ground	Mi	Mi	Mo
Commercial			
Agricultural produce industry (food processing plant)	A	Mi	Mo
Utilities			
Waste or resource management facility (food / organic waste facility)	A	Mi	Mo
Waste disposal facility (putrescible waste facility – landfill / transfer station)	A	Mi	Mo
Waste disposal facility (Non-putrescible waste – landfill / transfer station)	Mi	Mi	Mo
Sewage treatment plant (Sewage / waste water treatment facility)	Mi	Mi	Mo

Avoid (A)	Development not supported
Mitigate (Mi)	Waste management report is required which demonstrates that the development will not increase the risk of bird strike to aircraft
Monitor (Mo)	Demonstrate compliance with B6.7

Note: **Development** within the **bird strike zone** should adhere to the National Airports Safeguarding Advisory Group (**NASAG**) – Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports (Wildlife Strike Guidelines).

Development controls	
B6.7	Any **development** located within the **bird strike zone** is to limit, cover and/or enclose any organic waste and/or the storage of bins on site.
B6.8	Outdoor lighting installed as part of **development** in the area identified in Figure BS and/or Figure BT is to comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority **(CASA)** Manual of Standards (MOS-139) Aerodromes.
Note: **Development** on land identified on the RAAF Base Williamtown Obstacle Limitation map, as shown in Figure BM, is subject to Section 7.4 (Airspace operations) of the **LEP**.	

Figure BO: Illustration of building site acceptability based on ANEF zone

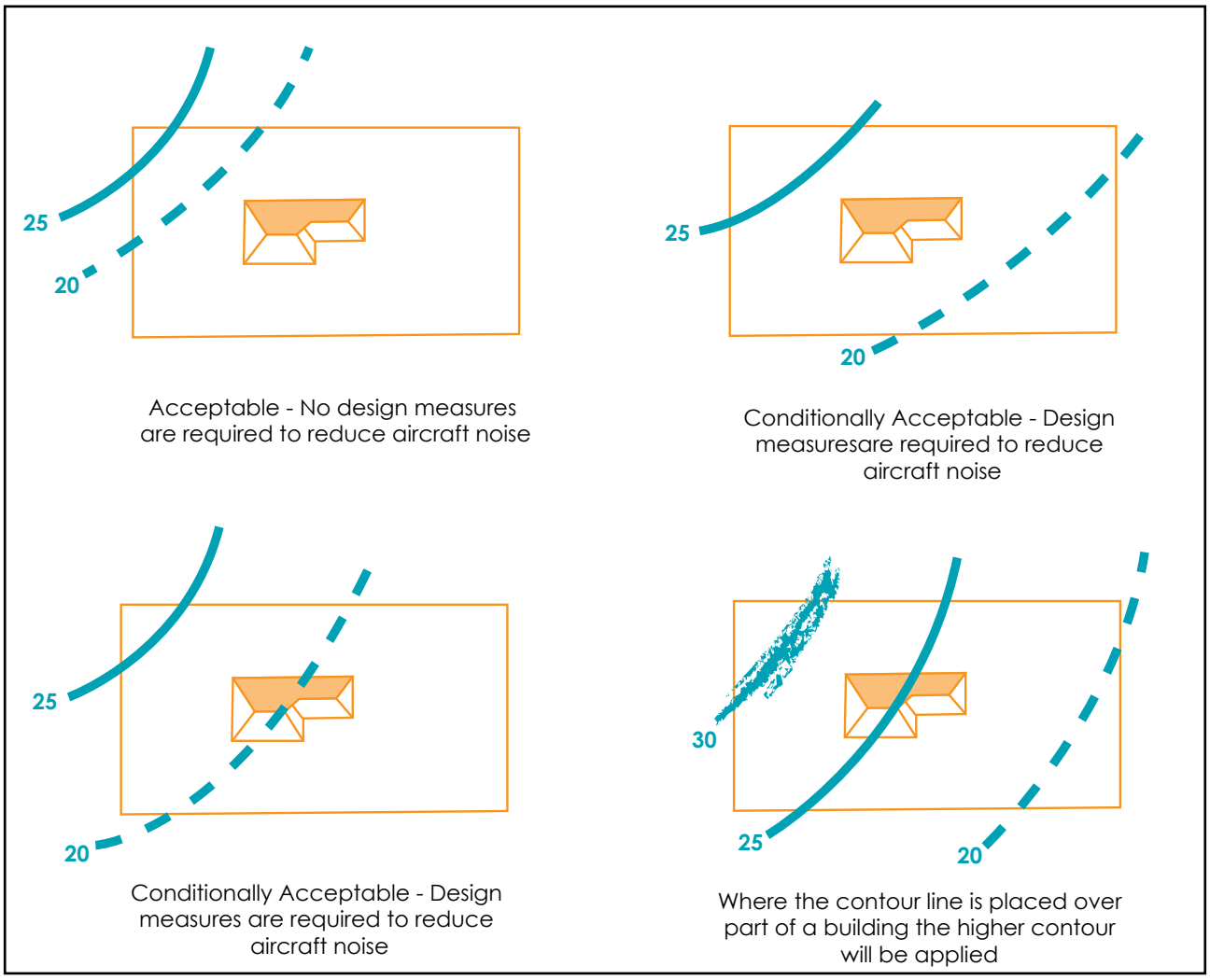


Figure BP: 2025 ANEF shown on the RAAF Base Williamtown & Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map

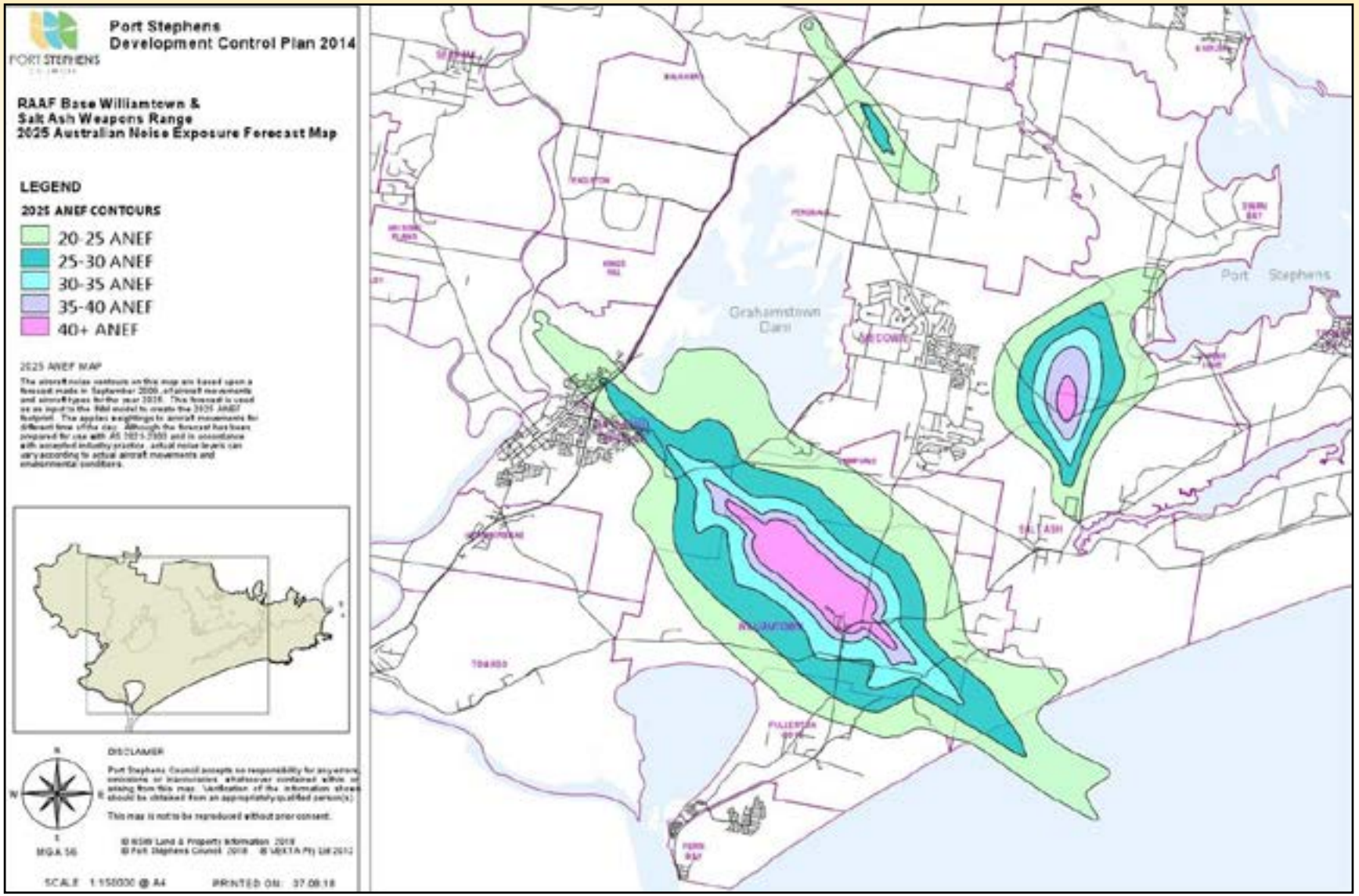


Figure BQ: Bird Strike Zone

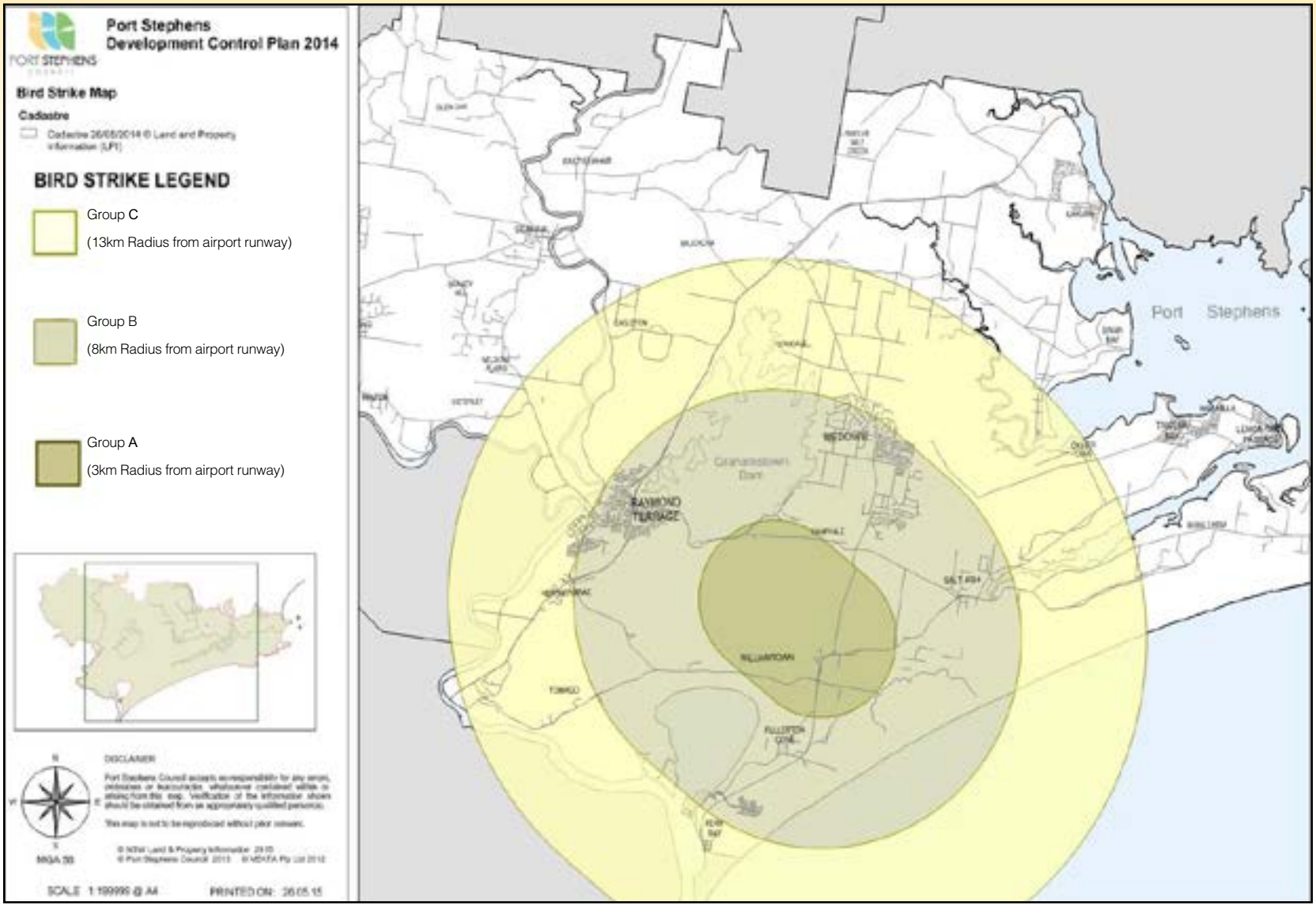


Figure BR: RAAF Base Williamtown Obstacle Limitation Map

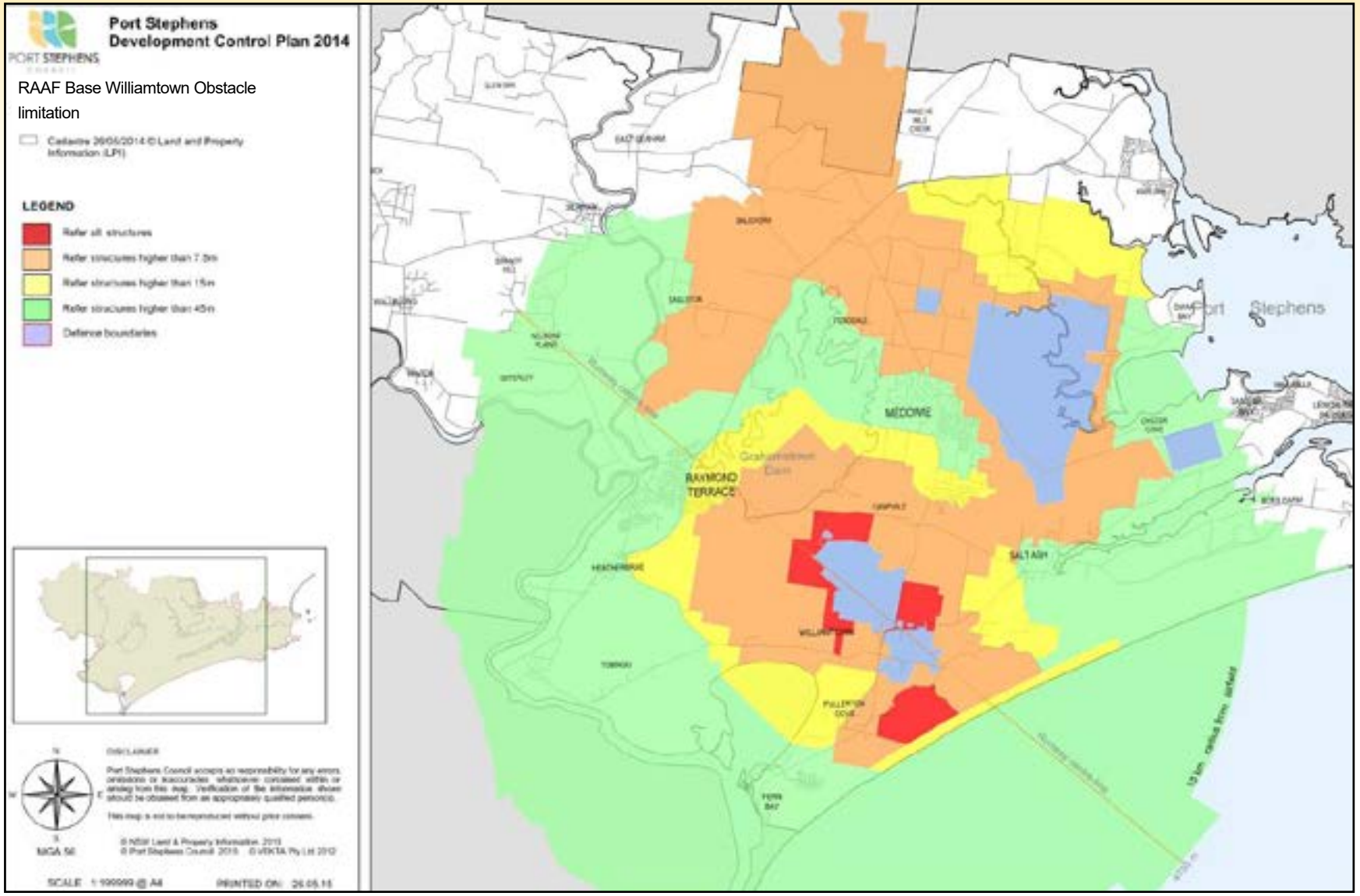


Figure BS: Extraneous Lighting Map 1

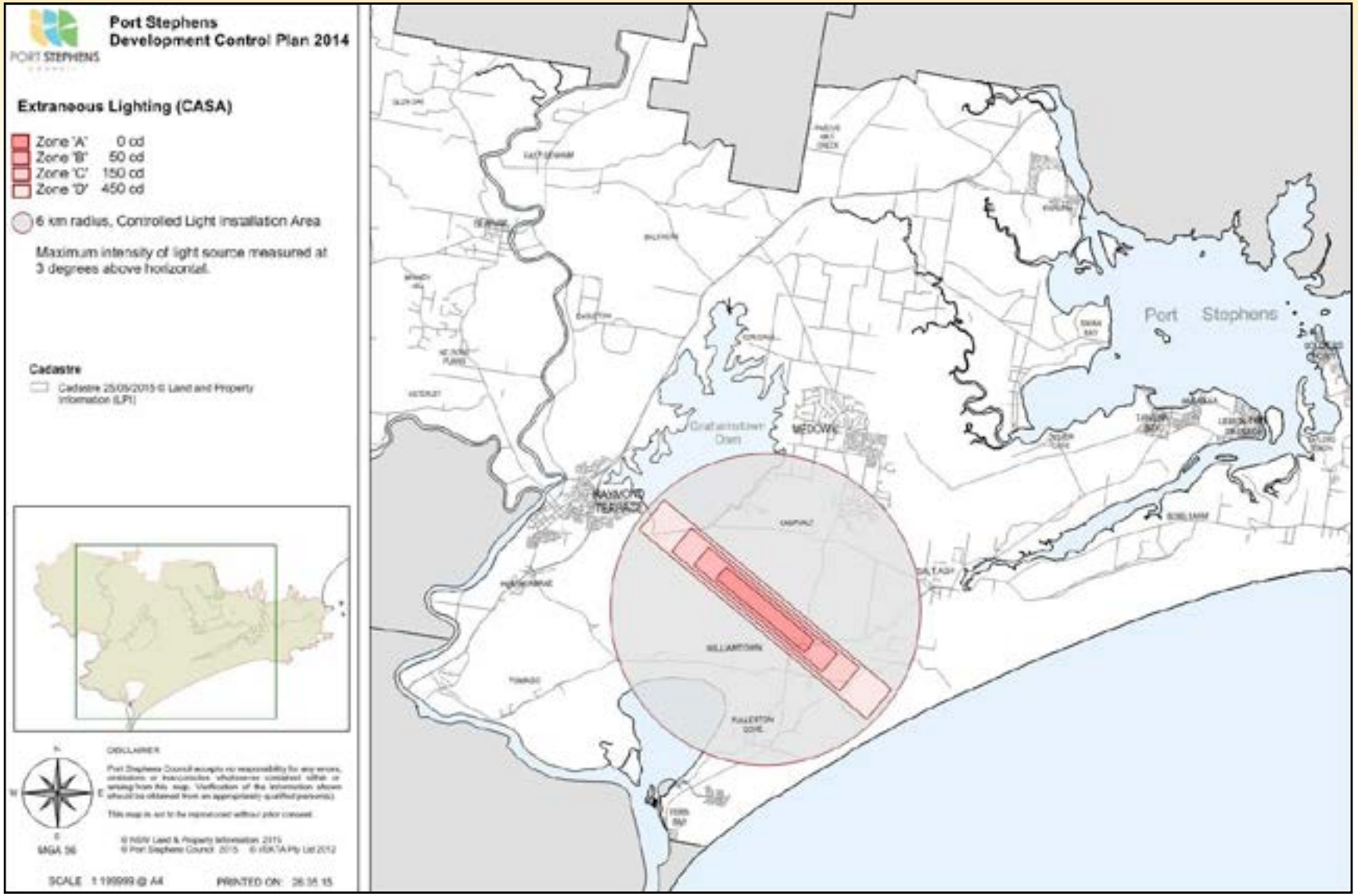
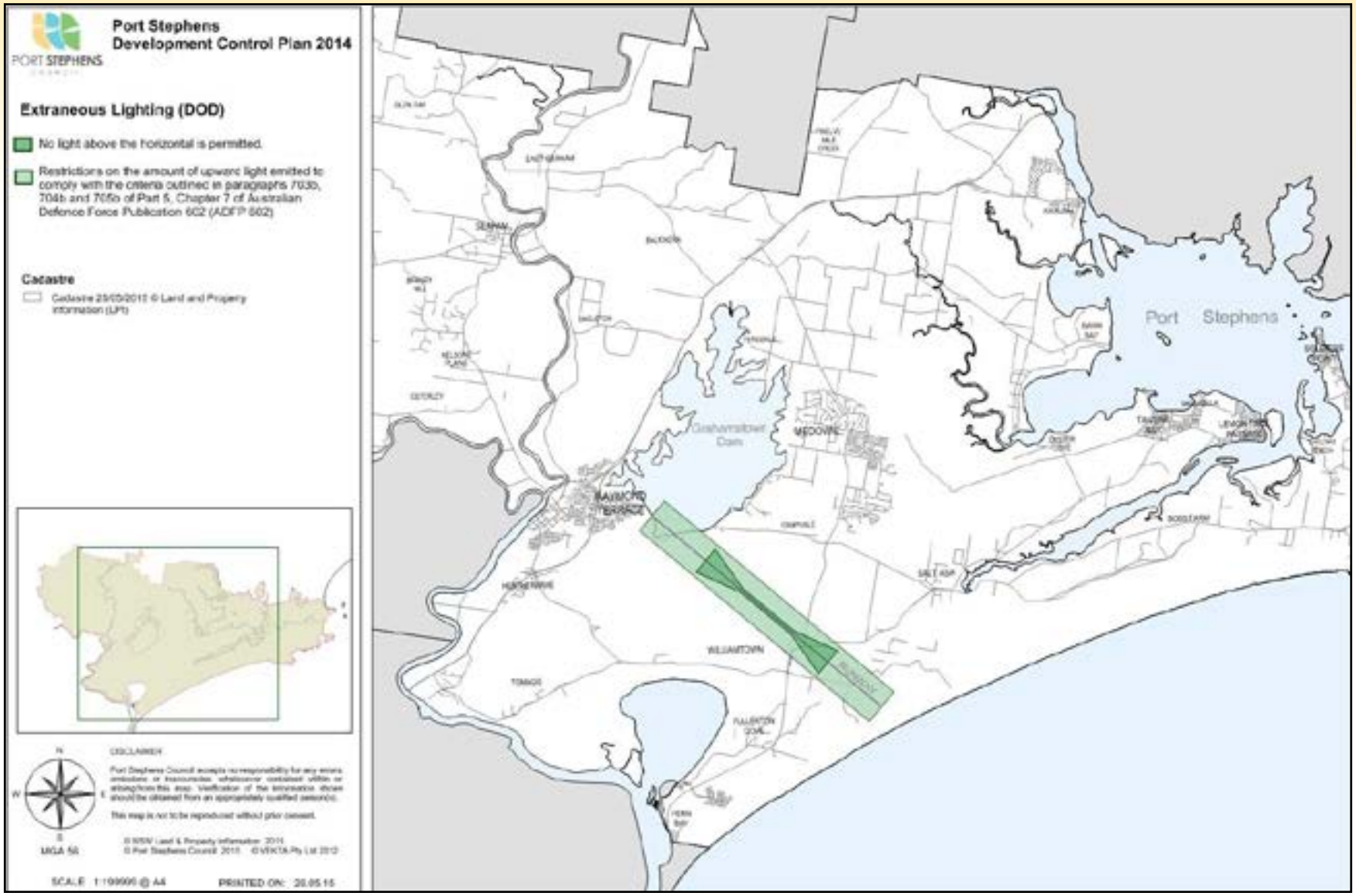


Figure BT: Extraneous Lighting map 2



B7 Heritage

Application

This Part applies to **development** that is situated on land that contains a **heritage item** or within a **heritage conservation area**

B7.A Heritage impact

Objective

To ensure satisfactory consideration of the objectives for **LEP** clause 5.10

Development controls	
B7.1	**Development** under **LEP** clause 5.10 that is likely to impact on the heritage significance of a **heritage item** provides a **heritage impact statement** with the **development application** that is consistent with the Office of Environment & Heritage, N/A, 'Statements of Heritage Impact'[19] • The **heritage impact statement** demonstrates how the proposed **development** conserves and mitigates for the protection of the identified heritage significance, based on the following principles: - **development** is consistent with the statement of heritage significance for that item - **development** protects the setting of the **heritage item** - **development** retains the significant internal and external spaces and is to recycle, re-purpose and re-use fabric and building elements - **development** avoids **facadism** by using all of the components of the building including, but not limited to, the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials - **development** removes alterations and additions that are unsympathetic to the heritage significance of the **heritage item** - reinstates missing building elements and details - uses materials, finishes and colours that are appropriate to the architecture and stylistic period of the **heritage item** - reinforces the dimensions, pattern, scale and style of the original windows, door openings and features of the **heritage item** - maintains and repairs building elements in order to retain the **heritage item** in a serviceable condition commensurate with the statement of heritage significance - reference to the *Heritage Act 1977* is required where highly significant archaeological items and relics are discovered and there is likely to be disturbance, damage or an item destroyed by excavation • The preparation of heritage reports is to be undertaken by a suitably qualified consultant who has experience in heritage conservation matters and is registered on the NSW Office of Environment and Heritage Consultants Directory.

Development controls	
B7.2	**Development** under **LEP** clause 5.10 that is likely to impact on the heritage significance of a **heritage conservation area** is to demonstrate how it is complementary to the statement of heritage significance for the **heritage conservation area** within the **SEE**

B7.B Minor nature - maintenance

Objective

To ensure that maintenance or repairs do not distract from the heritage significance of an existing item

Development controls	
B7.3	A **development application** is required under **LEP** clause 5.10(2), if the proposed **development** does not, in the opinion of Council satisfy the requirements of **LEP** clause 5.10(3) • The following types of **development** are considered to be works of a minor nature or maintenance which would not adversely affect the heritage significance of the **heritage item** or property within a **heritage conservation area** for the purposes of Clause 5.10(3) - Maintenance or repairs, including painting of a **heritage item** or item located in the **heritage conservation area** that is consistent with the statement of heritage significance of the existing building or the heritage character of surrounding areas - Prior to undertaking these works the applicant is to complete the **PSC**. 2014, 'Notification – Heritage Minor Works or Maintenance'[24] Note: ***SEPP*** *(Exempt and Complying Development Codes) 2008* – Subdivision 25A Maintenance of buildings in draft heritage conservation areas allows for **development** to be defined as **exempt development**

B7.C Demolition

Objective

To ensure evidence is provided for the demolition of a building of heritage significance

Development controls	
B7.4	**Development** that proposes the partial or total demolition of a **heritage item** or item within a **heritage conservation area** for reasons of structural integrity is supported by a **structural engineering assessment**. An archival record may be required in accordance with the relevant Heritage Branch Guidelines

B7.D Aboriginal heritage

Objective

To ensure due diligence is followed before carrying out **development** that may harm Aboriginal objects

Development controls	
B7.5	Where **development** involves significant **cut**, being greater than 2m under B3.7 of the **SEE** addresses the following matters: • A statement indicating the results of the Aboriginal heritage information management system (**AHIMS**) database search and any other sources of information • A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects • A statement indicating whether the proposed **development** is likely to harm Aboriginal objects • A statement indicating whether an **Aboriginal heritage impact permit (AHIP)** is required. When required: - Prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed **development** on Aboriginal cultural heritage consistent with the Office of Environment & Heritage. N/A, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW'[25] Note: Section 90 of the *National Parks and Wildlife Act 1974* requires an **AHIP** where harm to an Aboriginal object or Aboriginal place cannot be avoided. An **AHIP** can be issued under Part 6 of the *National Parks and Wildlife Act 1974*

B8 Road Network and Parking

Application

This Part applies to **development** with the potential to impact on the existing road network or create demand for **on-site parking**. This Part lists general requirements more specific requirements relating to **development types** may be provided under Section C Development Types.

B8.A Traffic impacts

Objective

To ensure that the impacts of **traffic generating development** are considered and that the existing level of service of the road network is maintained

Development controls	
B8.1	The **statement of environmental effects (SEE)** details: • car parking location, number and dimensions; • access arrangements; • traffic implications on the existing road network and junctions; • street features, such as trees, footpaths and pipes; and • pedestrian impacts and access for disabled persons.
B8.2	A **traffic impact assessment (TIA)** is required for: • **development** for 20 or more **dwellings**; • **development** defined as **traffic generating development**; or • **development** deemed in Council's opinion to impact on the existing road network.
B8.3	A **construction management plan** is provided prior to the issuing of a **construction certificate** or **subdivision works certificate** when **development** will impact on traffic movements during the construction phase.

B8.B On-site parking provisions

Objectives

- To ensure **development** provides adequate **on-site parking**, loading and servicing spaces
- To ensure that vehicle access is in a safe location and has minimal impacts on existing transit movements
- To ensure **driveways** have adequate sight distances for traffic and pedestrians on footpaths

Development controls	
B8.4	Except as required by B8.5, B8.6, or B8.7, all **development** that has the potential to create demand for on-site parking must provide parking in accordance with Figure BU

Figure BU: On-site parking requirements

Development type	Parking requirements	Accessible parking
Commercial premises		
bulky goods	• 1 car space per 55m^2 floor area • 1 bike space per 20 employees	• 1 car space per 30 parking spaces
entertainment facilities and function centres	• A traffic impact study is required • 1 bike space per 20 employees • 1 bike space per 20 visitors	• 1 car space per 20 car spaces
food and drink premises, including restaurants, cafes and take-away drink premises	• 1 car space per 25m^2 floor area within **commercial premises** • 15 car spaces per 100m^2 floor area or 1 car space per 3 seats outside of **commercial premises** • Minimum queuing area of 5 cars for drive-thru • 1 bike space per 200m^2	• 1 car space per 30 parking spaces
garden centre and plant nursery	• 1 car space per 130m^2 nursery area	• 1 car space
hardware building supplies and industrial retail outlets	• 1 car space per 55m^2 floor area	• No requirement
market	• 2.5 car spaces per stall	• No requirement
motor showroom and vehicle sales or hire premises	• 0.75 car spaces per 100m^2 vehicle display area • 1 bike space per 20 employees	• 1 car space per 30 car spaces
office premises and **business premises**	• 1 car space per 40m^2 floor area • 1 bike space per 200m^2 floor area	• 1 car space per 30 car spaces
pub and registered clubs	• 1 car space per 7m^2 of floor area within commercial centres • 1 car space per 10m^2 courtyard / beer garden within commercial centres • 1 car space per 3.5m^2 of floor area outside of commercial centres • 1 bike space per 25m^2 bar area • 1 bike space per 100m^2 courtyard/ beer garden • 1 bike space per 20 accommodation rooms	• 1 car space per 20 parking spaces
roadside stall	• 4 car spaces	No requirement
rural supplies, timber yards, landscaping material supplies and wholesale supplies	• 1 car space per 130m^2 of supplies area • 1 bike space per 20 employees	No requirement
service station	• 4 car spaces per work bay • 1 car space per 20m^2 floor area • 1 bike space per 15 employees	• 1 car space
sex services premises	• 2 car spaces per room used for prostitution	• 1 car space per 20 car spaces

Development Type	Parking Requirements	Accessible Parking
shop	• 1 car space per 20m^2 floor area	• 1 car space per 30 car spaces
veterinary premises and health consulting rooms	• 3 car spaces per practitioner • 1 car space per 2 employees not a practitioner • 2 bike space per 10 practitioners and other employees not practitioners	• 1 car space per 10 car spaces
Industry		
heavy industrial storage establishments, heavy industry and general industry	• 1 car space per 100m^2 floor area or 4 space per work bay • 1 bike space per 20 employees	• 1 car space per 30 car spaces
light industry	• 1 car space per 100m^2 • 1 car space for each employee • 1 bike space per 20 employees	No requirement
rural industries	• **Merit-based approach**	No requirement
vehicle body repair workshops and vehicle repair stations	• 4 car spaces per work bay	No requirement
warehouse or distribution centres, storage premises and depots	• 1 car space per 200m^2 • 1 bike space per 20 employees	• 1 car space
Infrastructure		
bowling alley	• 3 car spaces per bowling alley • 1 bike space per 15 employees	• 1 car space per 20 car spaces
bowling green	• 30 car spaces for first bowling green, then 15 for each additional bowling green • 1 bike space per 15 employees	• 1 car space per 20 car spaces
charter and tourism boating facilities	• 4.5 car spaces per 100m^2 floor area or 1 space per 10 passengers	• 1 car spaces per 20 car spaces
child care centre	• 1 car space for every 4 childcare places	• 1 car space
community facilities	• **Merit-based approach**	• 1 car space per 20 car spaces
educational establishment	• 1 car space per employee • 1 car space per 8 senior high school students • 2 bike spaces per 20 employees and students	• 1 car space per 20 car spaces
gymnasium	• 5 car space per 100m^2 • 1 bike space per 15 employees	• 1 car space per 20 car spaces
indoor soccer/cricket/netball	• 15 car spaces per pitch/court • 1 bike space per 15 employees	• 1 car space per 20 car spaces

Development type	Parking requirements	Accessible parking
marina	• 0.6 spaces per wet berth • 0.2. spaces per dry storage berth • 0.2 spaces per swing mooring • 0.5 spaces per marina employee • 1 bike space per 15 employees Note: Additional car parking is to be provided for the uses carried out as part of, or ancillary to a marina which are identified in this Figure and car parking is to be provided for those uses in accordance with the relevant rates set out in this Figure.	No requirement
medical centres	• 1 car space per 25m^2 floor area	• 1 car space per 10 car spaces
passenger transport facility	• **Merit-based approach**	• 1 car space per 20 car spaces
place of public worship	• **Merit-based approach** • 2 bike spaces per 20 employees and visitors	• 1 car space per 20 car spaces
squash/tennis courts	• 3 car spaces per tennis court • 1 bike space per 15 employees	• 1 car space per 20 car spaces
Residential Accommodation		
boarding houses, s**econdary dwellings**, supported accommodation and group homes	• Refer to State ***SEPP*** *(Affordable Housing) 2009* • 1 car space per 20 rooms	Refer to ***SEPP*** *(Affordable Housing) 2009*
dwelling house, **dual occupancy** and semi-detached **dwellings**	• 1 car space for one and two bedroom **dwellings** • 2 car spaces for three > bedroom **dwellings**	No requirement
home business or **home industry**	• 1 car space, plus 1 car space for each employee	No requirement
hostels	• 1 car space per 10 beds • 1 car space for every 2 employees • 1 parking space for services and deliveries	No requirement
residential flat buildings, attached dwellings, **multi dwelling housing** and shop-top housing	• 1 car space for one and two bedroom **dwellings** • 2 car spaces for three > bedroom **dwellings** • 1 visitor space for every three **dwellings**	No requirement
seniors housing	Refer to ***SEPP*** *(Housing for Seniors or People with a Disability) 2004*	

Development type	Parking requirements	Accessible parking
Tourist and Visitor Accommodation		
backpackers accommodation	• 1 car space per 10 beds or 1 space per 5 rooms • 1 car space per 2 employees	• 1 space per 20 parking spaces
bed and breakfast establishment and farm stay	• 1 car space per guest room	No requirement
camping ground and caravan park	• 1 car space per site • 1 visitor space for every 10 sites	No requirement
hotel or motel accommodation, and eco-tourist facilities	• 1 car space for each accommodation unit • 1 car space per 2 employees • 1 bike space per 20 accommodation units	• 1 space per 20 parking spaces
serviced apartments	Refer to **LEP** 7.13 Serviced apartments	

Development controls

B8.5	Where the parking requirements for B8.4 cannot be provided for onsite in accordance with Figure BU, Council may consider alternative off-site arrangements for parking demand, such as providing parking on another site in proximity to the development.
B8.6	A reduction in the number of spaces required in accordance with Figure BU may be considered when supported by a **TIA** in the following circumstances: • Parking has a negative visual impact on heritage; • The current land use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BU; • Peak demand between commercial and residential **development** types is shared ; • An upgraded public transit facility, such as a bus stop, is provided in proximity to the site; • Where it can be demonstrated that ancillary uses carried out as part of, or ancillary to a marina do not generate demand for **on-site parking**, consistent with the relevant rate prescribed in Figure BU.
B8.7	A reduction in the number of spaces required in accordance with Figure BU may be considered for commercial premises on land zoned B2 Local Centre or B3 Commercial Core when dedicated car sharing service spaces equipped with electric vehicle charging provisions are provided. The maximum reduction is not to exceed: • For **development** requiring up to 5 spaces – no reduction • For **development** requiring more than 5 and up to 20 spaces – 1 space • For **development** requiring more than 20 spaces – 5% Note: dedicated car sharing service spaces are included as a car parking space for the purposes of calculating the total number of spaces provided.

Development controls	
B8.8	All internal **driveways** and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt
B8.9	Walking routes through large car parks are to be delineated by markings, **signage**, grade separation and pedestrian crossings in accordance with AS 2890 - Parking facilities
B8.10	Parking for people with a disability is designed and constructed: • in accordance with AS 2890 - Parking facilities and AS 1428 - Design for access and mobility • to be located as close to wheelchair accessible entrances/lifts and linked by an accessible/ continuous path
B8.11	**On-site parking** is located behind the **building line** or **setback** by 1m Note: C4.6 requires a minimum garage setback of 1m behind the **building line** or **setback**

B8.C On-site parking access

Objectives

- To ensure that vehicle access is located in a safe location, where it least impacts on existing transit movements
- To ensure **driveway** exits maximise intersection sight distances for traffic and pedestrians on footpaths

Development controls	
B8.12	The entry, exit and **driveway** separation widths of access points from a site to a street frontage is provided in accordance with Figure BV and the following steps: 1. Determine the class of parking, either being A, B or C 2. Determine the ingress/egress category by identifying whether that class is located on either an **arterial road** or **local street** and by referencing the number of parking spaces that are required, which is determined by B8.4 3. Determine entry, exit and **driveway** separation widths by using the ingress/ egress category

Figure BV: Entry, exit and driveway separation widths

Step 1. Determine class of parking		
Class	Examples of uses	Required door opening
A	All-day parking - resident, employee, commuter parking and universities	Front door, first stop
B	Medium-term parking - long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels and airport visitors	Front door, second stop
C	Short-term parking - town Centre parking, shopping centres, department stores, supermarkets, hospitals and medical centres	Rear door, full-opening

Step 2. Determine ingress/egress category						
		Number of Parking Spaces				
Class	Street Hierarchy	<25	25-100	101-300	301-600	>600
A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
B	Arterial	2	2	3	4	5
	Local	1	2	3	4	5
C	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

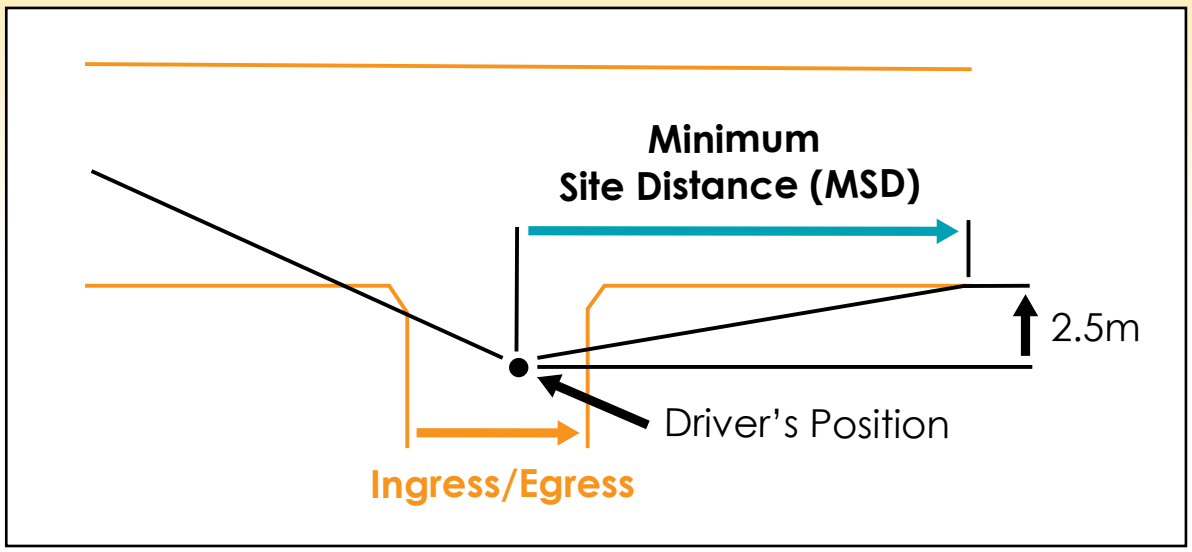
Step 3. Determine entry, exit and driveway separation widths			
Ingress / Egress Category	Entry width	Exit width	Driveway separation
1	Single maximum: 3m Double maximum: 4m	Combined	-
2	6-9m	Combined	-
3	6m	4-6m	1-3m
4	6-8m	6-8m	1-3m
5	Direct connection from a dedicated public road via controlled intersection		

Development controls

Ingress/Egress dimensions may need to be increased to 6.5m for the first 6m inside the property boundary when:

- ingress/egress exceeds 30m in length
  - Ingress/Egress exceeding 30m in length provides passing bays at 30m intervals
- sight distance in accordance with Figure BW cannot reasonably be achieved
- **development** provides direct access to an **arterial road**

Figure BW: Illustration of ingress and egress minimum site distances



Development controls

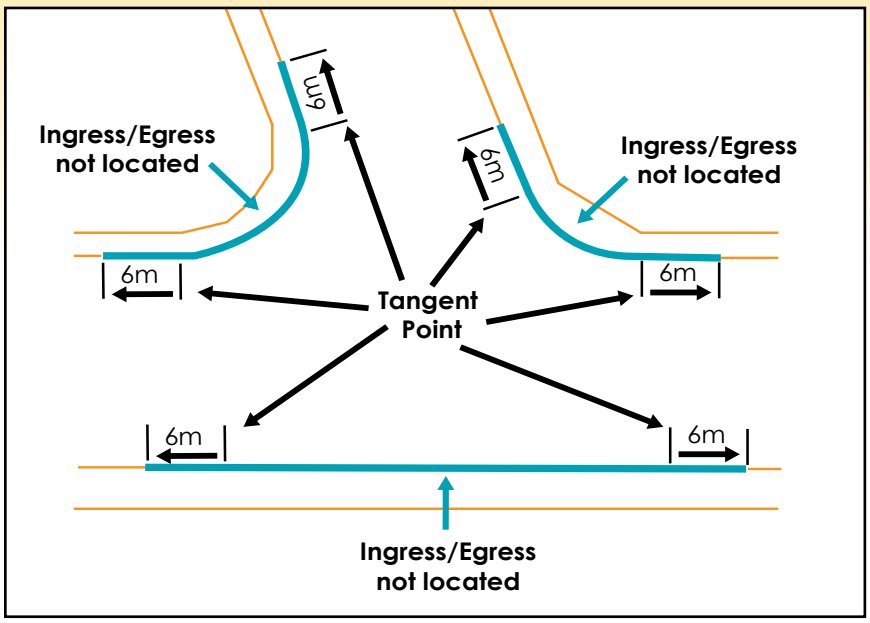
B8.13 Ingress and egress to parking areas is:

- not located in proximity to intersections or where queuing and sight distances are restricted
- not located opposite other **traffic generating developments**, unless separated by a median strip
- not located within the sections of kerb illustrated by Figure BY
- to provide a minimum of 0.5m from the **side boundary** at the **front property line** and minimum 0.5m clearance from the edge of existing street furniture
- intersect with the road between 70 to 90 degrees
- to provide a **driveway cross-fall** for the first 3 metres, which is to match the longitudinal gradient of the kerb/road pavement
- to ensure vehicles can enter and leave in a forward direction
- to provide the minimum sight distances (**MSD**) required by Figure BW in accordance with Figure BX

Figure BX: Minimum sight distances

Road speed km/h	Large car park MSD		Residential MSD
	Safe intersection side distance (SISD)	Stop site distance	
40	65m	40m	30m
50	90m	55m	40m
60	115m	75m	55m
70	140m	90m	70m
80	170m	115m	95m
90	200m	140m	-
100	235m	165m	

Figure BY: Ingress/egress is not supported in identified locations



B8.D Visitor parking & loading facilities

Objectives

- To ensure visitor parking is conveniently located and easily identifiable
- To ensure loading facilities do not **adversely impact** on the road network and are visually concealed

Development controls	
B8.14	Visitor parking is clearly marked, signposted and located in proximity to the main building of the **development**
B8.15	Service areas, car parking and loading bays are provided: • At the basement or ground level at rear • Away from pedestrian public spaces • Away from residential areas • Separately to staff and customer parking
B8.16	Parking layouts provide direct pedestrian paths to building entries and street frontage and is screened from the street

B8.E Access to public transport for 20 or more dwellings

Objective

To encourage more active lifestyles and **ecologically sustainable development** by providing convenient and accessible public transport options

Development controls	
B8.17	A **development application** for 20 or more **dwellings** shall demonstrate that bus stops and shelters are: • Existing and fully accessible to current standards within a 400m walking catchment or bus stops within a 400m catchment are able to be upgraded (at the proponents cost). • Located as close as possible to the common destination, being the **development** site, and are connected to the entry of the **development** by a continuous accessible footpath
B8.18	Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas for significant scale **developments**, such as educational establishments or **commercial premises**
B8.19	Ensure clear crossing points adjacent to public transport stops that are designed for pedestrian **desire lines** • **Development** unable to demonstrate the above is required to liaise with the public transport providers and Transport for NSW to meet the requirements

C Development Types

C1 Subdivision 62

This Part applies to **development** that is defined as **subdivision**

C2 Commercial 69

This Part applies to **development** defined as **commercial premises**

- This Part also provides additional requirements for **bulky goods premises**

C3 Industrial 77

This Part applies to **development** defined as **industry** and/or **development** within the zone B5 Business Development

C4 Dwelling House, Secondary Dwelling, or Dual Occupancy 82

This Part applies to **development** that is defined as a **dwelling house**, **secondary dwelling**, or **dual occupancy**

C5 Multi Dwelling Housing or Seniors Housing 89

This Part applies to development that is defined as **multi dwelling housing** or **seniors housing**

C6 Home Business or Home Industry 99

This Part applies to **development** that is defined as **home business** or **home industry**

C7 Restricted or Sex Services Premises 101

This Part applies to **development** that is defined as **restricted premises** or **sex services premises**

C8 Ancillary Structures - Sheds, Swimming Pools, Fencing, Retaining Walls and Shipping Containers 103

This Part applies to **development** that is defined as **ancillary structures**, including sheds, swimming pools, fencing, retaining walls and shipping containers

C1 Subdivision

Application

This Part applies to **development** that is defined as **subdivision**

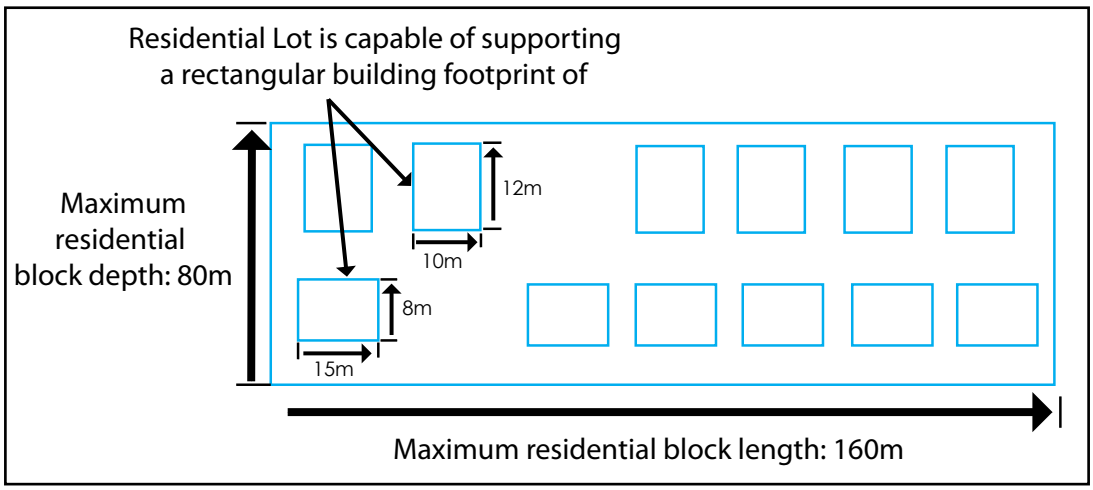
C1.A All subdivision - lot size and dimensions

Objective

To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provisions of necessary services and other requirements

Development controls	
Lot size	
C1.1	**Subdivision** adheres with ***Local Environmental Plan*** Part 4
Rectangular footprint	
C1.2	A residential lot is capable of supporting a rectangular building footprint of 15m x 8m or 10m x 12m as illustrated by Figure CA

Figure CA: Residential block dimensions and rectangular building footprint



Development controls	
Battle-axe lots	
C1.3	All lots provide direct street frontage • **Battle-axe lots** are only considered when there is no practical way to provide direct street frontage • Right of carriageway is constructed prior to the issuing of a **subdivision certificate** and is provided in accordance with Figure CB - Alternative solutions are to be considered for lots created prior to the ***Local Environmental Plan***, but only where safety is not impeded

Figure CB: Battle-axe lot requirements

	Entry width	Max length	Misc.	Torrens
Dwelling house **Dual occupancy**	3.6m	30m	Max 2 **dwellings**	Max 3
Multi dwelling housing **Residential flat building**	6m	50m	-	-
Business Industrial	10m	-	-	Max 3
Rural - less than 2 lots	6.5m	200m	-	Max 3
Rural - greater than 3 lots	10m	200m	-	Max 3

Development controls	
Splay corners	
C1.4	**Splay corners** are provided for corner lots and must be a minimum of: • 4m x 4m for residential zones • 8m x 8m for commercial and industrial zones • 6m x 6m or **merit-based approach** for other zones

C1.B All subdivision - street trees

Objective

To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's guidelines

Development controls	
Street tree requirements	
C1.5	Street trees are required as a component of the road reserve for the following: • residential **subdivisions** • commercial **subdivisions** • industrial **subdivision** creating 10 or more lots - Street trees are provided in accordance with the **tree technical specification**[1] - Tree Planting Guidelines of the **tree technical specificaiton**[1] provides guidance to the application of the **vegetation technical specification**[2] to determine the total number of trees to be provided
Street tree replacement	
C1.6	Where street trees are required to be removed to facilitate development, they must be replaced in a practical location, in accordance with Section 4.6 of the **tree technical specification**[1]

C1.C All subdivision - solar access

Objective

To maximise **solar access** for residential **dwellings**

Development controls	
Solar access	
C1.7	Residential **subdivision** addresses the following guidelines for **solar access**. Any inconsistency clearly justifies how alternative energy efficiency is achieved. • Where possible, lots should be oriented to provide one axis within 30 degrees east and 20 west of true solar north • Where a northern orientation of the long axis is not possible, lots should be wider to allow **private open space** on the northern side of the **dwelling** • Topography and landform should inform the subdivision layout in order to maximise **solar access** opportunities

C1.D All subdivision - public scale drainage

Objective

To ensure further guidance is provided for subdivision that is consistent with B4 Drainage and Water Quality and the infrastructure specification – design[11] (where relevant)

Development controls	
Inter-allotment drainage	
C1.8	Each lot must be able to be gravity drained through the drainage system to **public drainage**
C1.9	Inter-allotment drainage may be required for **subdivision** where a lot does not drain directly to the road kerb
Drainage reserves	
C1.10	An **overland flow path** is provided for the **1% Annual Exceedance Probability (AEP)** storm event and is a **drainage reserve** dedicated to Council as **operational land**

C1.E Major subdivision - block and street layout

Objectives

- To ensure **local streets** are well-connected to the street network with obvious pedestrian and cycle links to higher order streets
- To ensure priority is provided to residents' needs when designing **local streets** to encourage usability
- To ensure pathways follow **desire lines**

Development controls	
Block dimensions	
C1.11	A block seeks to achieve the dimensions identified in Figure CC

Figure CC: Block dimensions

Zone	Maximum depth	Maximum length
Residential	80m	160m
Commercial	50m	80m
Industrial	120m	200m

Development controls	
Technical specifications	
C1.12	Street layout complies with the road network specifications in infrastructure specification - design[11]
Street layout attributes	
C1.13	The street layout addresses the following: • All street components are integrated, such as kerbing, pavement type, width, street tree planting, footpaths, on road cycleway, **shared paths**, lighting and seating are provided as specified in infrastructure specific - design[11] • Road widths accommodate the necessary movements of service and emergency vehicles • **Driveways** and footpaths are provided at **subdivision** as a part of the **subdivision** works • Footpaths and **shared paths** follow **desire lines** • Street layout is interconnected to provide a grid-like structure • Street layout is informed by street connections for future **subdivisions** on adjacent lands • Street layout enables each lot to front a street and for corner lots to face both streets • Street layout seeks to provide a perimeter road between residential **dwellings** and; - **bush fire prone land** - **open space** defined as a **regional park**, **district park** or **local park** • Street layout ensures public access to **public open space** is maintained and encouraged • Street layout responds to the topographical features of the site, such as: - where land slopes at a grade of 6% or more the predominant street alignment is perpendicular to the contours - straight or gently curved to frame **vistas** Note: **Development** should have consideration for the Port Stephens Pathways Plan

Development controls	
Cul-de-sacs	
C1.14	Cul-de-sacs are generally only supported where: • the existing street layout does not permit a through street • connectivity to an adjoining street is not required • the cul-de-sac has a maximum length of 75m • access is provided to no more than 10 allotments • clear line of sight is provided from the nearest intersection

C1.F Major subdivision - public open space

Objectives

- To provide a hierarchy of **public open space** in accordance with **public open space** hierarchy
- To provide parks that are **multi-functional**
- To ensure parks achieve **centrality** by being located near transport **nodes**, public buildings, waterfronts, libraries or places of public worship
- To ensure **public open space** meets the demands of the local community to encourage usability and **critical mass**

Development controls	
Open space hierarchy	
C1.15	Council may require the provision of **public open space** in accordance with Figure CD

Figure CD: Public open space hierarchy

	Category	Area	Catchment
A	**regional park**	**merit-based approach**	**merit-based approach**
B	**district park**	1-2ha	500-800m
C	**local park**	0.5ha	150-400m
D	corridor **open space**	**merit-based appraoch**	-

Development controls	
Open space reduction	
C1.16	The quantity of **public open space** may be reduced if: • accessibility is improved through such measures as providing extended connections to the wider pedestrian network; or • value of **open space** is improved through such measures as an increased amount and/or quality of park furniture, amenities, play equipment, sports infrastructure.

Development controls	
Open space attributes	
C.17	**Public open space** for the purpose of a **local park**, **district park** or **regional park** must: • be of regular shape (rectangle/square) to maximise recreation opportunities; Note: Long narrow **open spaces** are not acceptable unless used for linkages. • be generally flat and centrally located near transport **nodes**, public buildings, waterfronts, libraries or places of public worship to maximise accessibility for all members of the public; • provide for safe and convenient access by being located on pedestrian and cycle routes; • clearly demonstrate that it is a public space and be bounded by a street and faced by lots zoned or used for residential or commercial purposes; • be designed with consideration to **crime prevention through environmental design (CPTED)** principles; and • include access for services (eg garbage collection, maintenance, water, sewerage and electricity) Note: The provision of playgrounds is assessed on a case by case basis by primarily considering proximity to other community and recreation facilities. Note: Further attributes specific to a **local park**, **district park** and **regional park** are provided in Part E1 of the **DCP**.
C.18	Land that may be deemed unsuitable as **public open space** for the purposes of a l**ocal park**, **district park** or **regional park** includes: • **contaminated land**; • land primarily used for stormwater management or drainage control purposes; • land containing sites or items of cultural significance; or • land identified as an **asset protection zone (APZ)**.
C.19	Corridor **open spaces** are **drainage reserves** classified as **operational land** under the *Local Government Act 1993*

C1.G Major subdivision - infrastructure

Objective

To ensure detailed consideration is provided to the provision of integrated and quality **public infrastructure**

Development controls	
Technical specifications	
C1.20	Infrastructure in accordance with the infrastructure specification - design[11] is identified on the concept utility plans or more detailed preliminary engineering plans

Development controls

Public infrastructure

C.21	**Subdivision** provides **public infrastructure** within the adjoining road or public land, including kerb/gutter, stormwater drainage, footpaths, street lighting, street trees and bus shelters, excluding: • **Public** utilities, such as water and electricity, are kept within private lot boundaries and are not located within the **road reserve**
Lifecycle and maintenance	
C1.22	Lifecycle and maintenance costs are a key determinant when considering alternative methods, products and manufacturers to those specification in the infrastructure specification - design[11] • Council will request life cycle costing and maintenance manual details for infrastructure to assist in ongoing maintenance

C2 Commercial

Application

This Part applies to **development** defined as **commercial premises**

- This Part also provides additional requirements for **bulky goods premises**

C2.A Height

Objectives

- To ensure **development** is of an appropriate height that minimises privacy loss and over-shadowing
- To ensure that floor to ceiling height allows for flexible uses over time

Development controls	
Building height	
C2.1	**Building height** is provided in accordance with the ***Local Environmental Plan*** clauses 4.3 and 5.6
Floor to ceiling height	
C2.2	Minimum ground floor to ceiling height for all new **development** within a commercial zone is 3.5m
C2.3	Minimum first floor and above floor to ceiling height for **commercial premises** is 3m
C2.4	Minimum first floor and above floor to ceiling height for **residential accommodation** is 2.7m
C2.5	**Ground level (finished)** must be between 100-500mm above adjacent footpath levels

C2.B Site frontage and setbacks

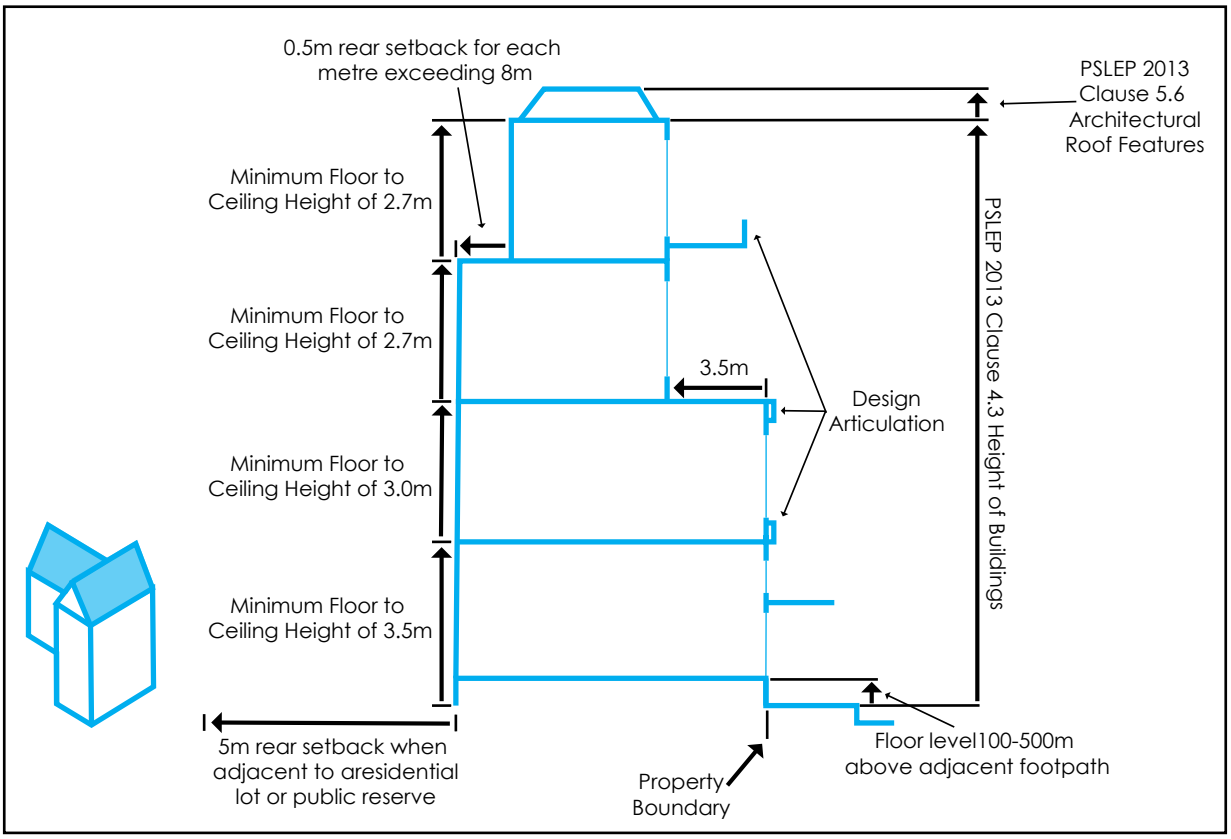
Objective

To ensure **development** provides continuity and consistency to the **public domain**

Development controls	
Site frontage for buildings higher than 10.5m	
C2.6	Minimum 20m site frontage where **development** is proposed to be more than 10.5m in height
Front **setback** and facade articulation	
C2.7	**Development** is built to the **front property line** for the ground and first floor
C2.8	Minimum 3m front **setback** from the **front property line** for the second floor and above
C2.9	Minimum 3.5m front **setback** from the **front property line** for **mixed use development** for second floor and above

Development controls	
C2.10	Parts of a building may give variation in setback to provide design articulation
Side **setback**	
C2.11	**Development** should be built to the **side boundary** to maximise continuous **active street frontage**, except where side access is provided
Rear **setback**	
C2.12	**Commercial premises** adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m, plus an additional 0.5m for each metre of the height of the building that exceeds 8m
C2.13	Rear **setback** is built for purpose and informed by a **site analysis plan**
Longitudinal gradient	
C2.14	Where there is a level of change in excess of 500mm at the **front property boundary** the floor plate and rooflines of **development** steps with the longitudinal grade of street

Figure CE: Illustration of commercial building envelope



C2.C Building form and massing

Objective

To ensure **development** reinforces, compliments and enhances the visual character of the street

Development controls	
Amenity	
C2.15	Building mass does not result in unreasonable loss of amenity to adjacent properties or the **public domain**
Proportions	
C2.16	Building proportion is complimentary to the form, proportions and massing of existing building patterns

C2.D Facades

Objectives

- To ensure street activation and passive surveillance through **active street frontage**
- To facilitate **development** that is safe and secure for pedestrians and contributes to **public domain** safety by incorporating principles of **crime prevention through environmental design (CPTED)**, such as:
  - Territorial re-enforcement
  - Surveillance
  - Access control
  - Space/activity management
- To ensure the bulk of large floor plate **development** is concealed by a sleeve of smaller buildings fronting the street

Development controls	
Materials	
C2.17	Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting
Active street frontage	
C2.18	• **Development** provides continuity of an **active street frontage** for localities where **business premises** or **retail premises** predominately face the street and have direct pedestrian access from the street, which may be identified in Part D Specific Areas • An **active street frontage** provides the following: - Maximum unarticulated wall is 2m in length - Minimum 50% of ground floor front is windows, which does not include **false windows** Note: C1.13 requires that the street layout enable each lot to front a street or corner lots to face both streets

Development controls	
C2.19	A big box **development** may achieve an **active street frontage** by providing a sleeve of smaller buildings that conceal its bulk to the street frontage Note: C2.K provides additional requirements for **bulky goods premises**
C2.20	**Development** incorporates **crime prevention through environmental design (CPTED)** principles by providing passive surveillance to public spaces through building design and orientation
Public footpath	
C2.21	**Development** provides paving to the public footpath for the entire length of the **development** street frontage

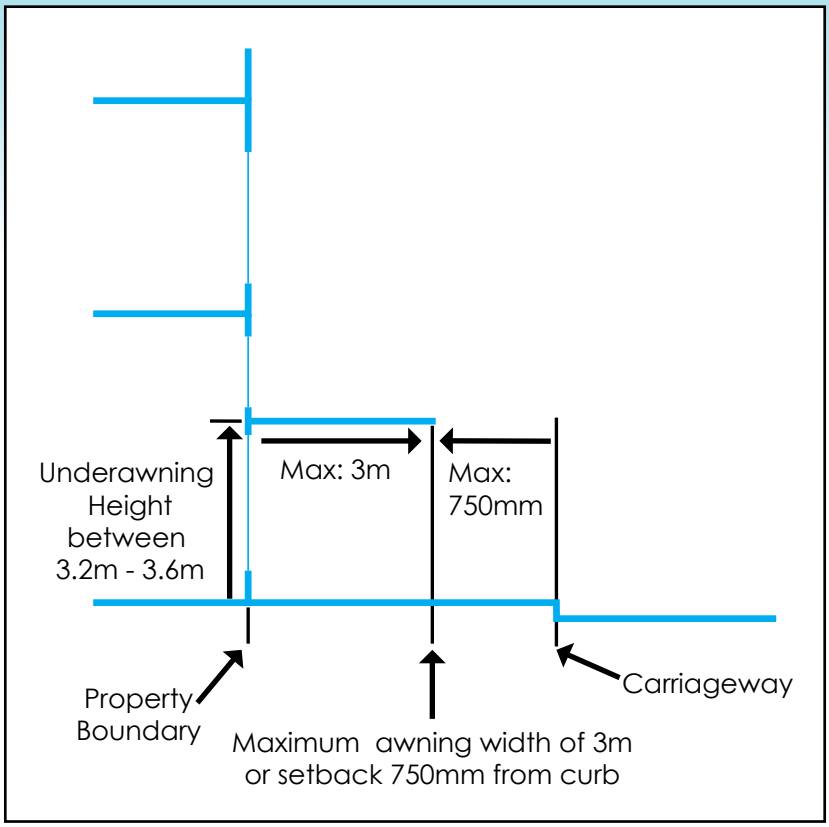
C2.E Awnings

Objectives

- To ensure continuous awnings along pathways to provide shelter where most pedestrian activity occurs
- To ensure awning design is integrated with the building façade to integrate with adjoining buildings

Development controls	
Awnings	
C2.22	Awnings must be provided over pedestrian pathways • New awnings must maintain the same dimensions, alignment and materials of existing awnings along the street • A continuous or stepped solid box awning should be provided for the full extent of the building frontage with awnings 3m in width or setback 750mm from the curb, whichever is less • Under awning height will be between 3.2m and 3.6m • Awnings on sloping sites should be a **cantilevered** steel box section that steps with street slope • Awnings are varied when there is a need to highlight the location of a major building entrance

Figure CF: Illustration of commercial awning dimensions



C2.F Building entries

Objective

To provide clear direction to access points

Development controls	
Access points	
C2.23	Provide a recognisable entry from the primary street • Entries on corner sites address both streets by providing a splayed entry on that corner • A separate and secure access point that provides a clear sense of building address is provided for the residential component of **mixed-use development**
Entry structures	
C2.24	Entry structures, such as access ramps, are located within the site behind the property boundary so as not to obstruct pedestrian footpaths in the **public domain**

C2.G Building facilities and services

Objective

To appropriately locate building facilities and services that do not **adversely impact** on the **public domain**

Development controls	
Location of building facilities and services	
C2.25	Plant, equipment, storage areas, communication structures and servicing areas are located at the rear of a building and not be visible from streets, parks and other public spaces, except for service lanes
Public toilets	
C2.26	**Commercial development** with a **capital investment value** over $2 million shall provide toilets that are accessible to the public

C2.H Public art

Objective

To ensure that features of the **public domain** contribute to identity, character, safety, amenity and accessibility

Development controls	
Public art	
C2.27	**Commercial development** with a **capital investment value** over $2 million and that provides frontage to the **public domain** shall incorporate public art in accordance with Council's Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens Note: Evidence must be provided with a commercial **development application** value over $2 million demonstrating that the developer has obtained public art approval from Council.

C2.I Shipping container stacks

Objective

To ensure **development** that proposes the use of shipping containers does not impact upon the amenity of the area

Development controls	
Scale and height	
C2.28	The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.
Siting	
C2.29	Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.
Formation	
C2.30	Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.

C2.J Landscaping

Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees.
- To encourage landscaping between buildings for screening.
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area.
- To improve the aesthetics of commercial areas, especially major commercial road corridors, through landscape works and co-ordination of architectural and **signage** elements
- To reduce hydrocarbon emission by providing shading of untendered vehicles
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

Development controls	
Landscaping coverage	
C2.31	Landscaping is provided as follows: • 10% of the **site area** consisting of deep soil planting • 30% shading over car park areas Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping
Landscaping dimensions	
C2.32	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
Landscaping qualities	
C2.33	Landscaping is in accordance with the following: • Landscape works incorporate adequate screening from the street and adjacent neighbours; • Corner lots provide landscaping to both street frontages; • Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed **development's** buildings and pavement areas • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council **tree technical specification**[1]
Rear **setback**	
C2.34	The rear setback area is to be: • a deep soil landscape planting area where the **development** adjoins a residential zone or land used for residential purposes; or

Develpoment controls	
	• assessed by a **merit-based approach** where the **development** does not adjoin a residential zone or land used for residential purposes
Species selection	
C2.35	Landscape species are to be selected in accordance with the landscape technical specification[4]

C2.K Bulky goods premises

Objectives

- Establish requirements for **bulky goods premises**
- Ensure the design of **bulky goods** contributes positively to the streetscape and **public domain** through quality architecture, materials and finishes

Development controls	
Bulky goods premises principles	
C2.36	**Bulky goods** premises are to be designed to: • incorporate detail and architectural interest • avoid creating ambiguous external spaces with poor pedestrian amenity and security • provide a clearly identifiable and dedicated pedestrian access to the building and across the site from the primary street frontage • provide pick-up areas next to the entrance to reduce unnecessary movement of heavy objects across the site

C2.L Signage

Objective

To ensure **signage** is complementary to its surroundings

Development controls	
Types of **signage**	
C2.37	The following types of **signage** are generally not supported: • Flashing signs Note: Flashing signs may be permitted in the **road reserve** if the text is a road safety message • Roof signs • Vehicular signs where the **primary use** of the vehicle is for advertising. • Above awning signs • Anchored balloons or airborne signs • Inflatable signs • Hoarding signs • A-frame signs

C3 Industrial

Application

This Part applies to **development** defined as **industry** and/or **development** within the zone B5 Business Development

C3.A Height

Objectives

- To ensure the height of buildings is appropriate for the context and character of the area
- To ensure **building heights** reflect the hierarchy of centres and land use structure

Development controls	
Building height	
C3.1	**Development** must not exceed a height of 15m Note: The ***Local Environmental Plan*** clause 4.3 Height of buildings overrides this requirement, if a height is specified

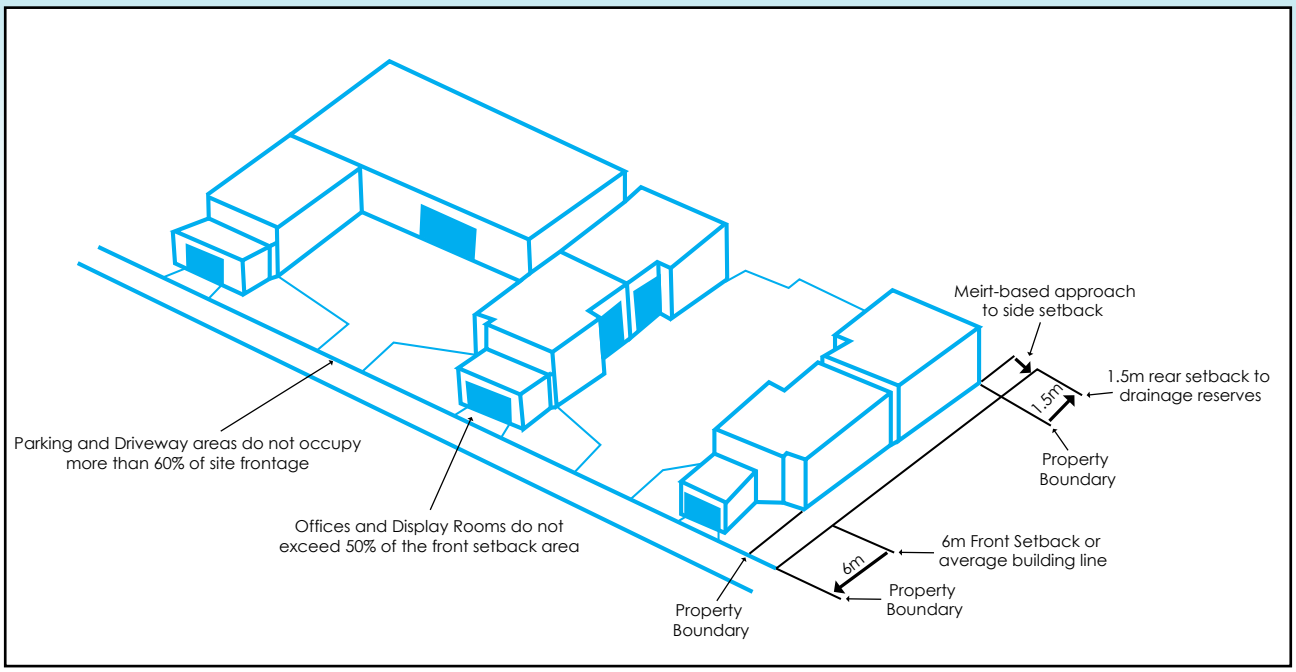
C3.B Building siting and design

Objective

To ensure **development** is situated within an appropriate building envelope

Development controls	
Front **setback**	
C3.2	Maximum 6m front setback from the **front property line** or in line with the existing **average building line**
C3.3	Single storey offices and display rooms within the front setback must: • not exceed 50% of the front setback area • ensure sightlines are maintained for pedestrian and vehicle movement
Side **setback**	
C3.4	**Side boundary setbacks** are to be in accordance with the **Building Code of Australia (BCA)**
Rear **setback**	
C3.5	**Merit-based approach** to rear setback with a 1.5m **buffer** zone provided to **drainage reserves**

Figure CG: Illustration of industrial building principles



C3.C Shipping container stacks

Objective

To ensure **development** that proposes the use of shipping containers does not impact upon the amenity of the area

Development controls	
Scale and height	
C3.6	The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.
Siting	
C3.7	Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.
Formation	
C3.8	Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.

C3.D Fencing

Objective

To avoid the dominance of fences on the streetscape and similar hostile design, and to soften the built environment in industrial areas

Development controls	
Fencing height	
C3.9	Fencing forward of the building line must not exceed a height of 1.2m.
Fencing materials	
C3.10	Fencing forward of the building line must be constructed of masonry or dark coloured picket in combination with vegetation
Security fencing	
C3.11	Security gates and other fencing may be utilised behind the setback, provided that it does not exceed a height of 2m

C3.E Facades and articulation

Objectives

- To ensure facades consist of appropriate materials and colours that contribute to streetscape amenity
- To ensure weather protection is provided at building entrances

Development controls	
Colours and materials	
C3.12	Building colours and materials are sympathetic to the natural environment and existing site context
Awnings	
C3.13	Weather protection awnings are provided for building entrances
Building access	
C3.14	The building access point provides a clear sense of building address for residents and their visitors
Building frontage	
C3.15	Offices, showrooms and customer service areas are located towards the front of the **development**
C3.16	Parking and **driveway** areas do not occupy more than 60% of the site frontage
C3.17	Buildings face the street and provide clear entry points
Blank walls	
C3.18	Blank walls are minimised by incorporating an opening or change in the wall's articulation. This should include a combination of change in materials, setback variation, architectural details or landscaping
Screening	
C3.19	Screening of poorly designed buildings with vegetation is not an acceptable streetscape treatment. A combination of quality building design and landscaping is to be used to provide a positive contribution to the streetscape

C3.F Landscaping

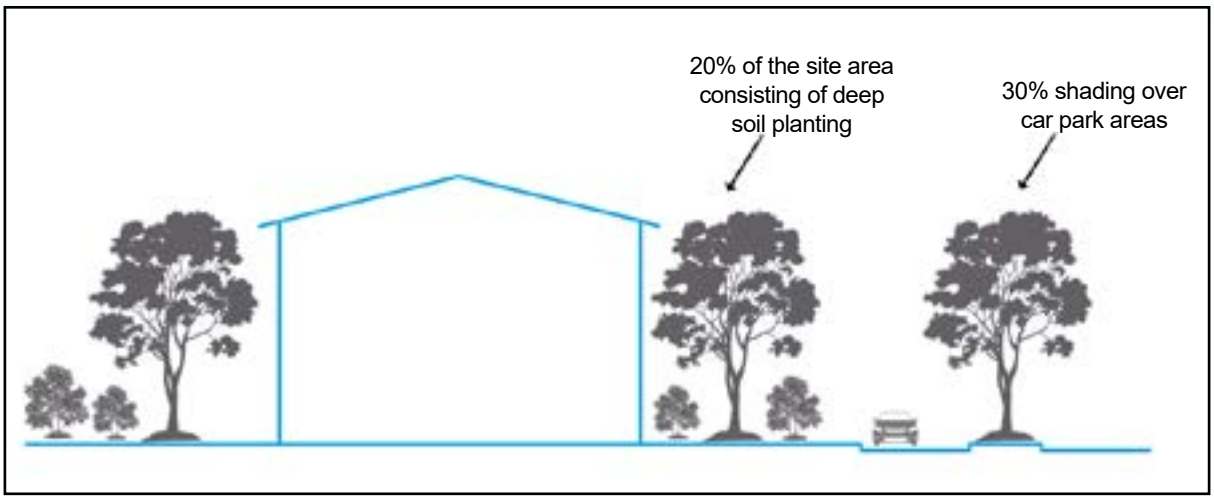
Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees.
- To encourage landscaping between buildings for screening.
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area.
- To minimise the visual impact and noise pollution generated by **development** on nearby residential areas and road corridors
- To use land efficiently and minimise disturbance to the local natural environment
- To integrate existing landscape features and/or architecture into **development**
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

Development controls	
Landscaping coverage	
C3.20	Landscaping is provided as follows: • 20% of the **site area** consisting of deep soil planting • 30% shading over car park areas Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping
Landscaping dimensions	
C3.21	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
Landscaping qualities	
C3.22	Landscaping is in accordance with the following: • Landscape works incorporate adequate screening from the street and adjacent neighbours; • Corner lots provide landscaping to both street frontages; • Landscape planting must provide adequate shading to the eastern and western elevations of poorly insulated buildings • Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed **development's** buildings and pavement areas • Remnant trees are retained and protected where possible • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council **tree technical specification**[1]

Development controls	
Species selection	
C3.23	Landscape species are to be selected in accordance with the landscape technical specification[4]

Figure CH: Landscape design requirements for industry development



C3.G Signage

Objective

To ensure **signage** is complementary to its surroundings

Development controls	
Types of **signage**	
C3.24	The following types of **signage** are generally not supported: • Flashing signs Note: Flashing signs may be permitted in the **road reserve** if the text is a road safety message • Roof signs • Vehicular signs where the **primary use** of the vehicle is for advertising. • Above awning signs • Anchored balloons or airborne signs • Inflatable signs • Hoarding signs • A-frame signs

C4 Dwelling House, Secondary Dwelling, or Dual Occupancy

Application

This Part applies to **development** that is defined as a **dwelling house**, **secondary dwelling**, or **dual occupancy**

C4.A Height

Objectives

- To ensure the height of buildings is appropriate for the context and character of the area
- To ensure **building height** reflects the hierarchy of centres and land use structure

Development controls	
Building height	
C4.1	Maximum height limit of 8m or a **merit-based approach** is taken where no height limit is specified under the ***Local Environmental Plan*** clause 4.3 Note: C2.4 requires a minimum first floor and above ceiling height for r**esidential accommodation** in a commercial zone of 2.7m

C4.B Setbacks

Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To ensure **development** contributes to the streetscape and does not detract from the amenity of the area

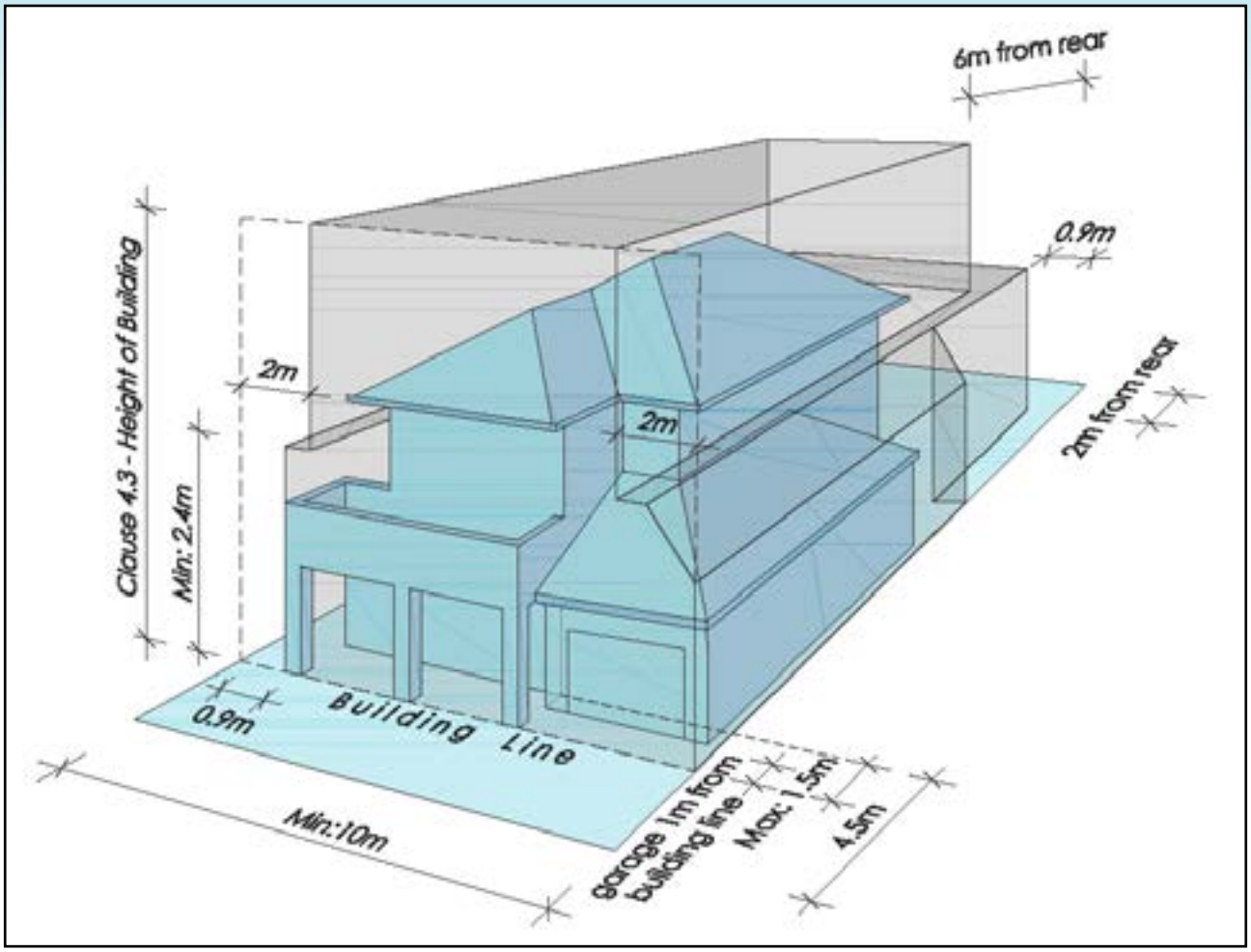
Development controls	
Setback requirements	
C4.2	Development is to be setback from the subject property boundary, in accordance with the provisions outlined in Figure CI

Figure CI: Setbacks for dwellings, dual occupancies and secondary dwellings

	Residential or RU5 (Village) zone	Rural, Environmental or R5 (Large Lot Residential) zone
Front **setback**	greenfield - 4.5m infill - 4.5m or the average building line (whichever is less)	10m
Secondary **setback** (corner lots)	2m	10m
Side **setback** – ground level (finished)	0.9m	5m
Side **setback** – upper storey	2m	5m
Rear **setback** – ground level (finished)	2m	5m
Rear **setback** – upper storey	6m	5m

Development controls	
Front **setback** encroachment	
C4.3	Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck
Secondary dwelling setback	
C4.4	**Development** for a **secondary dwelling** must be located behind the **building line** of the principal **dwelling** it is in conjunction with
Secondary setback encroachment	
C4.5	Maximum 1m encroachment to **secondary setback** for architectural features, such as an entry porch or deck
Garage **setback**	
C4.6	Garage **setback** minimum 1m behind the **building line** or **setback**
Public reserve and waterfront **setback**	
C4.7	Minimum 3m **setback** from a public reserve boundary
C4.8	Minimum 4.5m **setback** from a waterfront reserve boundary
C4.9	Minimum 1m **setback** from **waterfront land** from the **access boundary**
Battle-axe lot handle	
C4.10	Minimum 1m setback from a **battle-axe lot** handle, access corridor or **easement** that is required for access Note: C1.3 details when **battle-axe lots** are provided
Adjoining agricultural **buffers**	
C4.11	An agricultural **buffer** of 150m or greater should be provided between a rural **dwelling house**, **secondary dwelling** or an **ancillary structure** for habitable purposes to adjoining land in separate ownership that is used or capable of being used for agricultural purposes • Where the 150m **buffer** or greater cannot be achieved the planting of a 30m wide **native vegetation** strip is to be provided between the proposed **development** building envelope and the adjacent agricultural land Note: B2.1 requires a suitable **buffer** on the land which is the subject of **development** to items of **environmental significance**

Figure CJ: Dwelling house building envelope



C4.C Streetscape and privacy

Objective

To ensure development activates the streetscape to provide passive surveillance and privacy.

Development controls	
Passive surveillance	
C4.12	**Development** is to address the street by having at least one **habitable room** front the street and/or adjoining public spaces
C4.13	**Development** on corner lots is to address both street frontages by having **habitable rooms** face both streets
Streetscape character	
C4.14	To be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials and roof configuration
Privacy and two-storey **development**	
C4.15	Two storey **development** is to include a balcony or deck facing the street on the upper floor at least 1.5m deep across 25% of the **dwelling** frontage

Development controls	
C4.16	Balconies are to be located to minimise overlooking of adjoining properties
C4.17	**Privacy screens** are required for balconies and patios, which result in unreasonable privacy impacts to properties
C4.18	**Privacy screens**, high-light windows or opaque glass is to be used for windows of **habitable rooms** (other than bedrooms) which overlook adjoining properties

C4.D Private open space

Objective

To ensure **private open space** with **solar access** is provided to allow opportunity for passive and active outdoor recreation

Development controls	
Private open space dimensions	
C4.19	Minimum of 50m^2 of ground floor **private open space** comprising a minimum of 35m^2 that is usable. **Private open space** is considered usable if it: • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front **setback**; and • has a northerly aspect.
C4.20	Where **development** cannot provide **private open space** on the ground floor, provisions shall be made for a balcony of not less than 20m^2 with a minimum width of 3m for the use as **private open space**
Solar access	
C4.21	Minimum of 2 hours sunlight to the principal **private open space** area between the hours of 9am-3pm midwinter
C4.22	Minimum of 30% of **private open space** of adjoining **dwellings** must remain unaffected by any shadow for a minimum of 3 hours between 9am-3pm midwinter

C4.E Car parking and garages

Objective

To ensure car parking caters for anticipated vehicle movements to and from the **development** and does not **adversely impact** on building articulation

Development controls	
Driveway width	
C4.23	A **driveway** should have a minimum width of 3m Note: B8.12 requires ingress/egress widths to provide the listed dimensions
Garage dimensions	
C4.24	Maximum garage door width of 6m for residential lots or 50% of the building frontage, whichever is less
C4.25	Maximum garage width of 9m for lots exceeding 1,500m^2

C4.F Landscaping

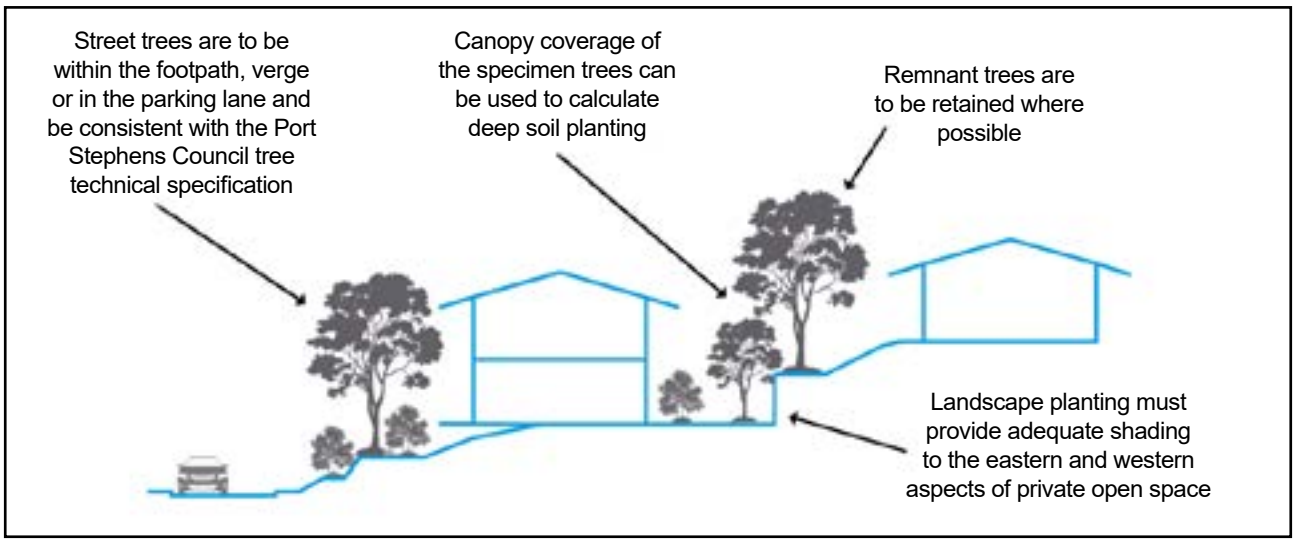
Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees
- To encourage landscaping between buildings for screening
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area
- To add value and quality of life for residents and occupants within a **development** in terms of privacy, outlook, views and recreational opportunities
- To create and enhance vegetation links between natural areas and reduce weed potential to **environmentally sensitive areas**
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

Development controls	
Dwelling house	
C4.26	**Development** located on land that slopes at more than 18 degrees to the horizontal or that is within 50m of land that contains: • a Coastal Wetland identified in *State Environmental Planning Policy (Coastal Management) 2018*; or • **koala habitat**; or • species or communities listed within the *Biodiversity Conservation Act 2016* must provide landscaping that: • will enhance the environmental constraints of the site; • retains trees within the outer protection area of the **APZ** identified by a bushfire report; and • constrains turf areas within the inner protection area of the **APZ** identified by a bushfire report.
Dual occupancy landscaping coverage	
C4.27	Landscaping is provided as follows: • 20% of the **site area**; or • 40% of the **site area** where development is located within 50m of: - a Coastal Wetland identified in *State Environmental Planning Policy (Coastal Management) 2018*; or - **koala habitat**; or - species or communities listed within the *Biodiversity Conservation Act 2016*; or - a public reserve; and • 30% shading over uncovered car park areas

Development controls	
Dual occupancy landscaping dimensions	
C4.28	To be counted as part of the total landscaping coverage, the landscaped area must be at least 1.5m wide and 3m long.
Dual occupancy landscaping qualities	
C4.29	Landscaping is in accordance with the following: • Landscape works incorporate adequate screening from the street and adjacent neighbours. • Corner lots provide landscaping to both street frontages. • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council **tree technical specification**[1] • Landscape planting must provide adequate shading to the eastern and western aspects of **private open space** • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping
Species selection	
C4.30	Landscape species are to be selected in accordance with the landscape technical specification[4]

Figure CK: Landscape design requirements for dual occupancy development



C4.G Site facilities and services

Objective

To ensure **development** provides appropriate facilities and services in the most appropriate site location

Development controls	
Waste storage	
C4.31	An adequately screened **waste storage and recycling area** is to be provided behind the **building line**
Clothes drying	
C4.32	A suitable open-air area for clothes drying is to be provided for each **dwelling** behind the **building line** with a northerly aspect

C5 Multi Dwelling Housing or Seniors Housing

Application

This Part applies to development that is defined as **multi dwelling housing** or **seniors housing**

Note: **Development** defined as a **residential flat building** refers to ***SEPP*** *No 65 – Design Quality of Residential Apartment Development*

C5.A Landscaping

Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees
- To encourage landscaping between buildings for screening
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area
- To add value and quality of life for residents and occupants within a **development** in terms of privacy, outlook, views and recreational opportunities
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

Development controls	
Landscaping coverage	
C5.1	Landscape area is provided as follows: • 15% of the **site area** consisting of deep soil planting where the lot is equal to or less than 250m^2 and zoned R1 General Residential or R2 Low Density Residential; or • 20% of the **site area** consisting of deep soil planting where the lot is greater than 250m^2 and zoned R1 General Residential or R2 Low Density Residential; or • 10% of the **site area** consisting of deep soil planting when the site is zoned R3 Medium Density Residential or B4 Mixed Use; and Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping • 50% of the landscaped area must be located behind the building line to the primary road; and • 30% shading over uncovered car park areas

Development controls	
Landscaping dimensions	
C5.2	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
Landscaping qualities	
C5.3	Landscaping is in accordance with the following: • Landscape works incorporate adequate screening from the street and adjacent neighbours. • Corner lots provide landscaping to both street frontages. • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council **tree technical specification**[1]

C5.B Height

Objectives

- To ensure **building height** is appropriate for the context and character of the area
- To ensure **building heights** reflect the hierarchy of centres and land use structure
- To ensure ceiling heights achieve sufficient ventilation and daylight access
- To ensure ceiling heights increase the sense of space and provides for well-proportioned rooms
- To ensure ceiling heights contribute to the flexibility of building use over the life of the building

Development controls	
Building height	
C5.4	Maximum height limit of 8m or a **merit-based approach** is taken where no height limit is specified under the ***Local Environmental Plan*** clause 4.3 Note: C2.4 requires a minimum first floor and above ceiling height for **residential accommodation** in a commercial zone of 2.7m
Floor to ceiling height	
C5.5	Minimum floor to ceiling heights of 2.4m

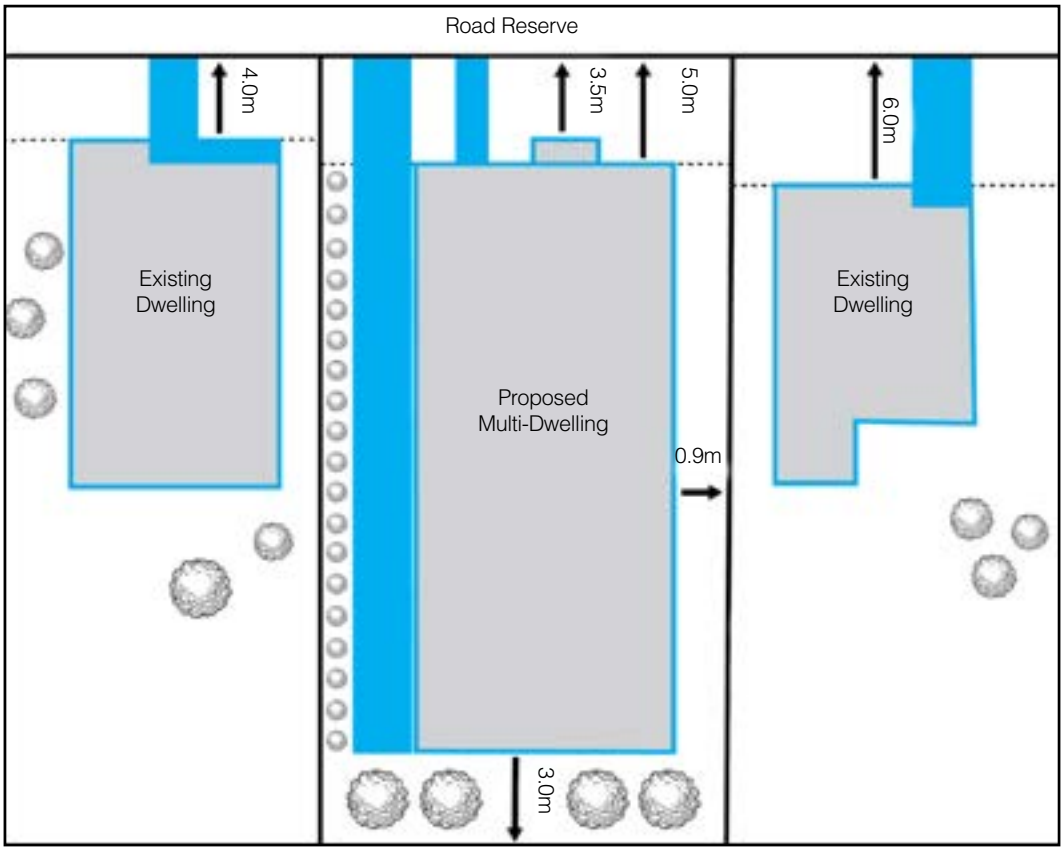
C5.C Setbacks

Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To ensure adequate space between buildings to enable effective landscaping
- To alleviate impacts on amenity including privacy, **solar access**, acoustic control and natural ventilation
- To reduce the visual bulk of buildings from the street
- To maintain the rhythm and built form on the street

Development controls	
Front setback	
C5.6	Minimum 4.5m front setback from the **front property line** or the existing **average building line** for 75% of the building facade. The remaining 25% of the façade may allow a 2m encroachment provided the encroachment contains **habitable rooms**, terraces, balconies or bay windows.
C5.7	**Podium** structures and basement car parks are not to be within the front setback area
C5.8	Setback areas area not to be used for at grade parking.
C5.9	Minimum 5.5m front setback from the **front property line** for a garage to enable a parked car to be situated in front of the garage.

Figure CL: Ground level (finished) setbacks for the existing average building line



Development controls	
Secondary setback (corner lots)	
C5.10	Minimum 3m **secondary setback**, except for an open veranda, porch or deck which must be setback a minimum of 2m
Side **setbacks**	
C5.11	Minimum 0.9m **side boundary** setback for any part of a building at or below 5.5m in height
C5.12	Minimum 3m **side boundary** setback for any part of a building above 5.5m in height
C5.13	Despite the above requirements, a **dwelling** may be built to a **side boundary** if within a commercial zone or the zone R3 Medium Density Residential, if the following is achieved: • The maximum wall height is 6m and the maximum wall length is 6m and there will be no impact on privacy, use of **private open space** and **solar access** for adjoining properties unless these properties have approval/are proposed for medium density residential. • Wall openings comply with the fire resistance levels of the **BCA**. • The wall height and length match a similarly constructed wall on the adjoining site.
Rear **setbacks**	
C5.14	For the **ground level (finished)**, rear setback must not exceed whichever of the following is greater: • Minimum 3m from the rear boundary, or • 25% of the average of the length of the side boundaries.
C5.15	Minimum 4m rear setback for the upper levels.
C5.16	Despite the above requirements, **development** may be built to the rear boundary on lots that have rear lane access.
C5.17	**Podium** structures and basement car parks are not to be placed in the rear setback
Driveway setback	
C5.18	Minimum 0.9m **side boundary** setback to provide for landscaping, which can be included in calculations.

C5.D Natural Ventilation

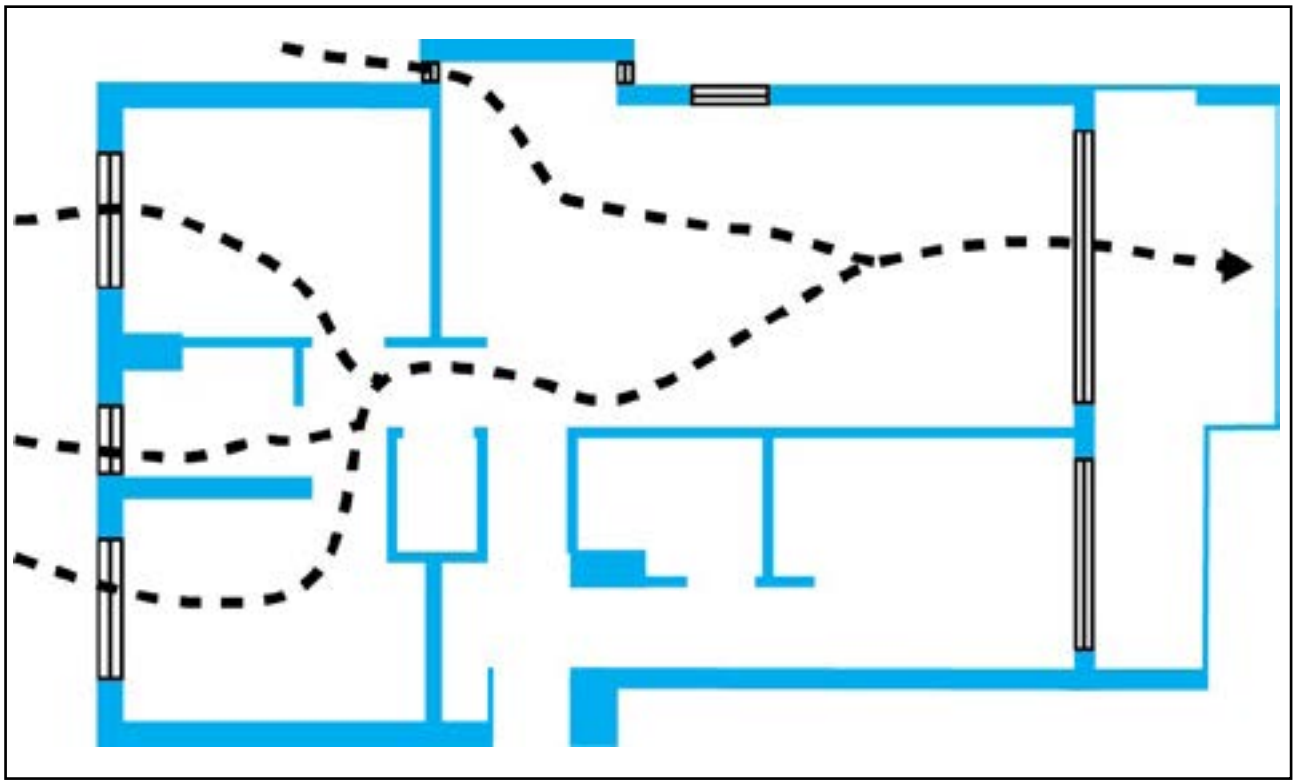
Objectives

- To ensure all **habitable rooms** are naturally ventilated.
- To ensure a comfortable indoor environment is created for residents.

Development controls	
Natural ventilation	
C5.19	The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in **habitable rooms**.
C5.20	Depths of **habitable rooms** support natural ventilation.

Development controls	
C5.21	Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • Adjustable windows with large effective openable areas; • A variety of window types that provide safety and flexibility such as awnings and louvres; and • Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors.

Figure CM: Cross-ventilation



C5.E Streetscape and privacy

Objective

To ensure **development** activates streetscape to provide passive surveillance and privacy

Development controls	
Access	
C5.22	**Dwellings** that have street frontage provide direct and legible pedestrian access from the street to the front entry. Note: **Development** should have consideration for the Port Stephens Pathways Plan
Openings	
C5.23	The front door entrance of each **dwelling** must be sheltered and be located forward of the designated car parking space.

Development controls	
C5.24	Windows and walls are located to avoid noise sources from adjacent lots and streets.
C5.25	Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings.
C5.26	**Privacy screens**, high-light windows or opaque glass is to be used for windows of **habitable rooms** (other than bedrooms) which overlook adjoining properties.
Colour schemes	
C5.27	Building colours should adopt a colour scheme to express building massing, articulation and detailed facade elements.
Corner lots	
C5.28	**Development** on a corner lot has one or more **dwellings** facing each street frontage.
Facade	
C5.29	The facade of each **dwelling** within a building should be identifiable as such to indicate that the building consists of separate **dwellings**. Subtle changes provide individuality between the proposed **dwellings** while seeking to maintain pattern continuity of the overall building.
C5.30	Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.
C5.31	The **dwelling** with street frontage provides a recognisable pedestrian entry point from the street.
Privacy	
C5.32	Balconies, terraces and decks must include **privacy screens** where they face onto side boundaries or are orientated to avoid direct overlooking onto adjoining lots.

C5.F Noise

Objectives

- To minimise noise transfer through the siting of buildings and building layout
- To ensure noise impacts are mitigated within units through layout and acoustic treatments

Development controls	
Noise	
C5.33	Window and door openings are generally oriented away from noise sources
C5.34	Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas
C5.35	Storage, circulation areas and **non-habitable rooms** should be located to **buffer** noise from external sources
C5.36	The number of part walls (a common wall shared with another **dwelling**) are limited and are appropriately insulated

C5.G Car parking and garages

Objectives

- To ensure car parking caters for anticipated vehicle movements to and from the **development** and does not adversely impact on building articulation
- To ensure vehicular access has minimal impacts on neighbouring **dwellings**
- To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers

Development controls	
Driveway width and access	
C5.37	Where a common **driveway** is to be provided it is to have a minimum width of 3.6m
C5.38	Where a common **driveway** is not provided and individual **driveways** connect to the street, the garage is to be setback 5.5m to allow for a parked car to be situated in front of the **driveway** door.
C5.39	Visual impact of long **driveways** should be minimised through changing alignments and screen planting
C5.40	Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.
C5.41	Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials; • level changes; • the use of landscaping for separation.

C5.H Private open space

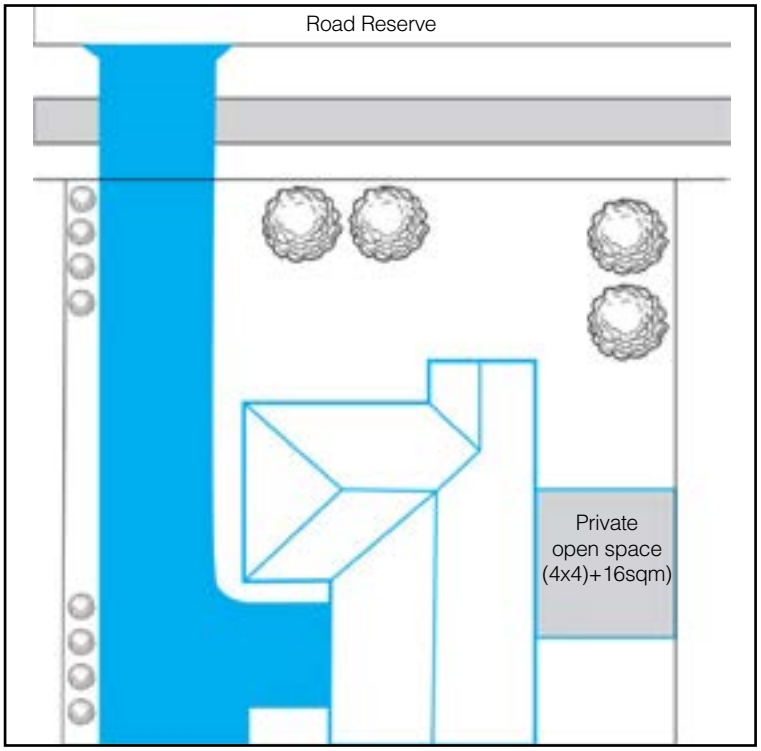
Objective

To ensure **private open space** with **solar access** is provided to allow the opportunity for passive and active outdoor recreation

Development controls	
Private open space dimensions	
C5.42	Minimum of 16m^2 of ground floor **private open space** for each **dwelling** containing one or two bedrooms that: • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front setback; and • has a northerly aspect.
C5.43	Minimum area of 25m^2 of ground floor **private open space** for each **dwelling** containing three or more bedrooms that: • has minimum dimensions of 4m x 4m; • has direct access from internal living areas;

Development controls	
	• is not located within a front setback; and • has a northerly aspect.
C5.44	Where **development** cannot provide **private open space** on the ground floor, provisions shall be made for a balcony of not less than 16m^2 with a minimum width of 2.4m and minimum depth of 1.5m for the use as **private open space**
Private open space dimensions for **seniors housing**	
C5.45	Despite the above requirements, ground floor **private open space** for each **dwelling** in **development** for **seniors housing** may be reduced to a minimum area of 9m^2 and minimum dimensions of 3m x 3m

Figure CN: Private open space requirements for one or two bedroom dwellings.



Note: **Dwellings** containing three or more bedrooms must provide a minimum **private open space** area of 25m^2

Development controls	
Solar access	
C5.46	Minimum of two hours sunlight to the **private open space** area between the hours of 9am-3pm midwinter
C5.47	Minimum of 50% of **private open space** of adjoining **dwellings** is not affected by any shadow for a minimum of three hours between 9am-3pm mid-winter

C5.I Site facilities and services

Objective

To ensure **development** provides appropriate facilities and services in the most appropriate site location

Development controls	
Equipment	
C5.48	Equipment, such as water tanks, pool pumps and air conditioners, are to be located and shielded to minimise the impact of noise on adjoining **dwellings**
Waste storage	
C5.49	Adequately screened **waste storage and recycling area** are to be provided behind the **building line** or **setback** of a **dwelling**
Mail boxes	
C5.50	Mail boxes are adjacent to the major entrance
Street numbers	
C5.51	Street/unit numbers are identifiable form the street
Clothes drying	
C5.52	A suitable open-air area for clothes drying is to be provided for each **dwelling** behind the **building line** or **setback** with a northerly aspect
Site facilities and services	
C5.53	The provision of electricity and gas for new **dwellings** should be provided underground.
Storage	
C5.54	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: • $6m^3$ for one bedroom units • $8m^3$ for two bedroom units • $10m^3$ for three or more bedroom units

C5.J Additional requirements for seniors housing

Objectives

- To establish additional requirements for **seniors housing development**
- To ensure **development** for **seniors housing** provides adequate area for communal **open space**
- To provide communal **open space** within **seniors housing development** that is accessible from **dwellings** and promotes interaction between residents
- To allow a merits based assessment of communal **open space** dependant on the quality of facilities, accessibility, furniture, and landscaping and feature elements
- To ensure adequate community facilities are provided for residents in **seniors housing development**

Development controls	
Communal open space	
C5.55	**Development** for **seniors housing** must provide communal **open space** that: • has a minimum area equal to 25% of the site or a **merit-based approach**; • is clearly identifiable and easily accessible to all residents; • is overlooked by windows of **habitable rooms**; • incorporates a landscaped area between 10% and 25% of the total communal **open space** area. Landscaped areas should be vegetated with native species; • provides seating areas connected to **dwellings** by a continuous sealed pathway according with AS 1428.1 - Design for access and mobility; • contains ornamental features such as sculptures, ponds, water features, art work and the like; and • provides a barbeque area for **development** of 20 or more **dwellings**.
Community facilities	
C5.56	Community facilities such as common rooms, libraries, gyms and the like are to facilitate use by on-site residents and should comply with the following: • A minimum floor to ceiling height of 3m; • Be accessible from common areas; • Be serviced by a minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty **dwellings**, whichever is the greater; and • Meet enhanced access and mobility requirements of AS 1428.2 - Design for access and mobility.
C5.57	Outdoor community or common facilities/spaces are to meet the requirements of AS1428.1 and are to include accessible access options such as ramps or lifts into **swimming pools**.
C5.58	Where **dwellings** are serviced by contractors such as cleaners, rubbish collectors or the like, storage and support structures may be centralised.

C6 Home Business or Home Industry

Application

This Part applies to **development** that is defined as **home business** or **home industry**

C6.A Operational requirements

Objective

To ensure operating hours do not **adversely impact** on residential amenity

Development controls	
Hours of operation	
C6.1	Hours of operation **merit-based** or considered: • Monday to Friday, 8am-6pm • Saturday, 9am-12pm • Sunday or Public Holidays, not allowed to operate - Hours of operation may be further restricted depending on the location and nature of the **development**
Goods storage	
C6.2	Storage of goods or equipment must be contained within the confines of the building

C6.B Vehicle repair and trucking operations

Objective

To ensure adequate consideration is given to the impacts of vehicle repair operations on neighbourhood amenity

Development controls	
Vehicles and trailers	
C6.3	A maximum of two vehicles or trucks associated with the operation of the **home business** or **home industry** may be kept on the site at any one time
C6.4	Only one trailer per truck is permitted
Vehicle storage	
C6.5	Vehicle storage areas are located behind the **building line**

C6.C Signage

Objective

To ensure **signage** is complementary to its surroundings

Development controls	
Types of **signage**	
C6.6	The following types of **signage** are generally not supported: • Flashing signs Note: Flashing signs may be permitted in the **road reserve** if the text is a road safety message • Roof signs • Vehicular signs where the **primary use** of the vehicle is for advertising. • Above awning signs • Anchored balloons or airborne signs • Inflatable signs • Hoarding signs • A-frame signs

C7 Restricted or Sex Services Premises

Application

This Part applies to **development** that is defined as **restricted premises** or **sex services premises**

C7.A Building entries - restricted premises

Objective

To provide clear direction to access points and ensure they are appropriately located

Development controls	
Restricted premises building entries	
C7.1	The building entrance should be located 400m from: • a **dwelling** on land zoned residential; • a child care centre, community facility, education establishment, hospital or place of public worship; and • another **restricted premises**
C7.2	Building entrance must be discrete and unobtrusive

C7.B Design of premises - sex services

Objectives

- To provide clear direction to access points and ensure they are most appropriately located
- To ensure the privacy and comfort of patrons
- To protect children from risk of harm
- To maximise the safety and security of staff, clients and the general public by upholding principles of **crime prevention through environmental design (CPTED)**

Development controls	
Sex services building entries	
C7.3	The building entrance should be: • located 150m from a **dwelling** on land zoned residential; • located 200m from a child care centre, community facility, educational establishment or recreational area; and • designed so that there is only one entrance to the premises located at the front of the building Note: The ***Local Environmental Plan*** may also provide higher order guidance as to the location of **sex services premises**

Development controls	
Sex services duress alarm	
C7.4	All premises are to have either an intercom or a duress alarm in each working room that is used for sexual activity. Alarms are to connect back to a central base, such as reception, that is to be monitored at all times
Sex services reception area	
C7.5	The premises is to be provided with an adequate reception area/waiting room with a minimum area of 20m^2 to prevent clients from loitering outside
Sex services maximum rooms	
C7.6	No more than five rooms are to be provided in which acts of prostitution are to take place
Sex services staff facilities	
C7.7	Staff facilities must include a communal lounge or rest area and a bathroom for staff use only
Sex services toilet and bathroom facilities	
C7.8	Toilet and bathroom facilities must be provided within the premises and not be shared with any other premises within the building
Sex services noise	
C7.9	**Sex services premises** must be designed to minimise noise transmission, measures include: • Grouping room uses according to the noise level generated • Using storage or circulation zones within the premises to **buffer** noise from adjacent apartments, mechanical equipment or corridors and lobby areas • Incorporating appropriate noise shielding or attenuation techniques into the design of the building where appropriate

C7.C Signage

Objective

To ensure **signage** provides identification to a premises in a manner that is discrete and complimentary to the streetscape

Development controls	
Offensive content	
C7.10	The business identification sign is to be devoid of sexually explicit images, language or objects

C8 Ancillary Structures - Sheds, Swimming Pools, Fencing, Retaining Walls and Shipping Containers

Application

This Part applies to **development** that is defined as **ancillary structures**, including sheds, swimming pools, fencing, retaining walls and shipping containers

C4.H Ancillary structures

Objectives

- To provide further guidance for **ancillary structures** to ensure consistent and desired amenity is attained
- To ensure **ancillary structures** do not **adversely impact** upon the amenity of the surrounding area
- To ensure **ancillary structures** are consistent in terms of height, bulk and scale with the surrounding area

Development controls	
Sheds (residential)	
C8.1	Except as provided for in C8.2, **development** in a residential zone (except R5 Large Lot Residential) adheres to a: • maximum gross floor area of 72m^2; • maximum height of 3.6m; • minimum side and rear setback of 0.9m; and • minimum 1m behind the **building line** or **setback** Note: ***SEPP*** *(Exempt and Complying Development Codes) 2008*, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 20m^2 in a residential zone to be **exempt development**
Exceptions for residential sheds (except on land zoned R5 Large Lot Residential)	
C8.2	**Development** for the purposes of a shed in a residential zone (except R5 Large Lot Residential) may exceed the limits in C8.1 where the following can be demonstrated: • The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing

Development controls	
	• The shed is not located within 1.8m of a dwelling on an adjacent lot; • The shed does not exceed 5% site coverage of the lot; • The shed height considers the change in topography from neighbouring allotments; • The shed is located so that it does not detract from the dwelling being the primary use of the land; • The shed uses colours and materials consistent with the dwelling on the land; • The shed is of a similar bulk and scale to surrounding sheds; • The shed is consistent with the context and character of the area; • Must not be a shipping container.
Sheds (R5 Large Lot Residential)	
C8.3	Except as provided for in C8.4, development in the R5 Large Lot Residential zone, adheres to Figure CO.

Figure CO: Shed controls R5 Large Lot Residential

R5 Large Lot Residential	Site < 4,000m^2	Site ≥ 4,000m^2
Maximum floor area	120m^2	200m^2
Maximum eave height	4.8m	
Minimum front **setback**	Behind the front building line of the **dwelling**	15m
Minimum **side boundary** and rear **setback**	5m	
Colour scheme	Consistent with the existing character of the area.	

Note: ***SEPP*** *(Exempt and Complying Development Codes) 2008*, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m^2 in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be **exempt development**

Development controls	
Exceptions for sheds (R5 Large Lot Residential)	
C8.4	**Development** for the purposes of a shed on land zoned R5 Large Lot Residential may exceed the limits in C8.3 where the following can be demonstrated: • The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing • The shed is not located within 10m of a dwelling on an adjacent lot • The shed does not exceed 5% site coverage of the lot • The shed does not result in the combined site coverage of all ancillary structures on the land exceeding 7.5% site coverage • The shed is located so that it does not detract from the dwelling being the primary use of the land • The shed uses colours and materials consistent with the dwelling on the land

Development controls	
	• The shed is of a similar bulk and scale to surrounding sheds • The shed is consistent with the context and character of the area • Must not be a shipping container
Sheds (Rural)	
C8.5	**Development** in a rural zone adheres to a: • minimum 10m **side boundary** and rear setback; • minimum 5m setback from another building; and • colour scheme consistent with the existing character of the area. Note: ***SEPP*** *(Exempt and Complying Development Codes) 2008*, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m^2 in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be **exempt development**
Swimming pools	
C8.6	The water edge must be setback at least 1m from the side and rear boundaries
C8.7	Maximum decking height of 1.4m in height if the pool is located more than 600mm above the **ground level (finished)**
Front fences (including forward of the building line)	
C8.8	Maximum height of 1.2m and is not of solid infill construction
C8.9	Maximum height of 1.5m along main roads and secondary street frontages
C8.10	Compatible with street facilities, such as mailboxes, and allow easy access to public utilities
Side and rear fences	
C8.11	Maximum height of 1.8m
C8.12	Side fences must not encroach on the front setback area of any **dwelling**
C8.13	Fencing materials should reflect context and character of the area
C8.14	Fences within the root zone of an existing tree must be constructed of light weight suspended panels supported by posts with pier footings
Retaining walls	
C8.15	Maximum height of 1m
C8.16	Masonry construction within 0.9m of the property boundary when greater than 0.6m in height
C8.17	Retaining walls are wholly contained within the site
Shipping containers	
C8.18	Shipping containers are to be sited behind existing buildings, not be located in front of the established or proposed **building line** and be screened from view from any adjoining property
C8.19	The total number of shipping containers ancillary to residential **development** must not exceed more than 2 per lot.
C8.20	Shipping containers are to be placed at ground level only and may not be stacked on top of another shipping container

D Specific Areas

D1 Heatherbrae 109

This Part applies to the land identified in Figure DB as Heatherbrae

D2 Karuah 113

This Part applies to the land identified in Figure DD as Karuah

D3 Lemon Tree Passage 118

This Part applies to the land identified in Figure DF as Lemon Tree Passage

D4 Koala Bay - Tanilba Bay 122

This Part applies to the land identified in Figure DH as Koala Bay - Tanilba Bay

D5 Nelson Bay Centre 125

This Part applies to the land identified in Figure DI as Nelson Bay Centre

D6 Nelson Bay West 133

This Part applies to the land identified in Figure DL as Nelson Bay West

D7 Seabreeze Estate - Nelson Bay 137

This Part applies to the land identified in Figure DN as Seabreeze Estate - Nelson Bay

D8 Salamander Bay Shopping Centre 140

This Part applies to the land identified in Figure DO as Salamander Bay Shopping Centre

D9 North Medowie - Medowie 142

This Part applies to the land identified in Figure DP as North Medowie

D10 Pacific Dunes - Medowie 147

This Part applies to the land identified in Figure DR as Pacific Dunes - Medowie

D11 Raymond Terrace Town Centre 153

This Part applies to the land identified in Figure DT as Raymond Terrace Town Centre

D12 Richardson Road - Raymond Terrace 160

This Part applies to the land identified in Figure DV as Richardson Road - Raymond Terrace

D13 Rees James Road - Raymond Terrace 164

This Part applies to the land identified in Figure DX as Rees James Road - Raymond Terrace

D14 Kings Hill - Raymond Terrace 170

This Part applies to the land identified in Figure DAC as Kings Hill - Raymond Terrace

D15 Williamtown Defence and Airport Related Employment Zone (DAREZ) 183

This Part applies to the land identified in Figure DAE as the Williamtown Defence and Airport Related Employment Zone (**DAREZ**)

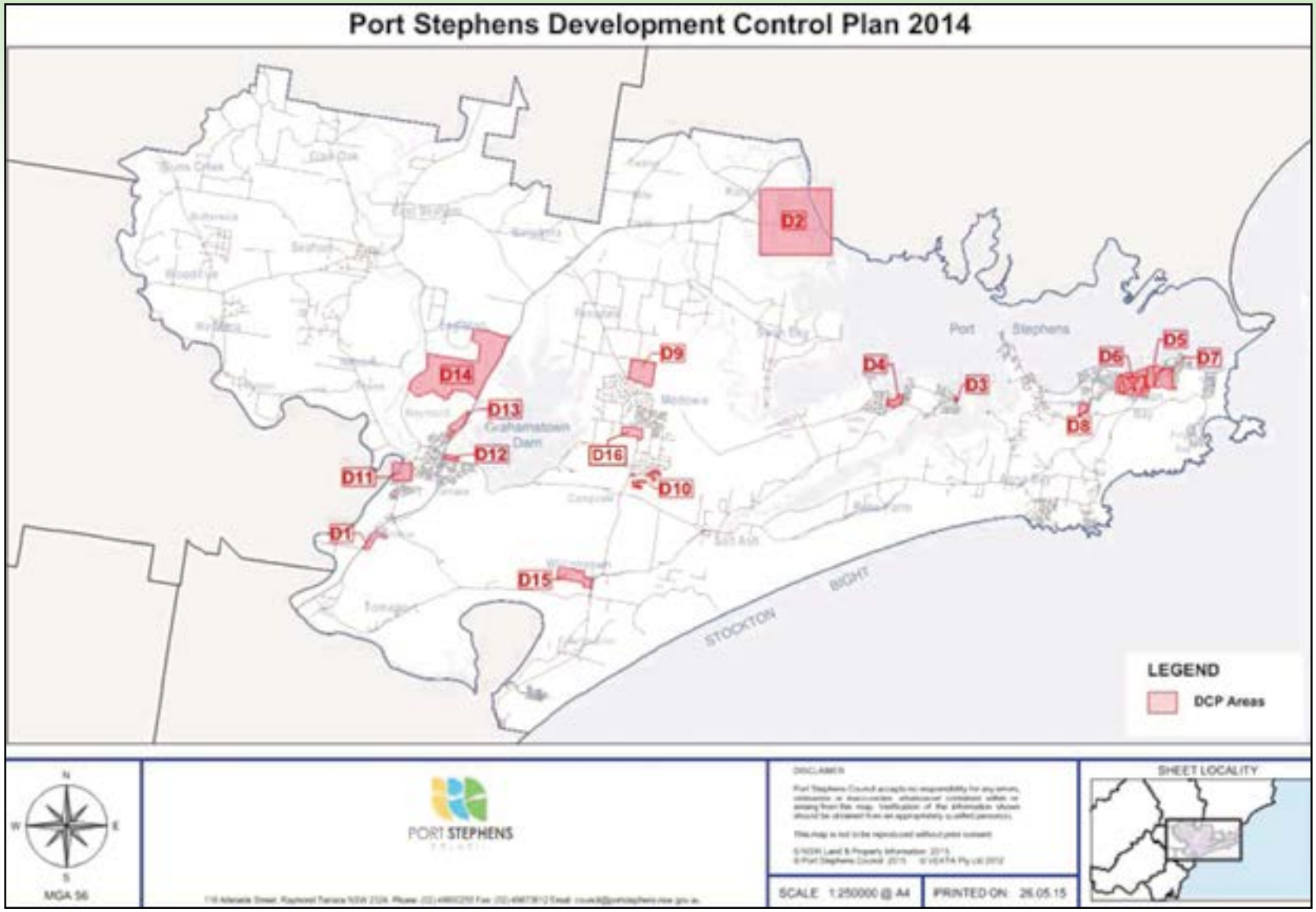
D16 Medowie Planning Strategy (Precinct E) 188

This Part applies to the land identified in Figure DAH Medowie Planning Strategy (Precinct E) land application map

D17 Stockton Rifle Range 194

This part applies to the land identified in Figure DAJ Stockton Rifle Range Land Application Map

Figure DA: D Specific Areas - Land Application Map



D1 Heatherbrae

Application

This Part applies to the land identified in Figure DB as Heatherbrae

D1.A Setback

Objective

To ensure **development** has regard to the Pacific Highway

Development controls	
Pacific Highway **setback**	
D1.1	Provide a minimum 10m front setback from the Pacific Highway **road reserve**
Landscaping	
D1.2	Provide 5m of landscaping from the **building line** or **setback** and define this as a 'restriction to user' under Section 88D of the *Conveyancing Act 1919*

D1.B Street trees

Objective

To ensure suitable street trees are appropriately sited

Development controls	
Street trees	
D1.3	**Development** continues the row of Hills Figs on the western side and replicates the row of Hill Figs on the eastern side of the Pacific Highway, Heatherbrae Note: C1.5 requires street trees as a component of the **road reserve** at **subdivision**

D1.C Street layout

Objective

To ensure a permeable and connected street network with safe access from the Pacific Highway

Development controls	
Street layout	
D1.4	Street layout adheres with Figure DC • Giggins Road connects to Griffin Street • Extension of Camfield Drive
D1.5	Access to the Pacific Highway is restricted to those intersections identified on Figure DC

Development controls	
D1.6	Internal intersections contain concrete mediums with either a give-way or stop treatment Note: C1.E ensures the street layout adheres to the infrastructure specific - design[11]

D1.D Drainage

Objective

To mitigate for negative impacts on water quality

Development controls	
Water quality control measures	
D1.7	Water quality measures comply with the *Hunter Water Regulation 2015* given the area's location within the Tomago Sandbeds Catchment. Note: B4.5 requires water quality measures to provide further guidance to clauses in the relevant ***Local Environmental Plan*** relating to water quality

D1.E Airport operational requirements

Objective

To ensure that the operational needs of the Williamtown **RAAF** Base are provided consideration in the development of lands in proximity to the Airport

Development controls	
General requirements	
D1.8	Note: Heatherbrae is located within the Williamtown **RAAF** Base Obstacle Limitation Map. B6 provides requirements relating to the Williamtown **RAAF** Base Obstacle Limitation Map

D1.F Gateway signage

Objective

To ensure the location of gateway **signage** is appropriately sited to signify an entry point

Development controls	
Gateway **signage**	
D1.9	Gateway **signage** is provided in the locations identified on Figure DC

Figure DB: Heatherbrae land application map

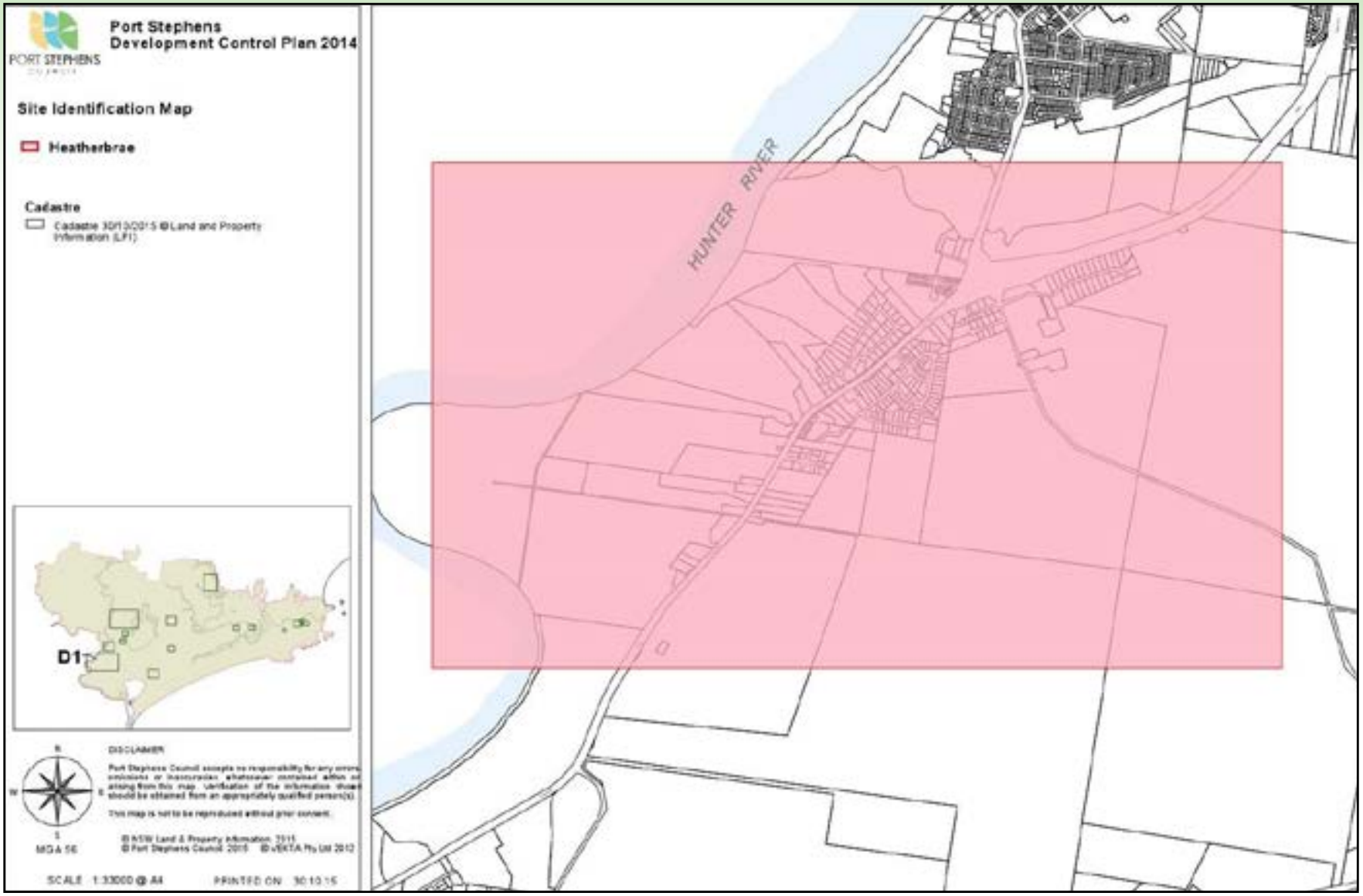
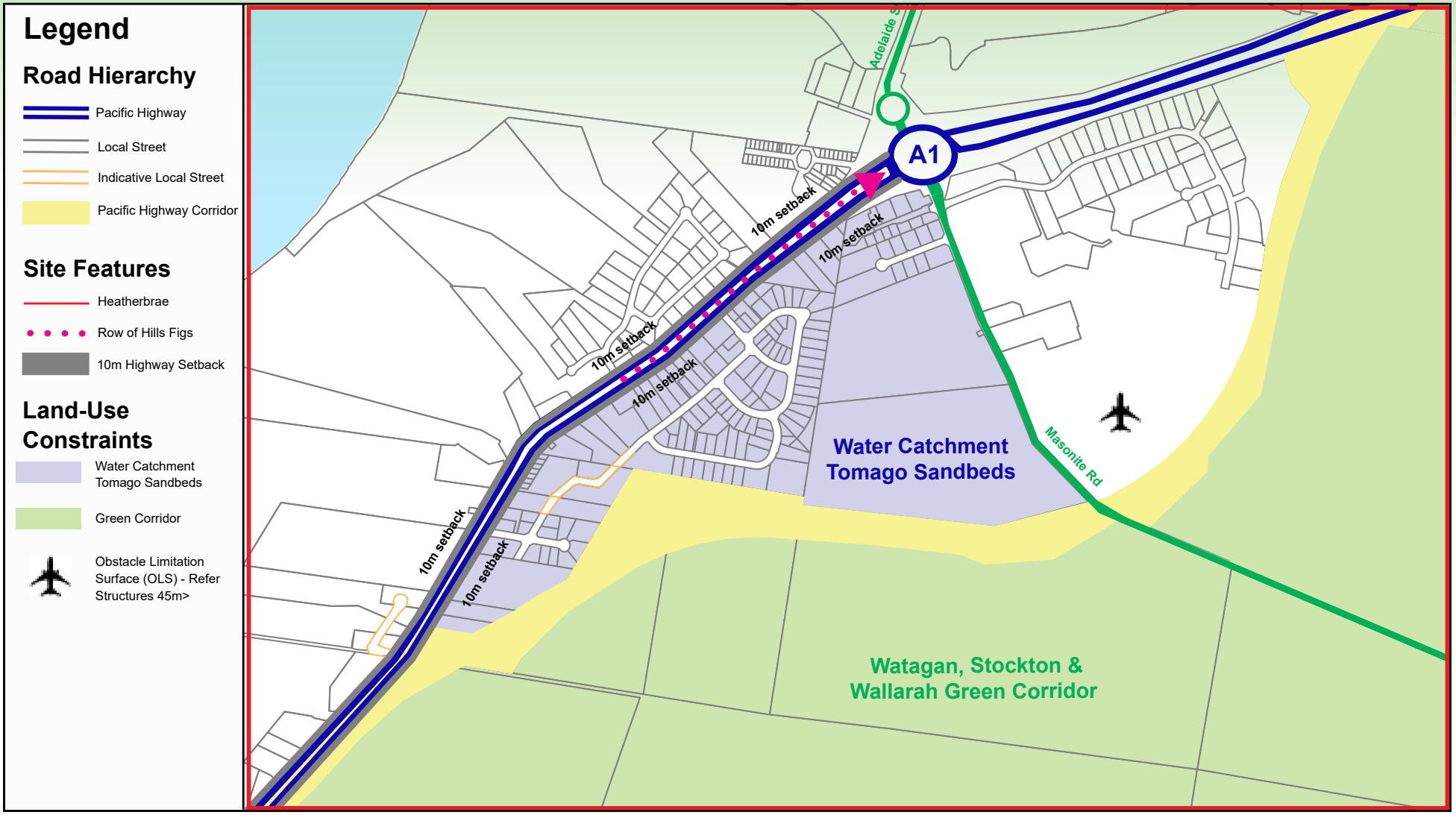


Figure DC: Heatherbrae locality controls map



D2 Karuah

Application

This Part applies to the land identified in Figure DD as Karuah

D2.A Staging

Objective

To ensure the Karuah Growth Strategy informs **subdivision** through adherence to the staging plan

Development controls	
Staging	
D2.1	Staging of residential subdivision is consistent with Figure DE Note: The ***Local Environmental Plan*** requires a staging plan

D2.B Street layout

Objective

To ensure **development** contributes to the existing compact and interconnected street pattern

Development controls	
Street Layout	
D2.2	The street layout is consistent with Figure DE • Where proposed streets are not outlined on Figure DE they should have a minimum of one connection to the existing township
D2.3	Shared paths are consistent with Figure DE
D2.4	Street design considers the parking and manoeuvring of long vehicles, such as boats and caravans Note: C1.13 requires the street network to be interconnected to provide a grid-like structure
D2.5	Intersections to Tarean Road are informed by **traffic impact assessment (TIA)** with consideration provided to Tarean Road as a **local road** managed by Council Note: B8.2 requires **development** deemed in Council's opinion to impact on the existing road network to provide a **TIA**

D2.C Commercial

Objective

To ensure commercial **development** is in keeping with the existing scale and character of Karuah

Development controls	
Public domain	
D2.6	**Public domain** works are consistent with the Karuah Commercial Centre Landscape Plan[22]
Building articulation	
D2.7	Facades should be articulated with timber and masonry finishes Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting
Awnings	
D2.8	Awnings are provided for commercial **development** identified as primary commercial on Figure DE
D2.9	Awnings are not required for commercial **development** identified as secondary commercial on Figure DE Note: C2.22 requires awnings to be provided over pedestrian pathways for commercial **development**

D2.D Biodiversity management

Objective

To ensure a suitable **buffer** is provided on land subject to the **development** to decrease impacts to areas of **environmental significance**

Development controls	
Boundary Impacts	
D2.10	• A suitable **buffer** of between 50-100m is to be provided between **development** and areas of environmental significance. • The suitable **buffer** provides consideration to land identified for bio-banking, which is located within the Stockton to Watagans Green Corridor and legally described as: - Lot 55 & 85 DP 753196 - Lot 2 DP 573068 - Lot 1 & 2 DP 552739 - Lot 1 & 2 DP 1167919 Note: B2.1 requires **development** in proximity to items of **environmental significance** to provide a suitable **buffer** on the land subject to the **development**.

D2.E Infrastructure provision

Objective

To ensure **development** is supported by **essential services** being water, electricity, sewerage, stormwater drainage and road access

Development controls	
Stormwater drainage	
D2.11	**Development** provides consideration to localised constraints on **public drainage** Note: B4.2 requires **development** that increases **impervious surfaces** to provide a **stormwater drainage plan**
Water quality	
D2.12	Water quality management takes into consideration **development** impacts both during construction and occupancy on neighbouring wetlands identified in *SEPP (Coastal Management) 2018* Note: B4.C & B4.D requires **development** to provide water quality measures and **buffers** to **riparian corridors**

Figure DD: Karuah land application map



Figure DE: Karuah locality controls map



D3 Lemon Tree Passage

Application

This Part applies to the land identified in Figure DF as Lemon Tree Passage

D3.A Waterfront precinct

Objective

To ensure that **development** retains and supports waterfront commercial uses and the integration of facilities for maritime activities

Development controls	
Public access and boardwalks	
D3.1	**Development** seeks to provide a 6m wide public access for identified laneways as identified on Figure DG
D3.2	Allow for a 3m boardwalk along the waterfront as identified on Figure DG Note: These requirements are reflective of NSW Coastal Planning Guideline and ***SEPP*** *71 – Coastal Protection* to maintain access to **foreshore** and to **public open space**
Pavilion buildings	
D3.3	Pavilion buildings within the Commercial Precinct should display the following design characteristics to limit bulk and scale: • Minimum roof pitch of 22° • Maximum 10m boardwalk frontage • **Gross floor area** of 100m^2 Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting

D3.B Mixed-use precinct

Objective

To ensure **development** compliments the commercial main street of Cook Parade

Development controls	
Road dedication	
D3.4	**Development** provides an 8m wide road dedication for rear access as identified on Figure DG Note: C1.12 requires streets to comply with Infrastructure Specification – Design[11]

Development controls	
Building depth	
D3.5	Minimum building depth of 15m along Cook Parade and Meredith Avenue
D3.6	Minimum building depth of 5m along Shearman Avenue Note: C2.7 requires no minimum depth
Floor level	
D3.7	Floor level must be a maximum of 300mm above the adjacent footpath Note: C2.5 requires **ground level (finished)** to be between 100-500mm above adjacent footpath
Site frontage	
D3.8	Maximum site frontage of 6m along Cook Parade Note: C2.6 requires a minimum 20m site frontage where **development** is proposed to be more than 10.5m in height
Mezzanine and abutting laneway	
D3.9	A **mezzanine** area abutting the rear laneway provides a minimum floor level of 2.5m **Australian Height Datum (AHD)**
D3.10	Development is within 5m of the road reserve
D3.11	Minimum 2.4m ground floor to ceiling height
Roof pitch	
D3.12	Minimum roof pitch of 22° Note: C2.16 requires that building proportion is complimentary to the form, proportions and massing of existing building patterns

Figure DF: Lemon Tree Passage land application map

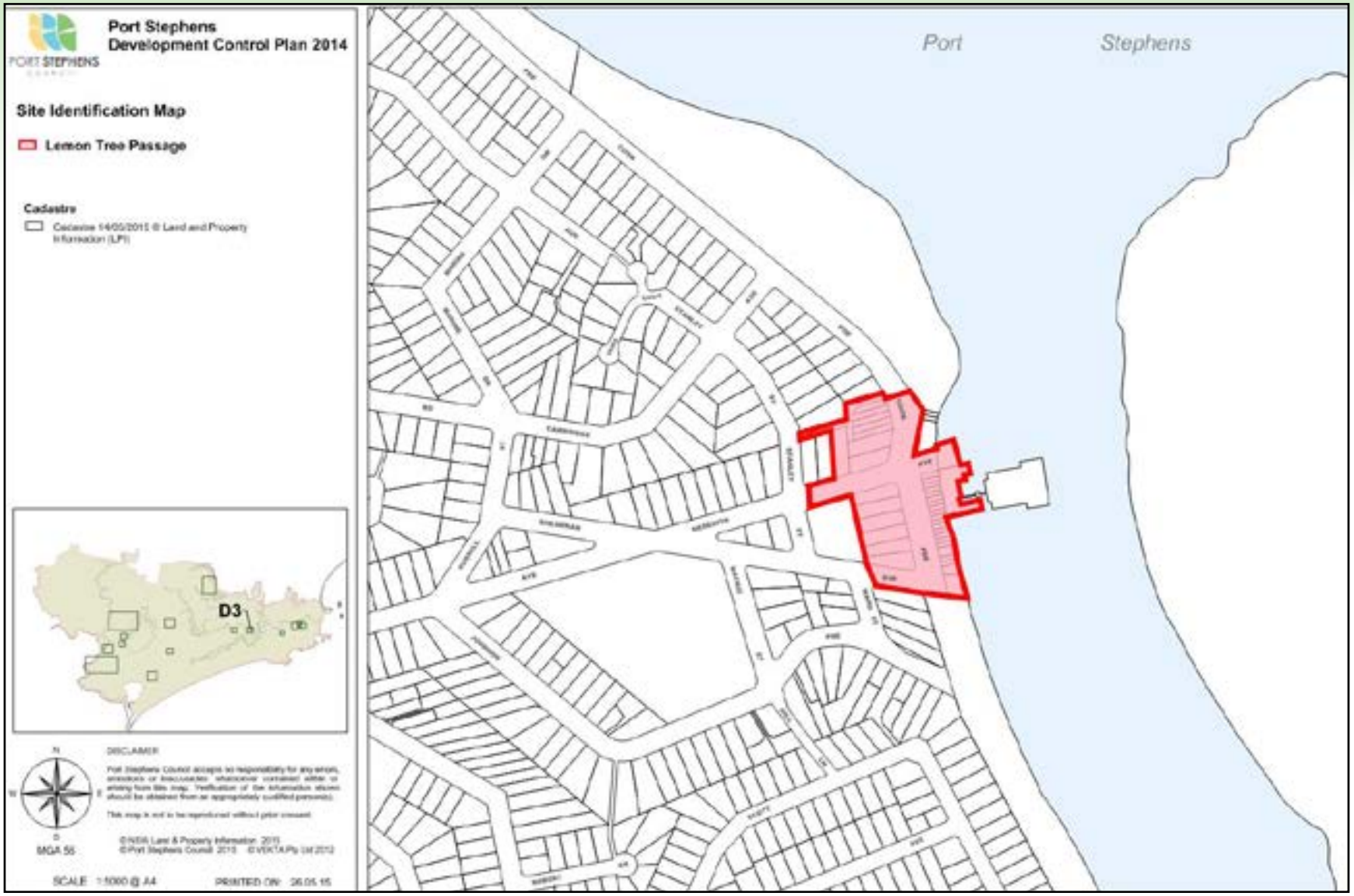
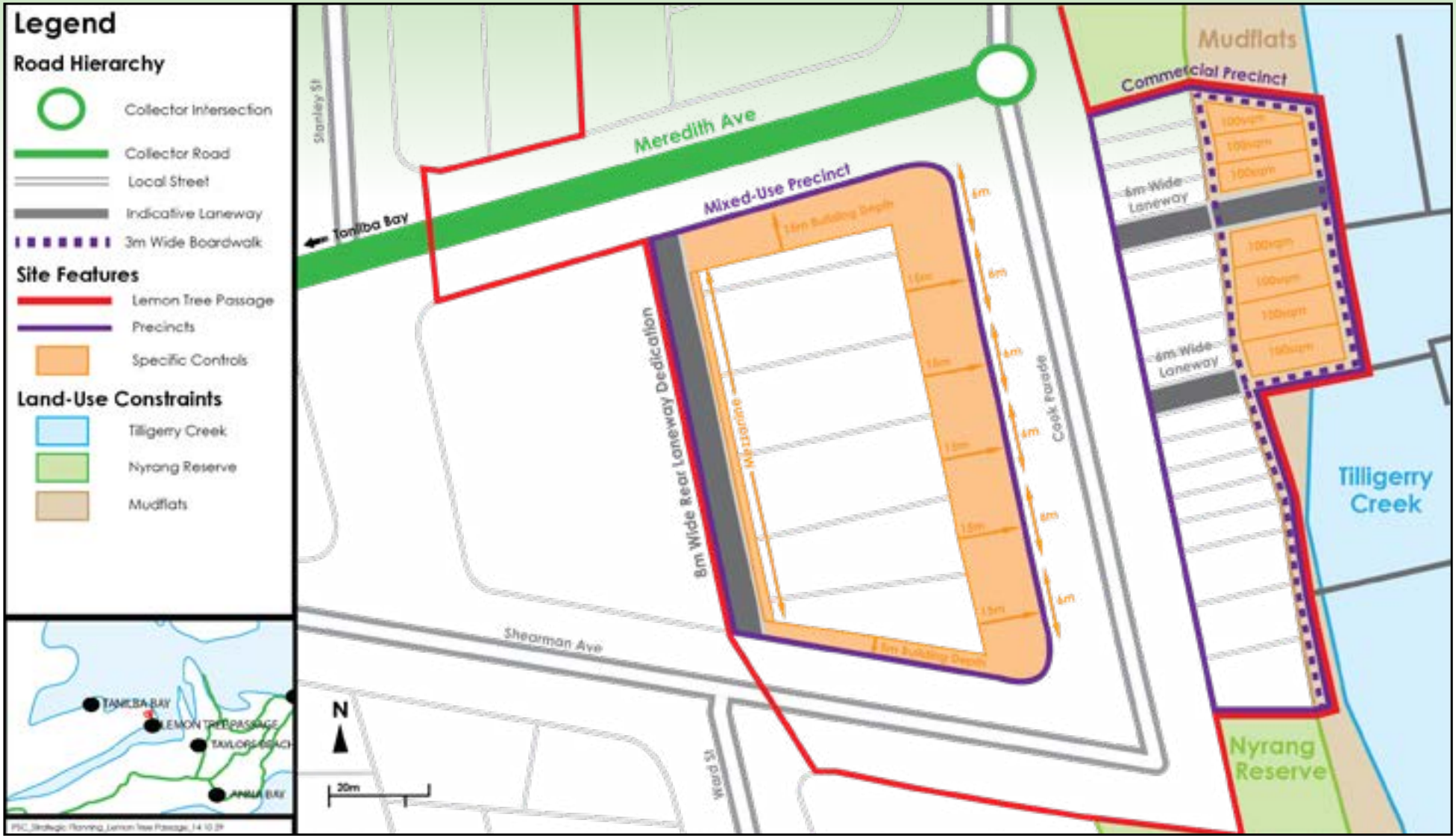


Figure DG: Lemon Tree Passage locality controls map



D4 Koala Bay - Tanilba Bay

Application

This Part applies to the land identified in Figure DH as Koala Bay - Tanilba Bay

D4.A Setbacks

Objective

To ensure **development** provides continuity and consistency to the **public domain**

Development controls	
Front **setback**	
D4.1	Minimum front **setback** of 6m

D4.B Biodiversity management

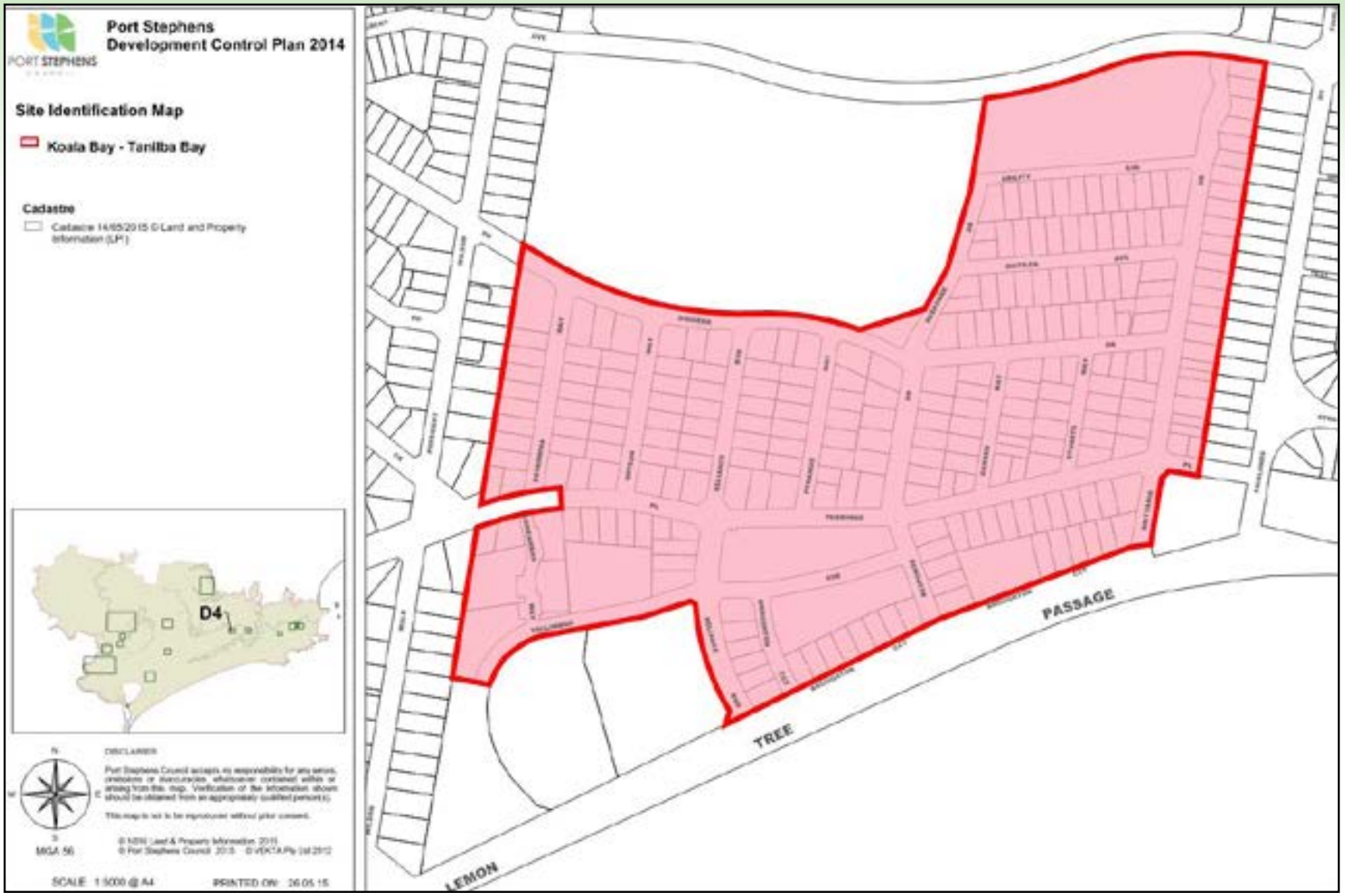
Objectives

- To encourage the proper conservation and management of areas of natural vegetation that provide **koala habitat**
- To ensure landscaping is informed by setting

Development controls	
Landscaping	
D4.2	A **development application** is accompanied by a **landscape plan**, which provides consideration to: • **Development** not adjoining Lemon Tree Passage Road incorporates tree species identified in the **CKPoM** in the front and rear yards • Front and rear yards are turfed and planted predominately with local native species, shrubs and trees
Covenants	
D4.3	To assist in the conservation of koalas a **section 88B** covenant may be created over the land prohibiting dogs Note: B2.4 requires consideration to the **CKPoM** performance criteria
Swimming pools	
D4.4	**Swimming pools** are to provide: • a 50mm diameter rope or greater is affixed or left dangling at least one metre in the water body; or • the water body is battered to no less than 1:20 to enable koala exit. Note: C8.6 and C8.7 discusses requirements for **swimming pools** and B2.4 requires **development** that is located in **koala habitat** to consider the **CKPoM**

Development controls	
Fencing	
D4.5	Fences should avoid restricting wildlife movements by: • planting **native vegetation** hedges instead of fencing; or • maintaining a 300mm gap under the fence, or • installing any style fencing with a post and bridge system over the fence at 10-20 metre intervals; or • installing post and rail with a minimum gap of 300mm between rails. Note: C8.11 requires that side fencing not exceed 1.8m in height

Figure DH: Koala Bay - Tanilba Bay land application map



D5 Nelson Bay Centre

Application

This Part applies to the land identified in Figure DI as Nelson Bay Centre

Note**:** *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development* provides relevant controls for **residential flat buildings**, including provisions for view sharing and visual privacy. Where there is inconsistency between the provisions of the State Policy and this Development Control Plan, the provisions of the State Policy prevail.

D5.A General precinct provisions

Objectives

- To provide general provisions that apply to all precincts identified in the Nelson Bay Centre
- To maintain and enhance important views and ensure **development** integrates within the natural topography
- To ensure **development** contributes to the existing compact and interconnected street pattern
- To ensure buildings reinforce the natural amphitheatre landform of the Nelson Bay Town Centre
- To ensure **development** is designed so as to contribute positively to the surrounding **public domain**
- To ensure **development** enhances the desired local character

Development controls	
Significant **vistas**	
D5.1	**Development** preserves the important **vistas** identified by Figure DJ Note: C1.13 requires street layout to respond to the topographical features of the site
Street layout	
D5.2	The street layout is consistent with Figure DJ Note: C1.13 requires the street network to be interconnected to provide a grid-like structure
Roof design	
D5.3	**Development** is to ensure that roof tops do not **adversely impact** on the **public domain** when: • Viewed from buildings at higher elevations • When approaching the town centre • Viewed from the street Note: C2.1 requires **building height** to be in accordance with the ***Local Environmental Plan*** clauses 4.3 and 5.6

Development controls	
NSW Coastal planning guidelines	
D5.4	Building materials are reflective of existing buildings with reference made to the Coastal Design Guidelines for NSW[12] Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale
Design excellence	
D5.5	**Development** is to demonstrate design excellence, including: • Consistency with the desired character statements set out in this Part; • Consideration of impacts on the **public domain** including views, overshadowing and the scale of the streetscape; and • Architectural merit, for example by addressing local topography, the surrounding natural environment and waterways, green spaces, or vegetated ridgelines in the design of the **development**. **Development** in a prominent location and of a prominent scale, or where Council deems necessary, will be referred to the Urban Design Panel. Note: Applicants will be encouraged to consult with the Urban Design Panel prior to lodgement.

D5.B Desired character - Village Precinct

Objectives

- To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide **development** within the Village Precinct as identified by Figure DJ
- To ensure street activation and passive surveillance through **activated street fronts**
- To facilitate **development** that is safe and secure for pedestrians and contributes to **public domain** safety by incorporating principles of **crime prevention through environmental design (CPTED)**, such as:
  - Territorial re-enforcement
  - Surveillance
  - Access control
  - Space/activity management

Development controls	
Desired character - Village Precinct	
D5.6	**Development** within the Village Precinct as identified on Figure DJ has regard for the following desired character statements: • Magnus Street is a pedestrian focused main street and acts as a focal point for the town centre • **Development** is fine grained and intensive retail and commercial that presents street activation

Development controls	
	- **Development** provides continuity of an activated street frontage for localities where **business or retail premises** predominately face the street and have direct pedestrian access form the street Note: C2.18 requires street activation for those localities identified in Part D Specific Areas • **Development** retains and enhances the existing character and function of Stockton and Magnus Streets as the main shopping streets in the town centre • Tall buildings have **setbacks** above the street and are designed to ensure that they do not visually dominate at the street level - Facades should be detailed to promote clearly defined ground floor, first floor and second floor elements to manage the proportion of **building height** - **Development** is to present a facade to street boundaries of no more than two storeys. Built elements, including balconies, decks and architectural features of upper floors should be set back to reinforce the prominence of a two storey street facing facade - Articulation of the ground floor should maintain the rhythm of the traditional main street shop fronts Note: C2.7 and C2.8 define minimum front **setbacks** from the **front property line**. Variation to these setbacks is acceptable where **development** aligns with the design excellence controls referenced in this Part.

D5.C Desired character - Town Living and Commercial Precinct

Objectives

- To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide **development** within the Town Living and Commercial Precinct as identified by Figure DJ
- To encourage a diversity of **residential accommodation** types to provide **critical mass** to support the role of the Village Precinct

Development controls	
Desired character - Town Living and Commercial Precinct	
D5.7	**Development** within the Town Living and Commercial Precinct as identified on Figure DJ has regard for the following desired character statements: • A wide range of uses including residential, retail and business **development** will occur in the precinct. This will attract a range of housing types including **residential flat buildings, multi dwelling housing** and shop top housing • The precinct is appropriate for larger scale **developments**, with large footprints, that may not be suitable for the Village Precinct • The mix of uses may encourage residential living with live-work opportunities and boutique commercial office space • **Development** will have regard for adjacent precincts that provide a change in scale

Development controls	
	• Mature street plantings are to assist in enclosing the street for pedestrians and reducing the scale of large style buildings located in this area Note: C1.5 requires that street trees be provided in accordance with the **tree technical specification**[1]

D5.D Desired character - Tourism and Leisure Precinct

Objectives

- To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide **development** within the Tourism and Leisure Precinct as identified by Figure DJ
- To facilitate a tourism and leisure precinct that provides consideration to the roles of adjoining precincts

Development controls	
Desired character - Tourism and Leisure Precinct	
D5.8	**Development** within the Tourism and Leisure Precinct as identified on Figure DJ has regard for the following desired character statements: • **Development** fronting Apex Park is to facilitate access to adjoining precincts and contribute linking the Town Centre through Apex Park to the **foreshore** • **Development** for a hotel and conference centre would be appropriate in this location

D5.E Desired character - Foreshore Precinct

Objectives

- To provide character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide **development** within the Foreshore Precinct as identified by Figure DJ
- To encourage **development** to address the waterfront and to provide an attractive and safe pedestrian environment
- To encourage the establishment of a destination **development** that will integrate with established and future pedestrian circulation patterns

Development controls	
Desired character - Foreshore Precinct	
D5.9	**Development** within the Foreshore Precinct as identified on Figure DJ has regard for the following desired character statements: • **Development** provides legibility, which reinforces the visual and cultural importance of the waterfront - **Development** incorporates public art, which can act as landmarks Note: C2.27 requires **commercial development** of a significant scale and that provides frontage to the **public domain** to incorporate public art in accordance with Council's Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens • Water and marine related activities are complimentary to commercial and leisure related uses • Accessible area that attracts a range of users

D5.F Desired character - Green Link Precinct

Objectives

- To provide a range of character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide **development** within the Green Link Precinct as identified by Figure DJ
- To encourage the establishment of a destination **development** that will integrate with established and future pedestrian circulation patterns

Development controls	
Desired character - Green Link Precinct	
D5.10	**Development** within the Green Link Precinct as identified on Figure DJ has regard for the following desired character statements: • The Green Link at Nelson Bay's central meeting place is reinforced by connecting paths and as a future location of cyclist end-of-trip facilities • A transition area that facilities movement between the Town Centre and Foreshore • This green space is appropriate for passive and small scale active recreation uses

D5.G Desired character - Foreshore Town Living Precinct

Objectives

- To provide a range of character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide **development** within the Foreshore Town Living Precinct as identified by Figure DJ
- To encourage **development** to address the waterfront and to provide an attractive and safe pedestrian environment
- To encourage **development** that will attract pedestrians and integrate with established and future pedestrian circulation patterns

Development controls	
Desired character - Foreshore Town Living Precinct	
D5.11	**Development** within the Foreshore Town Living Precinct as identified on Figure DJ has regard for the following desired character statements: • **Development** is designed to ensure the natural setting of the town centre, as viewed from the water, is retained • **Development** will have regard for adjacent precincts that provide a change in scale • Mature street plantings are to assist in shading the street for pedestrians and reducing the perception of the scale of **development** Note: C1.5 requires that street trees be provided in accordance with the **tree technical specification**[1]

Figure DI: Nelson Bay Centre land application map

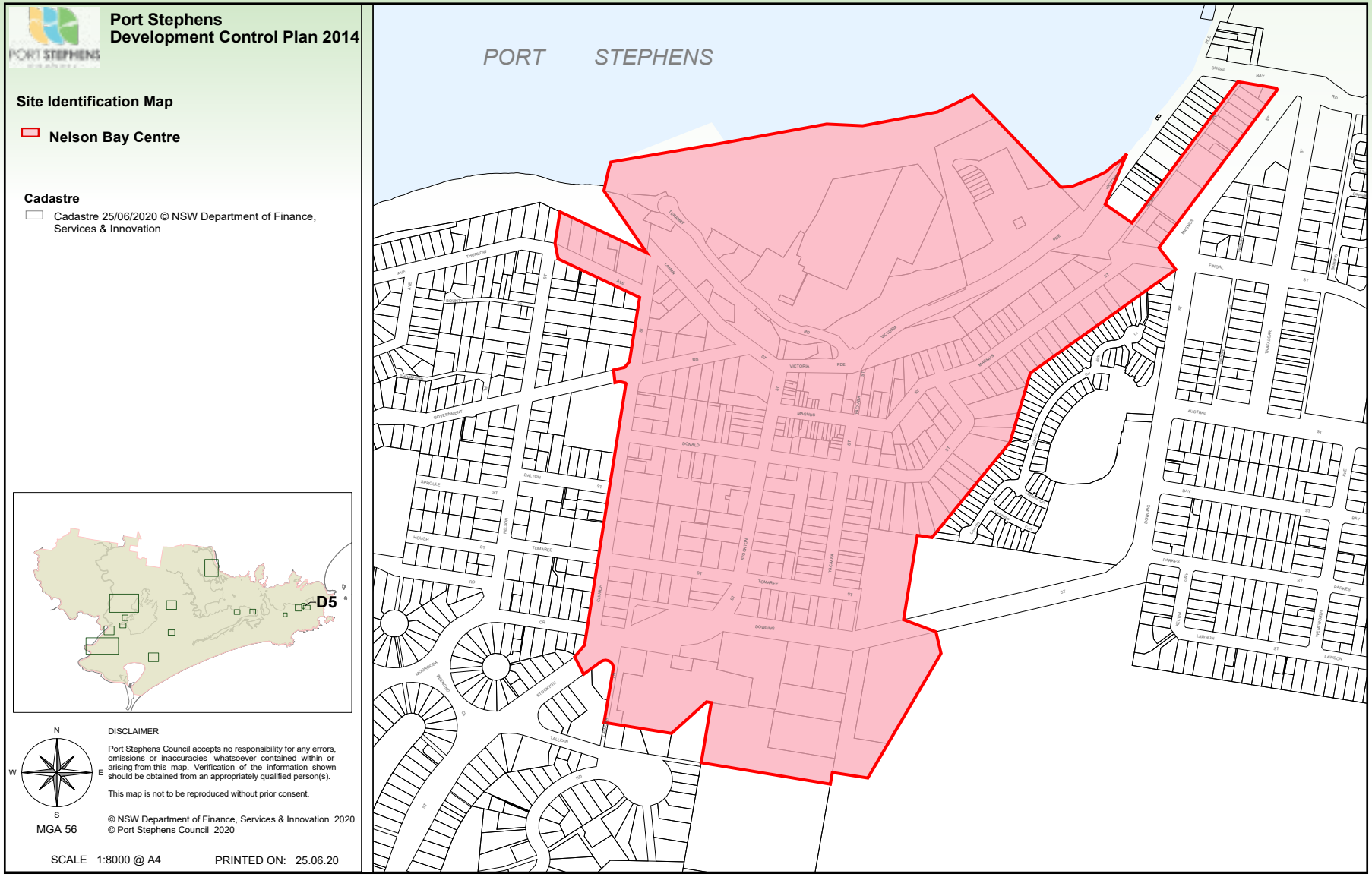


Figure DJ: Nelson Bay Centre locality controls map



D6 Nelson Bay West

Application

This Part applies to the land identified in Figure DL as Nelson Bay West

D6.A Setbacks

Objective

To ensure **development** provides continuity and consistency to the **public domain**

Development controls	
Front **setback**	
D6.1	Minimum front **setback** of 6m
Secondary setbacks (corner lots)	
D6.2	Minimum **secondary setback** of 3m
Side **setback**	
D6.3	Minimum side **setback** of 2m for Town Centre Edge, Foreshore, Wahgunyah Neighbourhood and Lower Slopes
D6.4	Minimum side **setback** of 3m for Upper Slopes and Hill Tops Note: Figure CI requires a minimum **ground level (finished)** side **setback** of 0.9m

D6.B On-site detention

Objective

To regulate the impacts on the capacity of the **public drainage** system

Development controls	
Impervious surfaces	
D6.5	**On-site detention** is required where **impervious surfaces** exceed the listed percentage of **site area**: • Town Centre Edge - 75% • Foreshore - 60% • Wahgunyah - 65% • Lower Slopes - 65% • Upper Slopes and Hilltops - 50% Note: B4.2 requires **on-site detention** where **impervious surfaces** exceed the total percentage of **site area** as listed under Figure BC

D6.C Landscaping

Objective

To ensure landscaping is within context through the appropriate selection of species and site coverage

Development controls	
Landscape coverage	
D6.6	A **landscape plan** within Nelson Bay West achieves **site area** percentage coverage targets in accordance with Figure DK

Figure DK: Nelson Bay West landscaping coverage targets

Location	Landscape area	Endemic species	Native vegetation
Town Centre Edge	25%	10%	N/A
Foreshore	40%	20%	N/A
Wahgunyah	34%	20%	N/A
Lower Slopes	34%	20%	N/A
Upper Slopes	50%	35%	70%
Hill Tops	50%	35%	90%

Figure DL: Nelson Bay West land application map

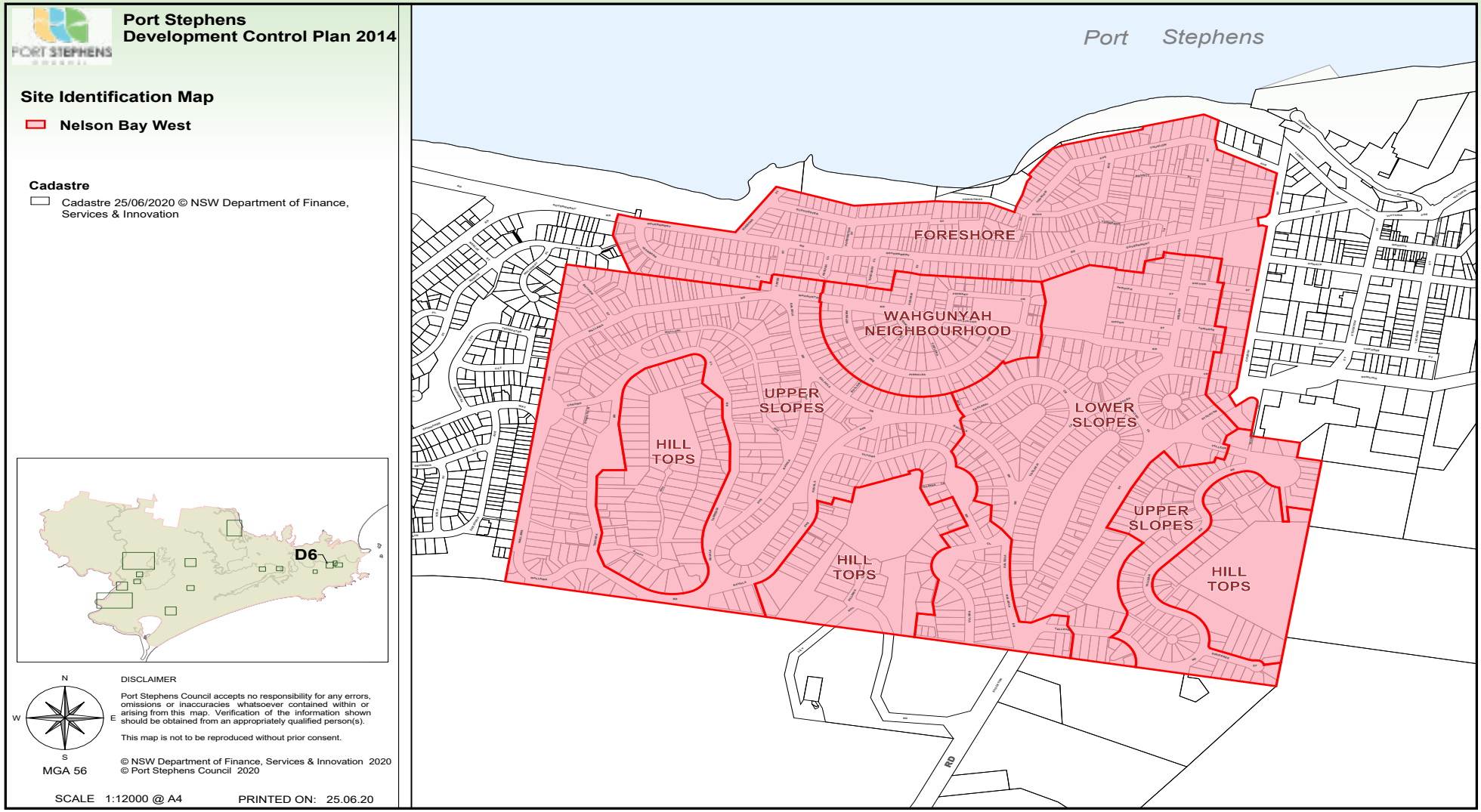


Figure DM: Nelson Bay West locality controls map



D7 Seabreeze Estate - Nelson Bay

Application

This Part applies to the land identified in Figure DN as Seabreeze Estate - Nelson Bay

D7.A Drainage and water quality

Objectives

- To ensure stormwater works that are required for the implementation of stormwater management within Seabreeze Estate and the **groundwater** catchment draining to Melaleuca Estate can be managed
- To recognise that rainwater tanks will lead to a reduction in the amount of roof run-off discharging to **public drainage**
- To reduce stormwater entering Melaleuca Estate and mitigate for potential loss in water quality
- To reduce the need for portable water to irrigate

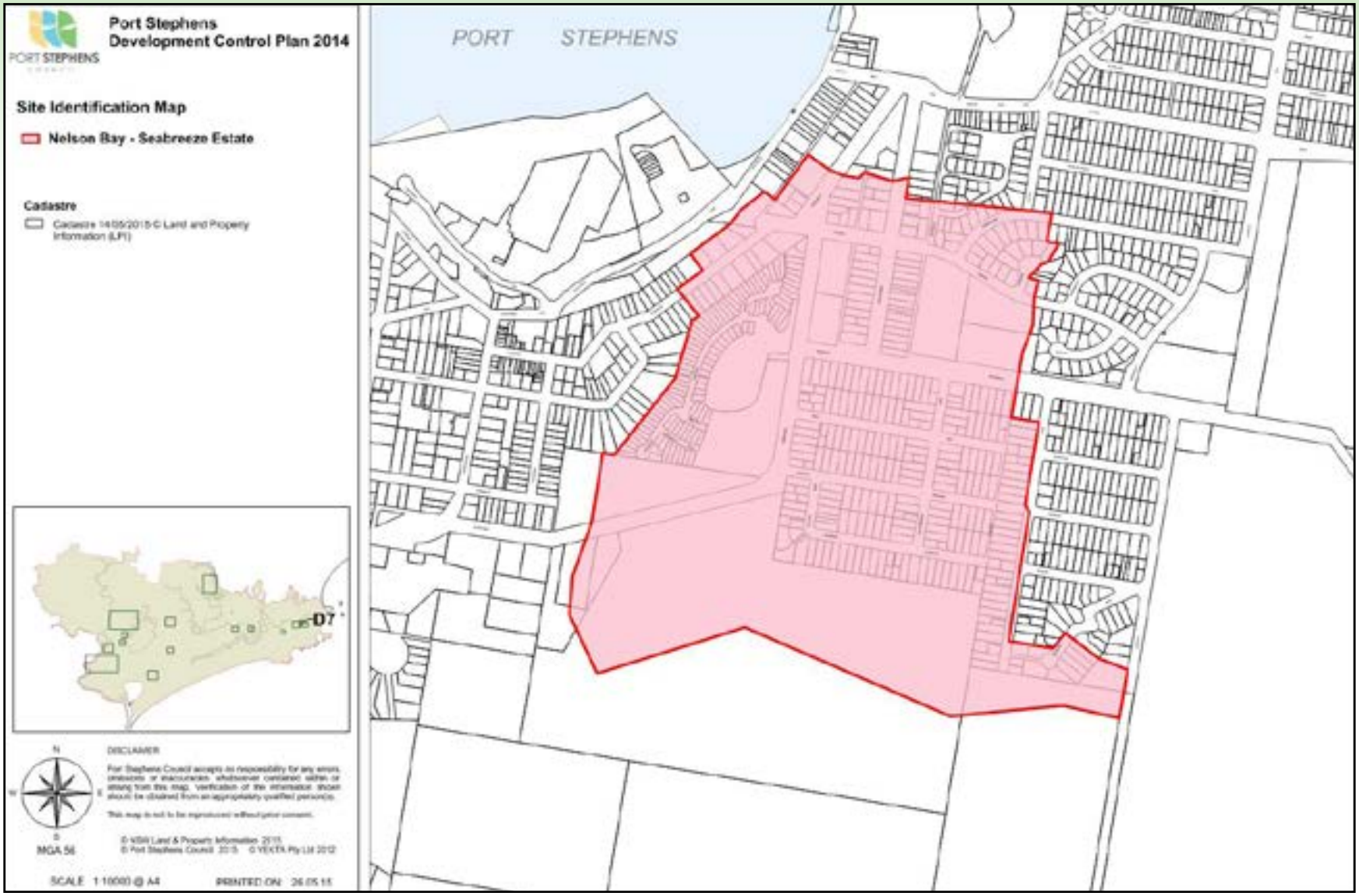
Development controls	
Water tanks	
D7.1	Minimum water tank storage volume of 5,000L per unit • Water tanks are to be configured to allow use of the water for non-potable purposes • Over-flow should be directed to **on-site infiltration** system
Increase in **impervious surfaces** by more than 10% or 50m^2	
D7.2	**Development** that increases **impervious surfaces** by more than 5% or 40m^2 is to provide **on-site infiltration** • **On-site infiltration** is designed to cater for all storm events up to and including the 1% **Annual Exceedance Probability (AEP)** with durations up to 72 hours considered to calculate capacity • The **stormwater drainage plan** demonstrates the following details regarding **on-site infiltration**: - location and type of infiltration system - demonstrated volume of maximum **AEP** - pipes, pits, overland flow and discharge points which discharge to either one of the following: - **on-site detention** system where soil conditions are not suitable for infiltration - discharge into underground infiltration systems where the soils are suitable to infiltrate - directly onto the ground surface, if adjacent properties are not affected - surface grates and maintenance access points

Development controls

- orifice type, location and screening facility
- slope/gradient of the land
  - **on-site detention** is required where it can be demonstrated that soil conditions are not suitable for on-site infiltration

Note: B4.2 requires **on-site detention** when **development** proposes to increase **impervious surfaces**

Figure DN: Seabreeze Estate - Nelson Bay land application map



D8 Salamander Bay Shopping Centre

Application

This Part applies to the land identified in Figure DO as Salamander Bay Shopping Centre

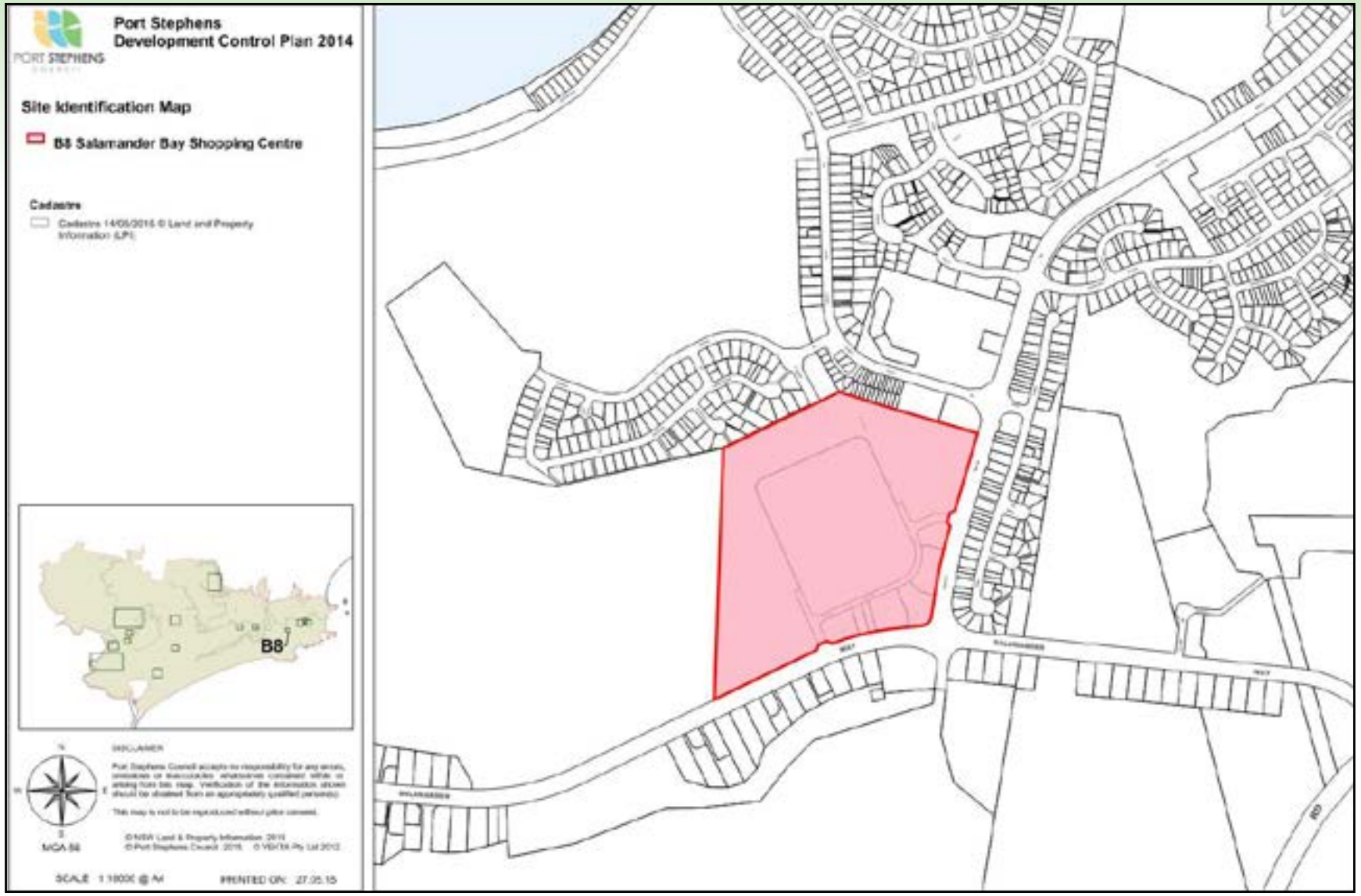
D8.A Planning principles

Objective

To provide planning principles that provide further guidance to the **development** of the Salamander Bay Shopping Centre Precinct

Development controls	
Identity hub	
D8.1	To create a sense of identity for a unified community and commercial precinct
Integration	
D8.2	To ensure future **development** is sympathetically integrated with the existing surrounds and appropriately activates the precinct
Connectivity	
D8.3	To ensure an integrated pedestrian and vehicular network promotes improved connectivity between **developments** within the precinct, and reaffirms the precinct as a hub
Access points	
D8.4	To ensure appropriate intersections are considered to accommodate for the expansion of the precinct
Friendly	
D8.5	To ensure future **development** respects neighbours and users of the precinct
Environment	
D8.6	To ensure future **development** protects the ecological systems within and adjacent to the precinct
Safety	
D8.7	To ensure future **development** is designed with the safety of neighbours and users in mind
Community	
D8.8	To ensure future **development** supports and is consistent with community activities
Aesthetics	
D8.9	To ensure diverse aesthetic forms are appropriately developed with the human scale in mind and integrated with in a holistic aesthetic framework for the hub
Economic development	
D8.10	To ensure future **development** offers economic advantages to the community in the immediate and long term

Figure DO: Salamander Bay Shopping Centre land application map



D9 North Medowie - Medowie

Application

This Part applies to the land identified in Figure DP as North Medowie

D9.A Dwellings and ancillary structures

Objectives

- To provide a consistent approach to the **development** of **dwellings** and **ancillary structures** within the Low Density Residential Precinct.
- To provide a consistent approach to the **development** of **dwellings** and **ancillary structures** within the Large Lot Residential Precinct.

Development controls	
D9.1	**Development** for **dwellings** and **ancillary structures** is guided by the general **DCP** provisions of Part C4 and Part C8 unless otherwise provided by this Part.
D9.2	**Dwelling setbacks** in the Large Lot Residential Precinct (1,000m^2 minimum lot size) are: • Minimum front setback 9m • Minimum side setback 1.5m • Minimum rear setback 5m
D9.3	**Ancillary structures** in the Large Lot Residential Precinct (1,000m^2 minimum lot size) satisfy the general DCP provisions for ancillary structures in the R2 Low Density Residential Zone.

D9.B Staging

Objective

To ensure the timely and efficient release of urban land, making provision for necessary infrastructure spending and sequencing.

Development controls	
D9.4	Staging for major **subdivision** is implemented in accordance with the relevant existing **development consent** (including as amended).

D9.C Transport movement

Objective

To provide a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.

Development controls	
D9.5	Major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport pedestrians and cyclists are to be provided in general accordance with Figure DQ.

D9.D Landscaping

Objective

To provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for the public and private domain.

Development controls	
D9.6	A landscape plan for major **subdivision** is provided that satisfies the provisions of Part C1.

D9.E Active and passive recreation areas

Objective

To ensure the provision of an adequate area public **open space** and amenity for residents.

Development controls	
D9.7	An area of public **open space** of approximately 1 hectare is to be located in general accordance with Figure DQ and include the following features: amenities block; picnic facilities; children's playground; kick-about area; and the retention of koala feed trees.

D9.F Stormwater and water quality management

Objectives

- To ensure **development** does not impact on **water quality**.
- To safeguard the environment by improving the quality of stormwater run-off.
- To ensure **water quality** is protected and maintained during the construction phase through the conditioning of appropriate measures.
- To minimise impacts on water balance, **surface water** and **groundwater** flow and volume regimes and flooding.

Development controls	
D9.8	**Development** is to satisfy the provisions of Part B4.
D9.9	Detention basins are to be located generally in accordance with Figure DQ.

D9.G Natural hazards

Objective

To ameliorate natural and environmental hazards and to provide for the safe occupation of, and evacuation from, any land so affected.

Development controls	
D9.10	**Development** satisfies the provisions of Planning for Bushfire Protection 2006.
D9.11	Bushfire emergency egress locations are provided in general accordance with Figure DQ.

D9.H Williamtown RAAF base – aircraft noise and safety

Objective

To ensure that the operational needs of the Williamtown **RAAF** Base are considered.

Development controls	
D9.12	**Development** satisfies the requirements of Part B6 Williamtown **RAAF** Base - Aircraft Noise and Safety (note: **RAAF** Base Williamtown Obstacle Limitation Map applies - structures higher than 7.5m require referral to the Commonwealth Department of Defence for comment).

Figure DP: North Medowie land application map

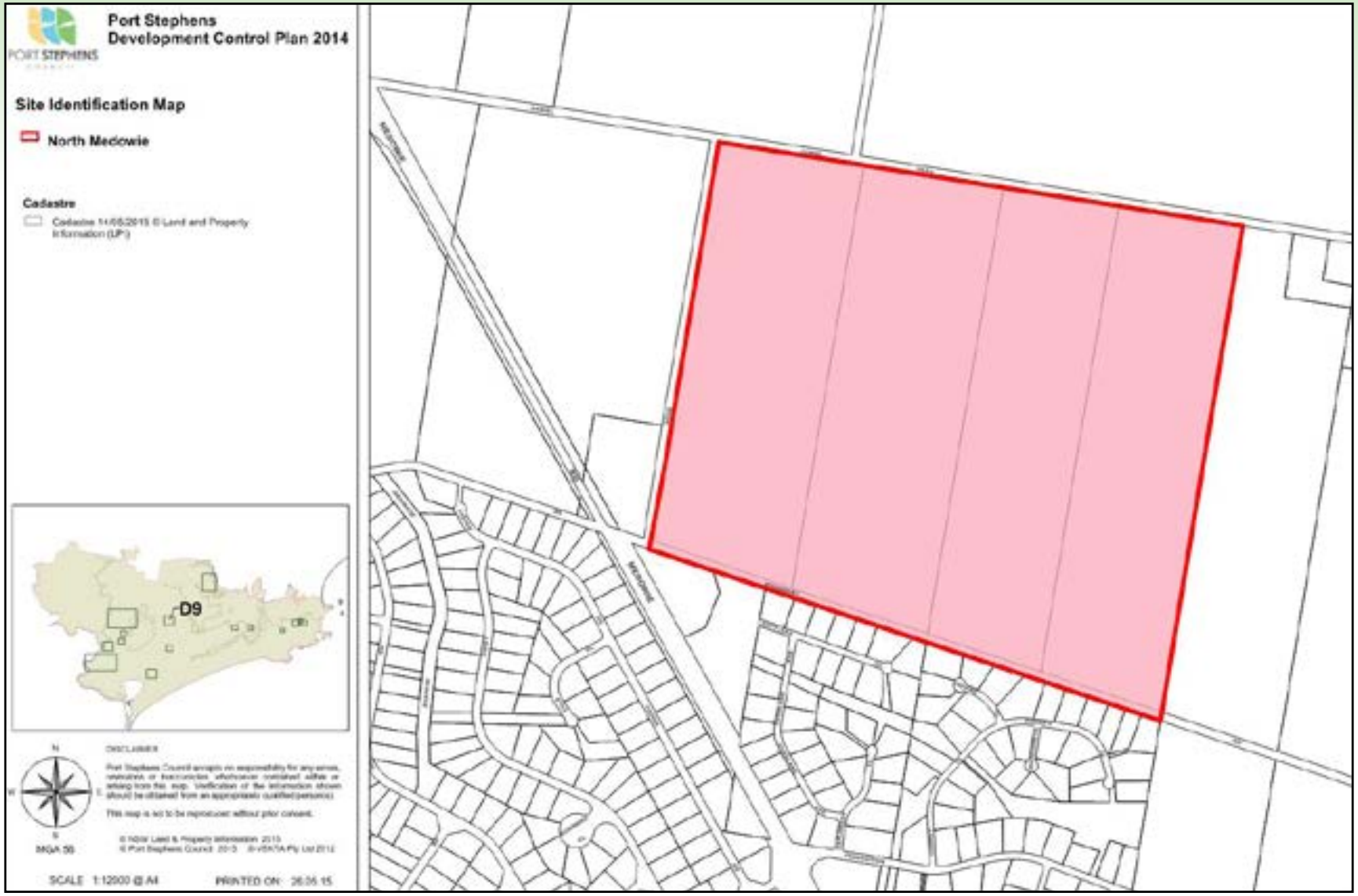


Figure DQ: North Medowie locality controls map



D10 Pacific Dunes - Medowie

Application

This Part applies to the land identified in Figure DR as Pacific Dunes - Medowie

D10.A Lodgement Requirements

Objectives

- To ensure **development** is informed by an analysis of its setting
- To provide for **development** that is dominated by native planting that complements the existing vegetation of the area and enhances natural attributes

Development controls	
Landscape plan	
D10.1	A **development application** is accompanied by a **Landscape Plan**, which provides consideration to: • Native trees, shrubs, groundcovers, mulched and planted areas within the front and rear vegetated zones in accordance with the Precinct Design Guidelines[37]

D10.B Flooding

Objectives

- To satisfy the provisions of the ***Local Environmental Plan*** relating to flooding, such as minimising the flood risk to life and property associated with the use of land
- To provide for resident safety and amenity by ensuring that minimum floor levels are set above the **flood planning level**

Development controls	
Flood planning level	
D10.2	The habitable floor level of any **dwelling** is constructed 500mm above the **1% Annual Exceedance Probability (AEP)** of 9.5m as contained within the Pacific Dunes Flood Assessment Report[38]

D10.C Setbacks

Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To provide a consistent **setback** to encourage street activation

Development controls	
Setbacks - Country Club Precinct	
D10.3	Minimum front **setback** of 4.5m
D10.4	Minimum front **setback** of 5.5m for garages Note: C4.6 requires a minimum front **setback** for garages of 1m behind the **building line** or **setback**
D10.5	Minimum rear **setback** of 4.5m
D10.6	Minimum side **setback** of 1m or no minimum side setback for garages
Setbacks - Lakes, Links, Portmarnock Precincts	
D10.7	**Minimum front setback of 6m**
D10.8	**Minimum front setback of 7m for garages** Note: C4.6 requires a minimum front **setback** for garages of 1m behind the **building line** or **setback**
D10.9	Minimum rear **setback** of 4.5m
D10.10	Minimum side **setback** of 1.2m for the Links
D10.11	Minimum side **setback** of 1m for the Lakes and Portmarnock Precincts
D10.12	Minimum side **setback** of 1m or no minimum side **setback** for garages in Portmarnock Precinct
Setbacks - Hillside and the Greens Precincts	
D10.13	Minimum front **setback** of 9m for Hillside
D10.14	Minimum front **setback** of 6m for The Greens
D10.15	Minimum front **setback** of 10m for garages in Hillside
D10.16	Minimum front **setback** of 7m for garages in The Greens Note: C4.6 requires a garage to be a minimum of 1m behind **building line** or **setback**
D10.17	Minimum rear **setback** of 5m in Hillside
D10.18	Minimum rear **setback** of 4.5m in The Greens
D10.19	Minimum side **setback** of 1.2m, except for 0.9m for The Ridge
Secondary setbacks (corner lots)	
D10.20	Minimum **secondary setback** of 1.2m

D10.D Building Character

Objective

To ensure Pacific Dunes Estate will be developed with a consistent character with a visual coherence of built form through consistent requirements for building envelope, materials and streetscape

Development controls	
Garages	
D10.21	Garages are designed to be unobtrusive through the following design requirements:

Development controls	
	• Maximum 5m garage door width • Garage door is panel lift finished in colorbond or timber of plain profile Note: C4.6 requires a minimum 1m behind **building line** or **setback**
Driveway width	
D10.22	A **driveway** should have a maximum width of 3.5m and be of a grey exposed aggregate in charcoal coloured concrete, except for: • Maximum width of 5m in the Country Club Precinct
Articulation	
D10.23	**Residential accommodation** seeks to incorporate the following design elements: • Entry features • Pergolas, balconies and verandahs Note: Figure CI requires that **development** be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials and roof configuration • Windows from **habitable rooms** that face the street and golf course Note: Figure CI requires that **development** is to address the street by having at least one **habitable room**, such as a living area to front the street and/or adjoining public spaces • Secondary frontage to address both streets and golf course Note: Figure CI requires **development** on corner lots to address both street frontages by having **habitable rooms** face both streets • Verandahs and pergolas with low window sills of less than1200mm
Roofing	
D10.24	Roofing displays the following features: • Roofs are hipped or gabled • Colorbond custom orb or flat-profile tile • Minimum 450mm eave overhangs • Minimum pitch of 22 degrees • Roof mounted hardware, such as satellite dishes and antennae are to be mounted in locations least visible from the street and golf course
Colours and materials	
D10.25	Colours and materials are sympathetic to existing **development** through the following features: • Rendered or bagged brickwork • Feature colours enhance building articulation • Selections are in accordance with the Precinct Design Guidelines[37] Note: Figure CI requires **development** to be sympathetic to the existing character and built-form

D10.E Fencing and retaining walls

Objectives

- To ensure consistency and urban amenity outcomes
- To provide for a consistent character throughout the **development** that allows the soft landscaping elements to dominate

Development controls	
Front fences	
D10.26	No fencing to front or **secondary setbacks** (corner lot)
Side and rear fences	
D10.27	Side and rear fencing is lapped and capped timber fencing to a maximum height of 1.8m • Maximum 1m behind the front facade
Golf course fences	
D10.28	Golf course fencing is to be 1.2m high palisade fencing in accordance with the precinct design guidelines
Retaining walls	
D10.29	Retaining walls visible from the **public domain** are: • masonry construction; or • rendered or bagged and painted dark grey or a colour to match the residence Note: C8.16 requires retaining walls to be of a masonry construction within 0.9m of the property boundary when greater than 0.6m in height
Letterboxes	
D10.30	A letterbox is rendered masonry to the detail provided in the Precinct Design Guidelines[37] Note: C4.14 requires **development** to be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale form, materials and roof configuration

D10.F Fencing and retaining walls

Objective

To ensure **local streets** are well-connected to the street network with obvious pedestrian and cycle links to higher order streets

Development controls	
Street layout	
D10.31	Road layout and **shared paths** are consistent with Figure DS Note: C1.12 requires streets to comply with Infrastructure Specification – Design[11]

Figure DR: Pacific Dunes - Medowie land application map

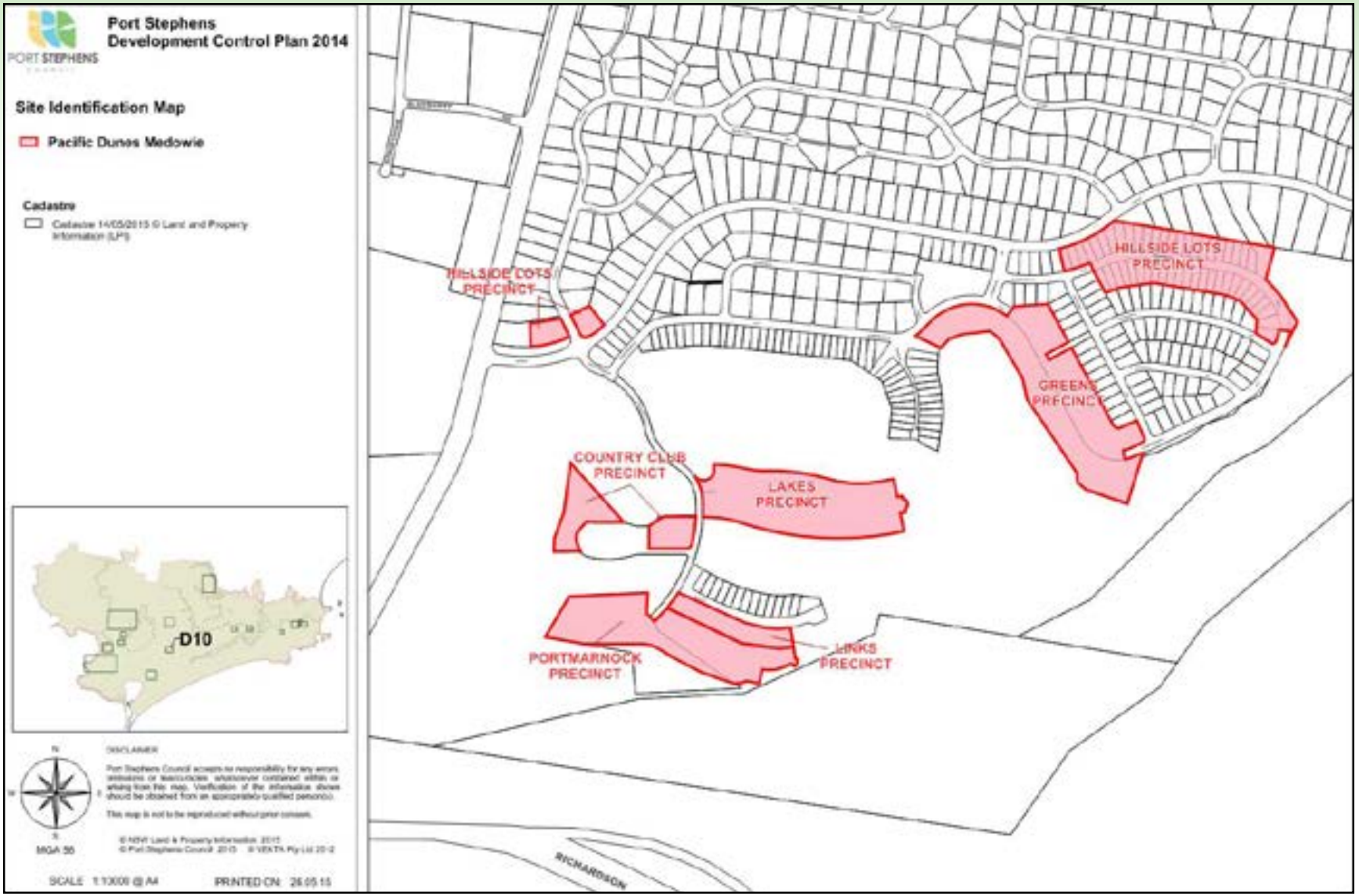


Figure DS: Pacific Dunes - Medowie locality controls map



D11 Raymond Terrace Town Centre

Application

This Part applies to the land identified in Figure DT as Raymond Terrace Town Centre

D11.A Residential setbacks

Objective

To provide a consistent **setback** to encourage street activation

Development controls	
Garage **setback**	
D11.1	A garage in a residential zone and within the **heritage conservation area** is to provide a minimum front setback of 2m for that garage Note: C4.6 requires a minimum garage **setback** of 1m behind the **building line or setback**

D11.B Facades

Objective

To provide an **active street frontage**

Development controls	
Pedestrian corridors	
D11.2	Pedestrian corridors, such as those within the town centre, provide a direct line of sight from entry to exit Note: C2.D requires **development** to be safe and secure for pedestrians and contributes to the **public domain** safely by incorporating principles of **crime prevention through environmental design (CPTED)**

D11.C Solar access

Objective

To ensure **solar access** to the **public domain**

Development controls	
William Street	
D11.3	**Development** does not impede **solar access** to the southern side and northern sides of William Street from 11am-4pm, Australian Eastern Standard Time Note: C1.7 seeks to ensure **subdivision** provides consideration to **solar access**

D11.D King Street

Objectives

- To provide **development** that is in-keeping with the existing heritage character of King Street
- To ensure **development** is consistent with the identified Masterplan for the King Street Precinct
- To provide incentives for the retention and redevelopment of King Street heritage listed items, such as reduced parking requirements

Development controls	
King Street heritage character	
D11.4	**Development** that provides a frontage to King Street will be in accordance with the King Street Masterplan, which is included as Figure DU
D11.5	**Development** that provides frontage to King Street is in accordance with the following key design principles: • Establish precinct character through: - the retention/reinstatement of identified heritage/character items; - a cohesive riverfront built edge which reflects the area's river port origins; and - **public domain** elements, such as street trees, landscaping, **signage**, lighting and street furniture, are consistent with the proposed streetscape design guideline. Note: The proposed streetscape design guidelines is an action of the Raymond Terrace and Heatherbrae Strategy 2015-2031 • Creation of a public urban riverfront park in the **open space** fronting Barrier Lane and King Street incorporating the Marriage Trees and edged by the Bond Store and the Masonic Lodge Note: The Raymond Terrace and Heatherbrae Strategy 2015-2031 identifies this site as suitable for passive **open space**/urban plaza within the town centre • Creation of an accessibwle riverfront boardwalk that is 1 metre below the **flood planning level** (approximately at 4.3 **AHD**) stretching between William and Bourke Streets. The boardwalk is to be located above the levee and all **development** should consider this aspect as an integral part of their river frontages • Reinforce the existing views and introduce new vistas and pedestrian connections to the river • Minimise vehicular entry points along King Street to maintain integrity of streetscape. Consider **development** incentives of integrated solutions such as common entry/egress points • Retention of existing post verandahs and cantilevered awnings and the integration of these features into new additions where possible • Incorporation of light weight construction materials consistent with existing buildings

Development controls	
	Note: B7.2 requires works on a **heritage item** or item located in the **heritage conservation area** consistent with the statement of heritage significance of the existing building or the heritage character of the area
King Street parking requirements	
D11.6	**Development** within the King Street Precinct as identified by Figure DU receives a 100% reduction in the total parking required by B8.4. This reduction is off-set by a 75% increase in bike parking as required by B8.4
D11.7	**On-site car parking** is to be screened from King Street frontage and not provided above the **flood planning level (FPL)** Note: B8.4 requires that all **development** that has the potential to create demand for **on-site parking** provides parking in accordance with Figure BU
Colours	
D11.8	Finishes are earth colours or light tones
D11.9	Roofs are to be light grey/galvanised
Materials	
D11.10	**Development** is to be of timber wharf style construction for boardwalk along the riverfront

D11.E Street layout

Objective

Development contributes to existing compact and interconnected street patterns

Development controls	
Street layout	
D11.11	**Development** of riverside lots on the northern side of King Street provides waterfront access
D11.12	Bourke Street is extended from Adelaide Street to Port Stephens Street to continue the grid-like network • This requires the reconfiguration of the Bourke to Adelaide Street intersection to a signalised intersection to allow full turning movements, including right turn from Adelaide Street
D11.13	Carmichael Street is extended from the existing cul-de-sac to Bourke Street Note: C1.13 requires the street layout to be interconnected to provide a grid-like structure

D11.F Pedestrian and cycling

Objectives

- To provide interconnected and accessible pedestrian and cycle paths to encourage walkability
- To ensure pedestrian and cycle paths are provided in accordance with the technical specifications for durability and safety

Development controls	
Pedestrian and cycle paths	
D11.14	Pedestrian and cycle paths are provided in accordance with the Draft Raymond Terrace Pedestrian and Cycling Strategy Note: Part B8 requires engineering works to be provided in accordance with the **Infrastructure Specification – Design**[1]

D11.G Street trees

Objective

To ensure suitable street trees are appropriately sited

Development controls	
Street trees	
D11.15	**Development** along Jacaranda Avenue protects and enhances Jacaranda Palms
D11.16	**Development** along the southern **road reserve** of Adelaide Street protects and enhances poplars
D11.17	**Development** from Swan Street to Kangaroo Street provides pear trees in the verge of the **road reserve** and consistent planting in the central median
D11.18	**Development** along Port Stephens Street provides Phoenix Palms and protects within the median strip
D11.19	**Development** enhances and is designed to complement the King Street Marriage Trees
D11.20	**Development** provides street trees in accordance with the Adelaide Street, Port Stephens Street and William Street Master plans, which are actions of the Raymond Terrace and Heatherbrae Strategy 2015-2031 Note: C1.5 requires street trees as a component of the **road reserve** at **subdivision**

D11.H Open space

Objective

To ensure an appropriate site is identified, acquired and protected for the purpose of a town park

Development controls	
Town park	
D11.21	One of the three sites identified by the Draft Raymond Terrace and Heatherbrae Strategy is identified for acquisition to be developed as a town park • This park considers the relocation of the skate park that is currently positioned at 112 Adelaide Street, Raymond Terrace, Lot 1, DP 1156304 to this town park as an alternative to Boomerang Park Note: C1.22 specifies requirements for a **local park**, **district park** and **regional park**

D11.I Flood hazard

Objective

- To ensure that **development** within the **flood planning area** does not contribute to the flood hazard
- To satisfy the provisions of the ***Local Environmental Plan*** relating to flooding, such as minimising the flood risk to life and property, which are associated with the use of land

Development controls	
Flood hazard	
D11.22	**Development** is to be constructed to 5.3m **AHD**

D11.J Drainage and water quality

Objective

To effectively manage stormwater to ensure downstream impacts are minimised

Development controls	
Retention basin	
D11.23	Land indicatively drawn on Figure DU is reserved for the purpose of a retention basin

Figure DT: Raymond Terrace centre land application map

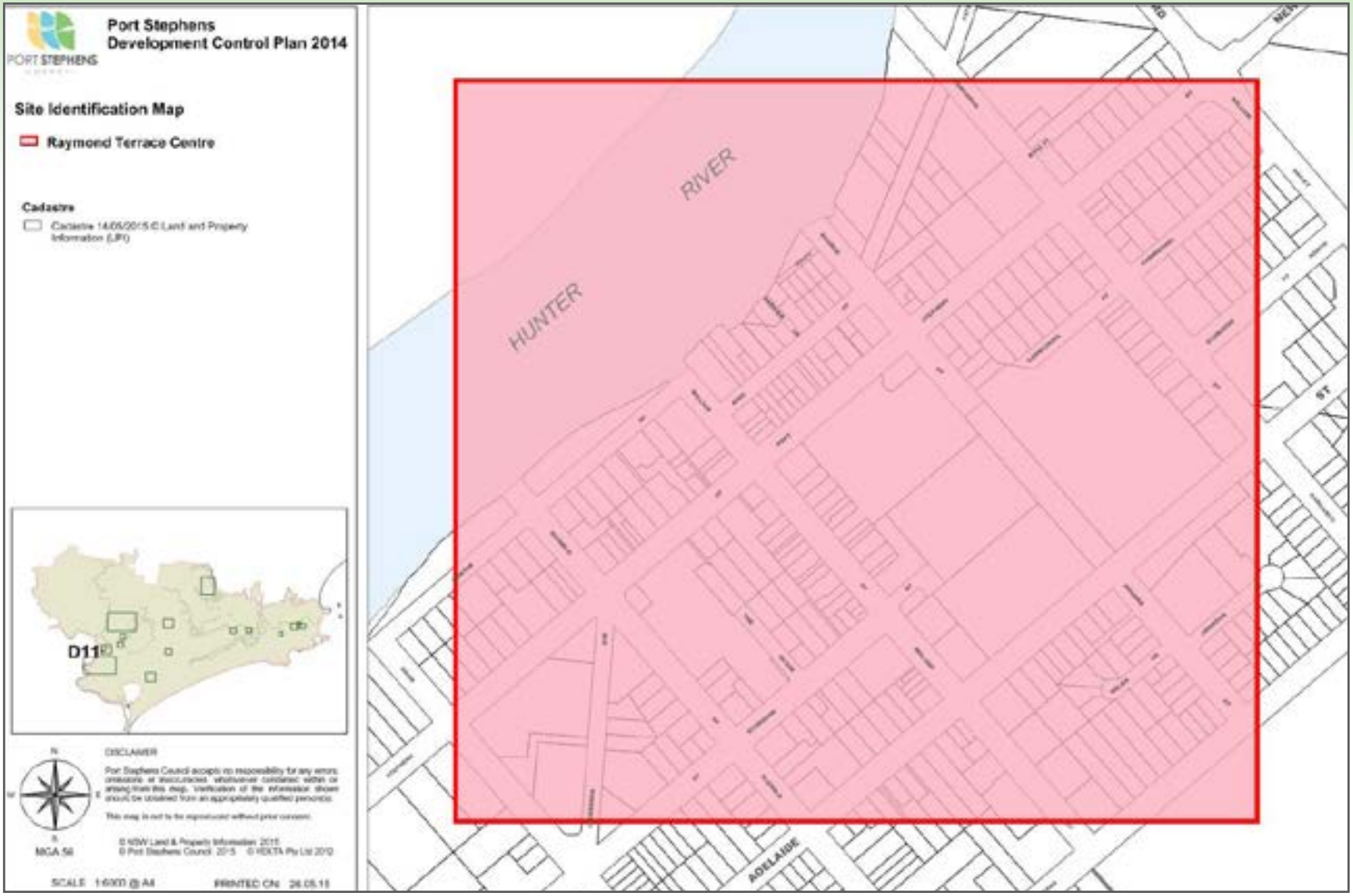
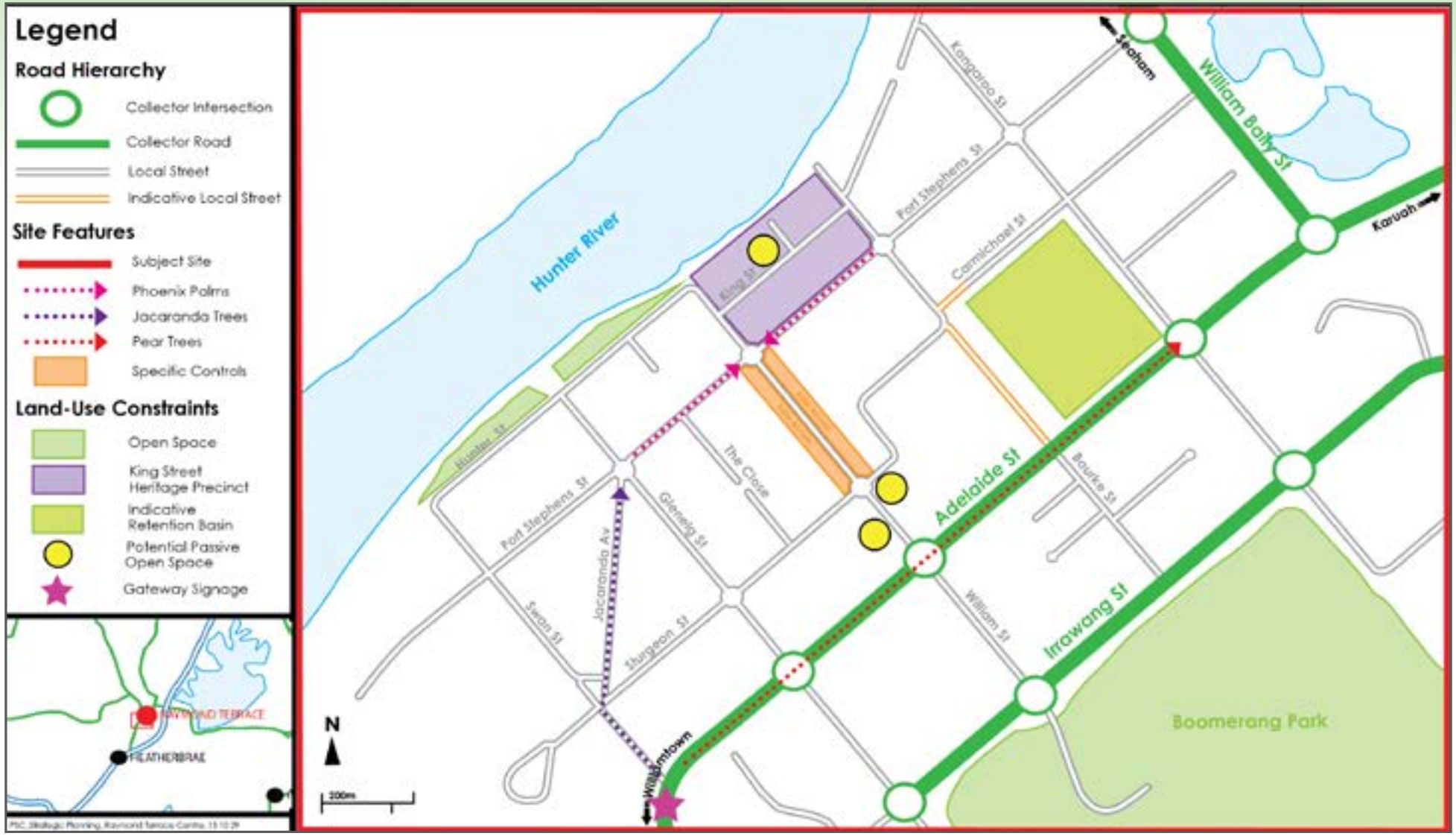


Figure DU: Raymond Terrace locality controls map



D12 Richardson Road - Raymond Terrace

Application

This Part applies to the land identified in Figure DV as Richardson Road - Raymond Terrace

D12.A Staging

Objective

To ensure that the staging of **subdivision** is informed by site analysis and infrastructure provision

Development controls	
Stage 1	
D12.1	Stage 1 is completed prior to stage 2 commencing
Stage 2	
D12.2	Stage 2 can occur prior to stage 1, if: • continuous road construction is provided to the intersection of Benjamin Lee Drive and Richardson Road • stormwater and sewerage connection to **public infrastructure** is provided Note: The ***Local Environmental Plan*** requires a staging plan

D12.B Street layout

Objective

To ensure the street layout limits access to Pacific Highway

Development controls	
Street layout	
D12.3	Street layout is consistent with Figure DW
5m Road dedication	
D12.4	Lots abutting Richardson Road dedicate 5m to the **road reserve** when access is provided at stage 1
Stage 2	
D12.5	Stage 2 provides the following: • 4m sealed pavement with shoulders, under road pipeline crossings and the roadside table drains on the northern side of the road centreline for Halloran Way • Passing bays at 200m spacing

Development controls	
	• Upgrade Halloran Way as required Note: C1.12 requires streets to comply with Infrastructure Specification – Design[11]

D12.C Essential services

Objectives

- To ensure sewerage is provided
- To ensure drainage is informed by **site analysis**

Development controls	
Drainage	
D12.6	Sewerage is not required at stage 1
D12.7	Provide **drainage reserves** in accordance with Figure DW and the Halloran Way Reports

D12.D Aircraft noise

Objective

- To ensure **development** satisfies the requirements of the ***Local Environmental Plan***, clause 7.5
- To ensure appropriate consideration is given to land burdened by aircraft noise

Development controls	
Aircraft noise	
D12.8	Note: Richardson Road is located within the 20-25 **ANEF** contour. B6.1 details what is to be considered when **development** is located within the aircraft noise planning area, which includes the 20-25 **ANEF** contours.

Figure DV: Richardson Road - Raymond Terrace land application map

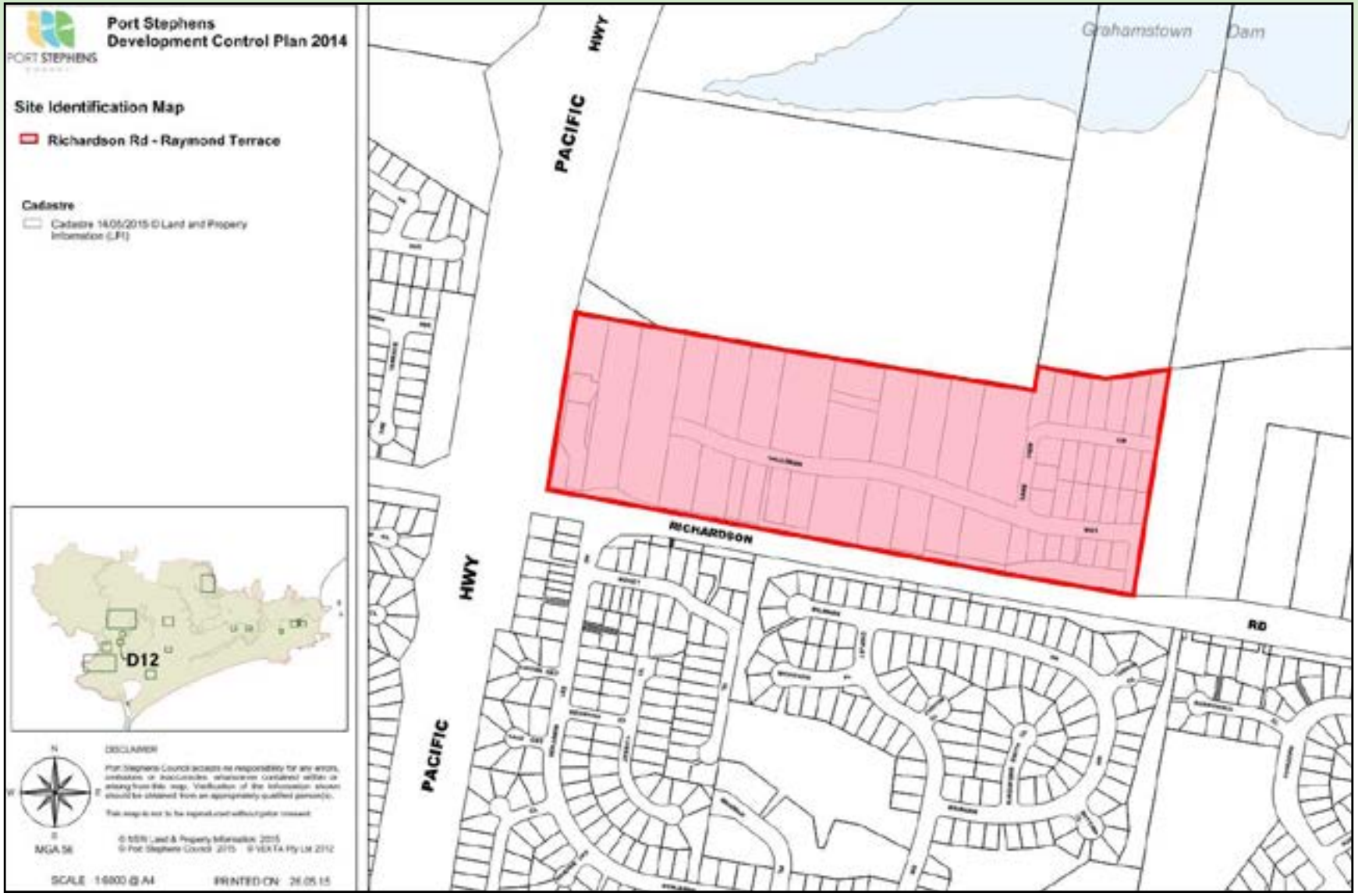


Figure DW: Richardson Road - Raymond Terrace locality controls map



D13 Rees James Road - Raymond Terrace

Application

This Part applies to the land identified in Figure DX as Rees James Road - Raymond Terrace

D13.A Street layout and transport network

Objectives

- To ensure that a well-planned and connected street layout for the area is delivered and not compromised by **development** on a single site.
- To achieve efficient and equitable pedestrian, cycle, public transport and private vehicle connectivity between lots and precincts, the local centre and nearby service areas.

Development controls	
Street layout	
D13.1	The street layout is generally consistent with the locality controls map at Figure DY.
D13.2	Street layout variations are permitted where an access point is provided to Rees James Road, Dawson Road or Rosie Road, or where a **development application** provides sufficient justification that a variation will achieve the above objectives and satisfy other requirements of this **DCP**.
Connectivity	
D13.3	The **subdivision** of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported. **Development applications** must: • Provide for wider street network connectivity in a grid-like structure. • Where possible, provide a through road to existing roads. If constraints of the site do not permit a through street, the **development** is to include potential connections to adjoining future subdivisions. • Avoid the use of cul-de-sacs as a means of lot access. Where cul-de-sacs cannot be avoided, they are to be restricted to: - Maximum length of 75m; and - Access to a maximum of 10 dwellings.
D13.4	**Subdivisions** that propose street networks are to be informed by road connections to future **subdivisions** on adjoining land. **Development applications** shall identify future road connections to adjacent land where necessary.
Transport movement hierarchy	
D13.5	The positioning and design of the transport movement network provides priority to facilitate efficient walking, cycling and public transport networks whilst retaining and complementing natural topography, such as views and drainage.

Development controls	
D13.6	Designated public transport routes as identified on the locality controls map at Figure DY are constructed as bus routes in accordance with infrastructure specification - Design[11].
D13.7	Access to public transport routes or to future public transport stops and should be no more than 400m walk by the most direct route.
Shared path connections	
D13.8	In addition to the requirements for pathways in Part C1, **shared paths** are provided generally in accordance with the locality controls map at Figure DY
Road widening	
D13.9	Road widening will be required for all **subdivisions** along Rees James Road to ensure safe and adaquate vehicle manoevering

D13.B Urban design

Objectives

- To ensure that built outcomes provide an efficient use of the land and proposed **development** considers the broader opportunities and constraints in the area.
- To ensure that proposed **development** does not compromise future **development** potential of adjoining or nearby land.
- To ensure street activation is provided through building orientation to Rees James Road.

Development controls	
Lot orientation and access	
D13.10	**Development** adjoining Rees James Road must be orientated towards, and have a primary entrance that is visible and accessible from, Rees James Road. Note: Part B8 provides further consideration towards site access and Part C4 provides further consideration towards orientation.

D13.C Stormwater drainage and water quality

Objectives

- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To safeguard nearby sensitive wetlands by improving the quality of stormwater runoff.
- To improve or maintain water quality within the Grahamstown Dam Drinking Water Catchment.
- To ensure that stormwater from **development** is adequately managed to provide for common stormwater management infrastructure.

Development controls	
Stormwater drainage	
D13.11	**On-site detention / on-site infiltration** is required for all new development where impervious areas are proposed.
D13.12	The **on-site detention / on-site infiltration** is to be: • Sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the **1% Annual Exceedance Probability (AEP)** storm event; and, • Provided by underground chambers, surface storage or a combination of the two. Note: Part B4 provides further consideration towards **on-site detention / on-site infiltration**.
Drainage reserves	
D13.13	**Drainage reserves** are located generally in accordance with the locality controls map at Figure DY.
D13.14	All new **developments** must demonstrate that there would be no adverse impact on the operation of the **drainage reserve** or adjoining land on which stormwater is discharged.
Water quality	
D13.15	When a **development application** is received for subdivision greater than three lots or would result in an impervious area greater than 60% of the site area, it must demonstrate that the quality of water that is released into **public drainage** achieves Councils **water quality stripping targets** for the area. **Water quality stripping targets** are to be in accordance with the Landcom stretch water quality targets (Landcom Water Sensitive Urban Design Book 2 Planning and Management 2009) below: • Total nitrogen retention post-development load: 65% • Total phosphorus retention post-development load: 85% • Total suspended solids post-development load: 90% Note: These requirements exceed and supersede those under Part B4.

D13.D Recreation and visual amenity

Objectives

- To ensure the provision of an adequate area of public open space is provided for the amenity of residents.
- To provide an attractive and low maintenance landscape along Rees James Road.

Development controls	
Open space	
D13.16	An area of public open space is to be located in general accordance with the locality controls map at Figure DY.
Street trees along Rees James Road	
D13.17	**Landscaping plans** for **subdivisions** along Rees James Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with the **tree technical specification**[1]. Note: This requirement is in addition to the requirements under Part C1

Figure DX: Rees James Road - Raymond Terrace land application map

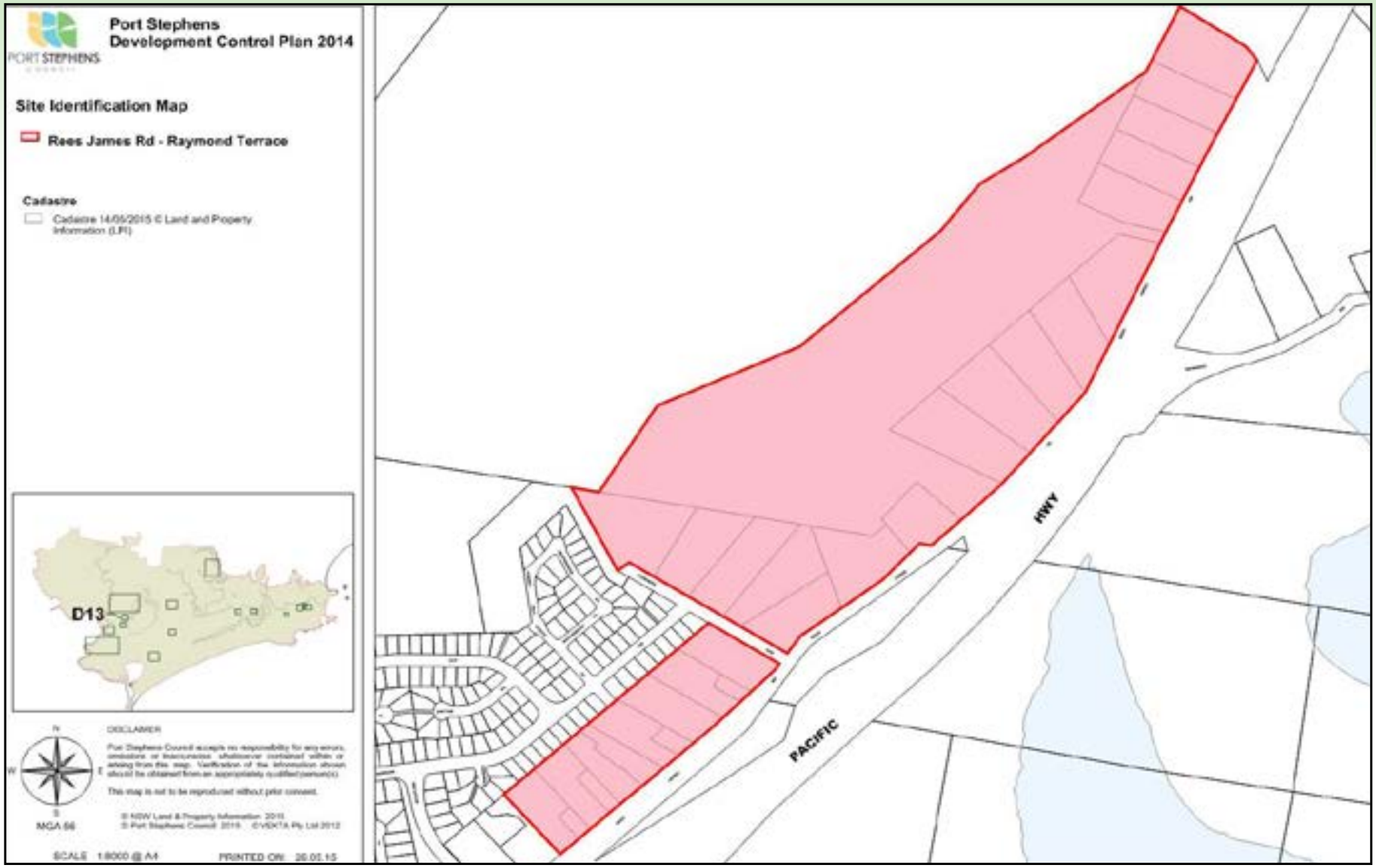


Figure DY: Rees James Road - Raymond Terrace locality controls map



D14 Kings Hill - Raymond Terrace

Application

This Part applies to the land identified in Figure DAC as Kings Hill - Raymond Terrace

- Kings Hill is an identified urban release area under Part 6 of the ***Local Environmental Plan***. The purpose of Part 6 is to ensure that development occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan (DCP) that specifies specific controls for the land has been prepared
- Clause 6.3 of the ***Local Environmental Plan*** sets out the matters that must be provided for in the DCP. This part specifies the additional information required to meet those requirements
- The locality controls map at Figure DAD in this Part, sets out the broad development pattern for Kings Hill. Individual development precincts are identified on this plan and on the maps in the ***Local Environmental Plan***
- This part specifies the additional information requirements to be included in a detailed Precinct Plan to be prepared for each Precinct
- Precinct Plans will:
  - be included as future amendments to this **DCP**; or
  - be provided as a staged development application for each development precinct.
- Subsequent **development applications** in each precinct will be consistent with the **precinct plan** or supported by a revised **precinct plan** demonstrating consistency with the requirements of clause 6.3 of the ***Local Environmental Plan*** and of this part

Note: Figure DAB describes how the requirements of clause 6.3 of the ***Local Environmental Plan*** will be met

D14.A Structure planning and precinct planning

Objectives

- To ensure consideration is provided to the relationship between **residential, commercial, mixed use, open space**, biodiversity and important infrastructure, such as the Pacific Highway and Grahamstown Dam
- To ensure **development** occurs in a logical and coordinated manner
- To ensure **development** is efficient and results in cost effective infrastructure and adequate access to services by residents
- To ensure the town centre facilitates a sense of place and community while complementing the economic and community function of the existing higher order regional centre of Raymond Terrace
- To ensure a hierarchy of centres within the Kings Hill **urban release area** with a high quality of design, a high amenity **public domain** and excellent connectivity to the adjacent residential areas

Development controls	
Residential **precinct plans**	
D14.1	A **precinct plan** is prepared to accompany the first stage of a **development application** in any of the development precincts identified on the ***Local Environmental Plan***
D14.2	**Development** is generally consistent with the locality controls map at Figure DAD
D14.3	**Development** consent for the purposes of a **super lot** does not require preparation of a **precinct plan**
D14.4	Staging for the **urban release** area as a whole will be determined by the provision of **essential services** and may involve **development** occurring simultaneously in different parts of the locality
D14.5	Each **precinct plan** is to include a staging plan that is lodged with the first stage and provides for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing
D14.6	Each stage of **development** may be subdivided into sub-stages. Any sub-stages should be identified in the **SEE** to accompany the **development application** for **subdivision**, together with a description of the sub-stages and the impact of the sub-stage sequence on the provision of **essential services**
D14.7	Detail for any land zoned B2 Local Centre or B4 Mixed Use need not be provided until consent for initial **subdivision** of that land is sought
Town Centre and Village Centre **precinct plans**	
D14.8	Consent for initial **subdivision** of land zoned B2 Local Centre or B4 Mixed Use requires preparation of a town or village centre **precinct plan** for the entire zoned area
D14.9	The town or village centre **precinct plan** is to illustrate the conceptual location of streets, major pathways, major uses, public spaces, built-form and access provision as well as the relationship of the area to adjacent residential and **open space** areas
Subdivision layout	
D14.10	**Subdivision** layout enables neighbouring sites/precincts to deliver the outcomes sought by the locality controls map Note: Part C1 **Subdivision** details principles relating to **subdivision** layout and procedure with the following exceptions or qualifications. Note: **Open Space**: to be provided generally in accordance with the locality controls map and with areas consistent with the local infrastructure contributions requirements for Kings Hill
Servicing	
D14.11	Consent for the **subdivision** of land other than for the creation of a **super lot** requires a **servicing strategy** which includes (at a minimum) the: • sequence, location and other details of the provision of public utilities; and • availability of urban services and infrastructure to residents, including o**pen space, shared paths**
D14.12	All **commercial** and **residential** allotments are to be serviced by reticulated water, sewerage, electricity and telecommunication services

D14.B Traffic and transport

Objectives

- To achieve connectivity between precincts, the local centre and nearby service areas
- To ensure Kings Hill has a defined transport structure and road hierarchy
- To ensure an east west road link is provided between Newline Road and the Pacific Highway in a direct, timely and efficient manner
- To ensure the pedestrian and cycle network provides convenient and safe access to the precinct centres, schools, community facilities, **open space** and other important destinations outside of Kings Hill to encourage walking and cycling
- To ensure the Pacific Highway interchange is the primary access point

Development controls	
Transport movement hierarchy	
D14.13	Each **precinct plan** requires preparation of an overall transport movement hierarchy which: • shows the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists • is generally consistent with the overall road network and the pedestrian and cycleway networks indicated on the locality controls map at Figure DAD • indicates progressive provision of the east-west and north-south connector roads as well as direct connections to adjacent precincts
D14.14	Positioning and design of the transport movement network provides priority to facilitating efficient walking, cycling and public transport networks and retaining and complementing natural topography, such as views and drainage
Collector roads	
D14.15	**Development** within each precinct provides internal **collector roads** generally consistent with the locality controls map at Figure DAD
D14.16	**Subdivisions** adjacent to **collector roads** orientate allotments and **dwellings** to face and have access from the collector road
East-west road 4 lane section	
D14.17	The eastern end of the east-west collector road, for a length of approximately one kilometre, is to have two travel lanes in each direction. This section of the east-west road is constructed generally in accordance the Illustration at Figure DZ

Figure DZ: Illustration of cross section of four-lane part of east-west Road

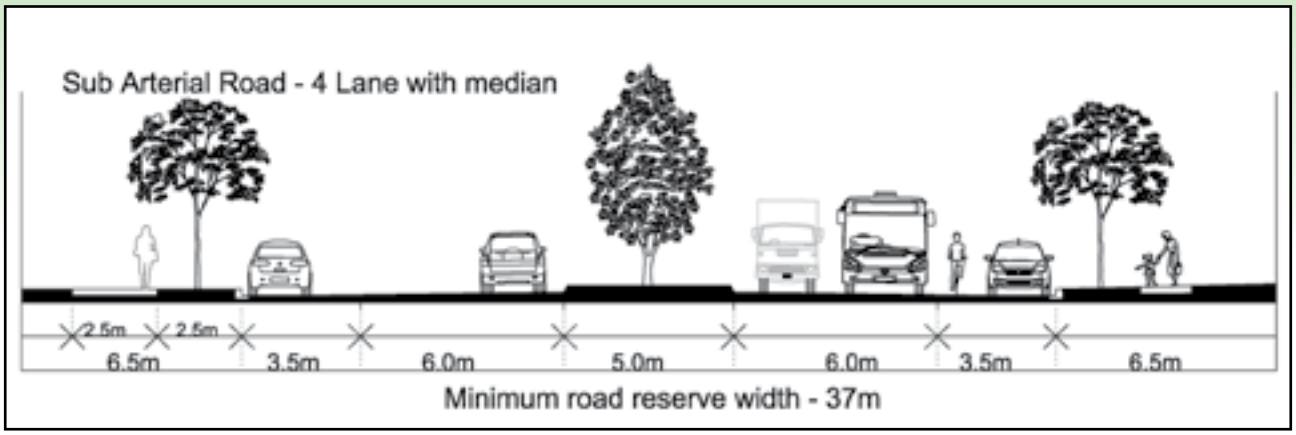
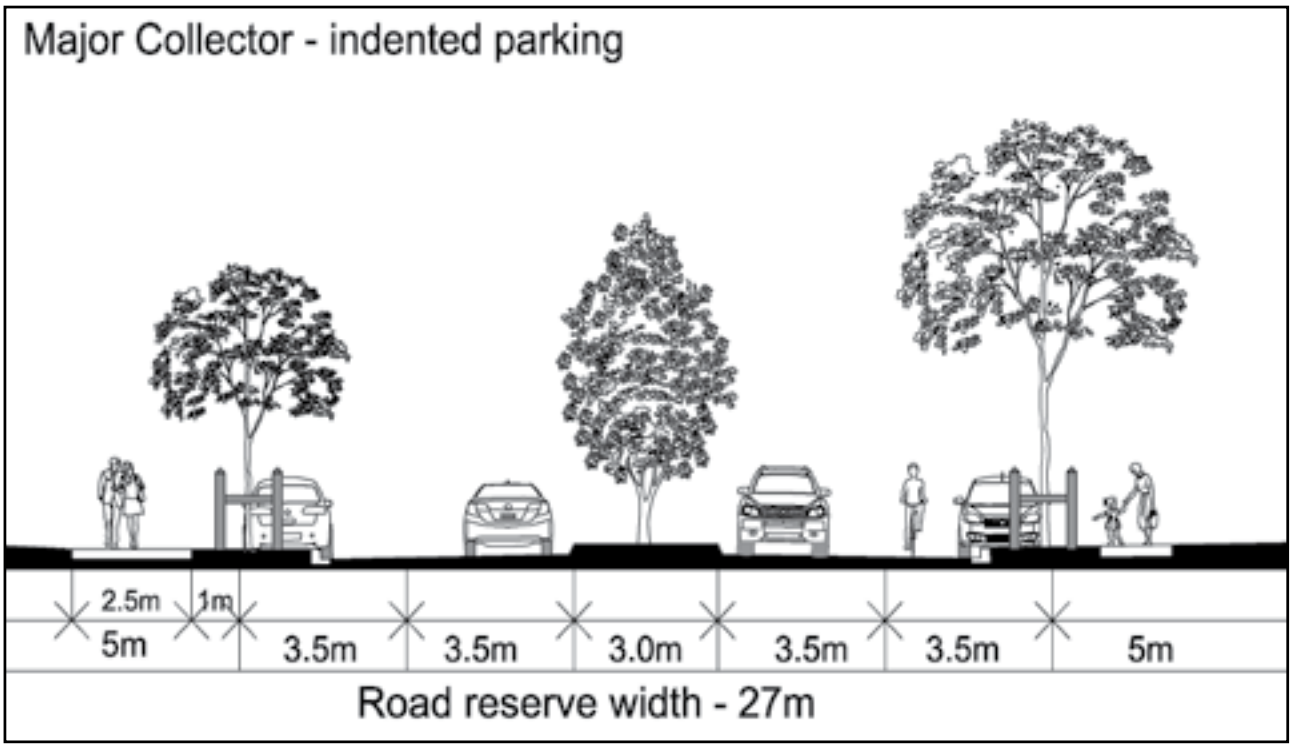


Figure DAA: Illustration of cross section of two-lane part of East West Road



Development controls

Subdivision certificate

D14.18	Within each precinct, **collector roads** are constructed to the boundary of the adjoining precinct prior to the release of a **subdivision certificate** for a cumulative total of no more than 75% of the lots
D14.19	Within precinct 6, the east west road is constructed from the western boundary of the precinct to Newline Road and **collector roads** connect to the southern boundary of precinct 7 prior to the release of a **subdivision certificate** for a cumulative total of no more than 50% of the lots

Development controls	
Newline Road	
D14.20	Maximum number of lots with sole access to Newline Road is 1200. Consent for lots in excess of this number requires connection to the Pacific Highway via the east-west collector road Note: The ***Local Environmental Plan*** may include a requirement that **development consent** must not be granted for the **subdivision** of land in an **urban release area** unless arrangements have been made, to the satisfaction of Roads and Maritime Services and the consent authority, for the provision of vehicular access from the **urban release area** to the Pacific Highway, including the closure or modification of any existing vehicular access from any land adjoining the Pacific Highway, if necessary
Pre-Pacific Highway interchange access	
D14.21	**Development** with sole access from Newline Road requires upgrade works to provide 5% **AEP** flood immunity for the Kings Hill **development** flood access route consisting of local road raising of two sections of Six Mile Road, being an approximate: • 100 metre section at location K on the locality controls map at Figure DAD near the intersection of Winston Road. These works also require appropriate raising of Winston Road in the vicinity of the intersection • 60 metre section at location Q on the locality controls map at Figure DAD near the intersection of Newline Road Note: The ***Local Environmental Plan*** may include a requirement that **development consent** must not be granted to **development** on land identified as 'Kings Hill' on the precinct areas map unless the consent authority is satisfied that there will be suitably located vehicular access from that land to the Pacific Highway, having regard to flood risk Note: A Kings Hill Flood Free Access Study was prepared on behalf of Council by BMT WBM in 2012 to identify necessary road upgrade requirements
Public transport	
D14.22	Designated public transport routes as identified on the locality controls map at Figure DAD are constructed as bus routes in accordance with infrastructure specification – design[11]
D14.23	Bus stops are to be identified prior to final completion
Paths	
D14.24	Pedestrian and cycle paths (including **shared paths**) are provided generally in accordance with the locality controls map at Figure DAD
Pedestrian path	
D14.25	A pedestrian path is provided on one side and a **shared path** of all: • collector roads • roads that are within a B2 Local Centre Zone or B4 Mixed Use zone • roads within 400m of and providing the primary frontage to a school or major community facility

Development controls	
	Note: Part B8 Road Network and Parking generally requires road to be constructed in accordance with infrastructure specification design[11]
End of trip facilities	
D14.26	End of trip facilities are provided at precinct centres, community facilities and **regional parks**. End of trip facilities incorporate the following: • One personal secure locker for each bicycle parking space under Figure BU • One shower cubicle, with ancillary change rooms, per 13 bicycle spaces (or part thereof over four spaces) with a minimum of one shower and change facility

D14.C Social infrastructure

Objective

Social infrastructure is to be located appropriately to meet the needs of the community

Development controls	
Community and recreation facilities	
D14.27	Precinct Plans identify the location of required community and recreation facilities, generally in accordance with the locality controls map at Figure DAD
Community facilities	
D14.28	Community facilities such as the multi-purpose community centre are preferably located within the town centre as identified on the locality controls map at Figure DAD
Schools	
D14.29	The preferred locations of schools are identified on the locality controls map at Figure DAD. School sites will be subject to the site-selection criteria and agreement of the NSW Department of Education and Training and will be indicated on the relevant **precinct plans**. The developer is to consult with the Department of Education and Port Stephens Council to determine a suitable school locations

D14.D Drainage and water quality

Objective

To ensure environmentally sustainable and affordable water management is provided with a catchment based approach that recognises the flows between Precincts, landholdings and the sensitive nature of the receiving waters

Development controls	
Eastern catchment and Grahamstown Dam	
D14.30	All stormwater from development areas up to 0.2% **AEP** design flood event is prevented from discharging into Grahamstown Dam • This may require construction of a watercourse along the eastern extent of developable areas of the Kings Hill **urban release area** to divert surface runoff away from Grahamstown Dam and into Irrawang Swamp Note: The ***Local Environmental Plan*** may require consideration to be given to impacts on **drinking water catchments**
Water management strategy	
D14.31	Consent for **development** within the eastern and western catchments first requires lodgement of a **stormwater drainage plan** addressing drainage and water quality management for the entire catchment, to the satisfaction of the consent authority Note: Kings Hill Urban Release Area Water Management Strategy Guidelines were prepared on behalf of Council by **BMT WBM** in 2013. The Guidelines identify sub-catchments in the eastern and western catchment of the **urban release area**. The Guidelines include a 'Model Water Management Strategy' for future **development** of the **urban release area**, preliminary stormwater quantity and quality modelling, and identification of options to achieve the required outcomes for the eastern catchment. A preferred option is identified
D14.32	Each **precinct plan** is to identify stormwater drainage and water quality management controls for relevant sub-catchments consistent with the relevant catchment-wide **stormwater drainage plan** Note: The ***Local Environmental Plan*** may requires consideration of impacts on the **Drinking Water Catchment**

D14.E Natural resources

Objective

To ensure that **development** responds to the biodiversity values of the site

Development controls	
Vegetation management plan	
D14.33	Applications for **development** on land zoned E2 Environmental Conservation or subject to terrestrial biodiversity controls in the ***Local Environmental Plan*** within each environmental precinct provide a **VMP** to the satisfaction of Council in accordance with the **vegetation technical specification**[2]. The **VMP** is provided with the precinct plan for the relevant environmental precinct boundaries identified by Figure DAD. The **VMP** also addresses the following location specific information: • Requirements to protect the creek line and other areas to be conserved, such as fencing, sediment control devices and appropriate **signage**; and

Development controls	
	• Details of re-vegetation, restoration and weed control, including **riparian corridors**. Areas affected by degradation, erosion and/or rubbish dumping should also be rehabilitated - A draft is provided with the **development application** and the final signed off by Council prior to the release of the **construction certificate**. Note: If **development** does not pose a **significant effect** under 5A of the **EP&A Act**, but proposes unavoidable vegetation impacts then a VMP that is consistent with the **vegetation technical specification²** is required
Illegal dumping	
D14.34	Measures, such as fencing and block configuration seek to restrict unauthorised access to E2 Environmental Conservation land to prevent rubbish dumping and damage by uncontrolled vehicle usage
Riparian corridors	
D14.35	**Development** involving a **controlled activity** within **waterfront land** is to comply with the requirements of the Water Management Act 2000 Note: B4.D provides further localised detail for buffers for riparian corridors

D14.F Waste treatment facility

Objectives

- To ensure hazards from former landfills are managed
- To ensure appropriate buffers that will minimise potential land use conflict between existing and proposed **development**

Development controls	
Waste treatment facility	
D14.36	All **development** within 250m of the Newline Road Waste Disposal Facility or any land in proximity as identified by Council has the potential to have methane concentrations of greater than 1.25% (v/v) in the subsurface and is to be tested with a tested/calibrated methane detector over regular intervals 12 months prior to a **subdivision** application being lodged with Council for determination
D14.37	**Development** and monitoring should comply with the relevant sections of the NSW Environmental Protection Agency 'Environmental Guidelines: Solid Waste Landfills', January 1996, or its successor Note: The **Local Environmental Plan** may require development to be designed, sited or managed to avoid any adverse odour, noise and visual impacts arising out of the authorised use and operation of any public infrastructure

D14.G Pacific Highway impacts

Objectives

- To ensure that **development** in Kings Hill is not adversely affected by noise and vibration from the Pacific highway
- To ensure **development** is buffered from view of traffic on the Pacific Highway

Development controls	
Acoustic / vibration	
D14.38	Consent for **development** in precincts 1 to 4 requires an **acoustic report** consistent with B3.3 and the following: • **Development** meets the requirements of AS 3671-1989 Acoustics – Road Traffic Noise Intrusion – Building, Siting and Construction • Acoustic/Vibration measures undertaken to comply with the conditions of **development consent** for a **subdivision** may remove the need for additional acoustic/vibration assessments and attenuation measures for subsequent **developments** Note: B3.3 requires an **acoustic report** for **development** that has the potential to produce or be impacted by **offensive noise**
Land-use buffers	
D14.39	**Development** at Kings Hill is visually buffered from the Pacific Highway by a minimum of 10m of landscaping. This landscaping will be implemented through individual **development applications** and may be indicated on **precinct plans**, the **stormwater drainage plan** for the eastern catchment, and/or plans for construction of the Highway interchange.

D14.H Aircraft noise

Objectives

- To ensure **development** satisfies the requirements of the ***Local Environmental Plan***
- To ensure appropriate consideration is given to land burdened by aircraft noise

Development controls	
Aircraft noise	
D14.40	Note: Kings Hill is located in proximity to the Port Stephens aircraft noise planning area. B6.1 details what is to be considered when **development** is located within the aircraft noise planning area.

Figure DAB: Meeting the requirements to prepare a DCP under the the Local Environmental Plan

Local Environmental Plan DCP requirements	How requirements are met
a. a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing	Met by provision of a Staging Plan (D14.5 in this part) with the application for the first stage of development in each precinct
b. an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists	Met by provision of a transport movement hierarchy as part of the precinct plan provided for each precinct (D14.13 in this Part)
c. an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain	Met by the requirements of Part C1.F Open Space and by the requirements of D14.33 and D14.35 in this Part
d. a network of passive and active recreational areas	Met by the requirements of D14.8-9, D14.10, D14.33 and D14.35 in this Part
e. stormwater and water quality management controls	Met by the requirements of D14.D and D14.35 in this Part
f. amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected	Met by the requirements of D14.D, D14.E and D14.F in this Part
g. detailed urban design controls for significant development sites	Met by the requirement for detailed Town and Village Centre precinct plans in D14.8-9 of this part
h. measures to encourage higher density living around transport, open space and service nodes	Met by the requirement (D14.1) for development in each precinct to generally consistent with the structure indicated in the Locality Controls Map at Figure DAD and for Precinct Plans to indicate a transport movement hierarchy and servicing strategy; and by provision of detailed Town and Village Centre precinct plans (D14.8-9 in this part)
i. measures to accommodate and control appropriate neighbourhood commercial and retail uses	Met by the provision of detailed Town and Village Centre precinct plans for all land zoned B2 Local Centre and B4 Mixed Use (D14.8-9 in this Part)
j. suitably located public facilities and services, including provision for appropriate traffic management facilities and parking	Met by provision of Town and Village Centre precinct plans for land zoned B2 Local Centre and B4 Mixed Use (D14.8-9 of this part), and by the requirements of D14.13, D14.24, D14.25, D14.26, D14.C of this part.

Figure DAC: Kings Hill - Raymond Terrace land application map

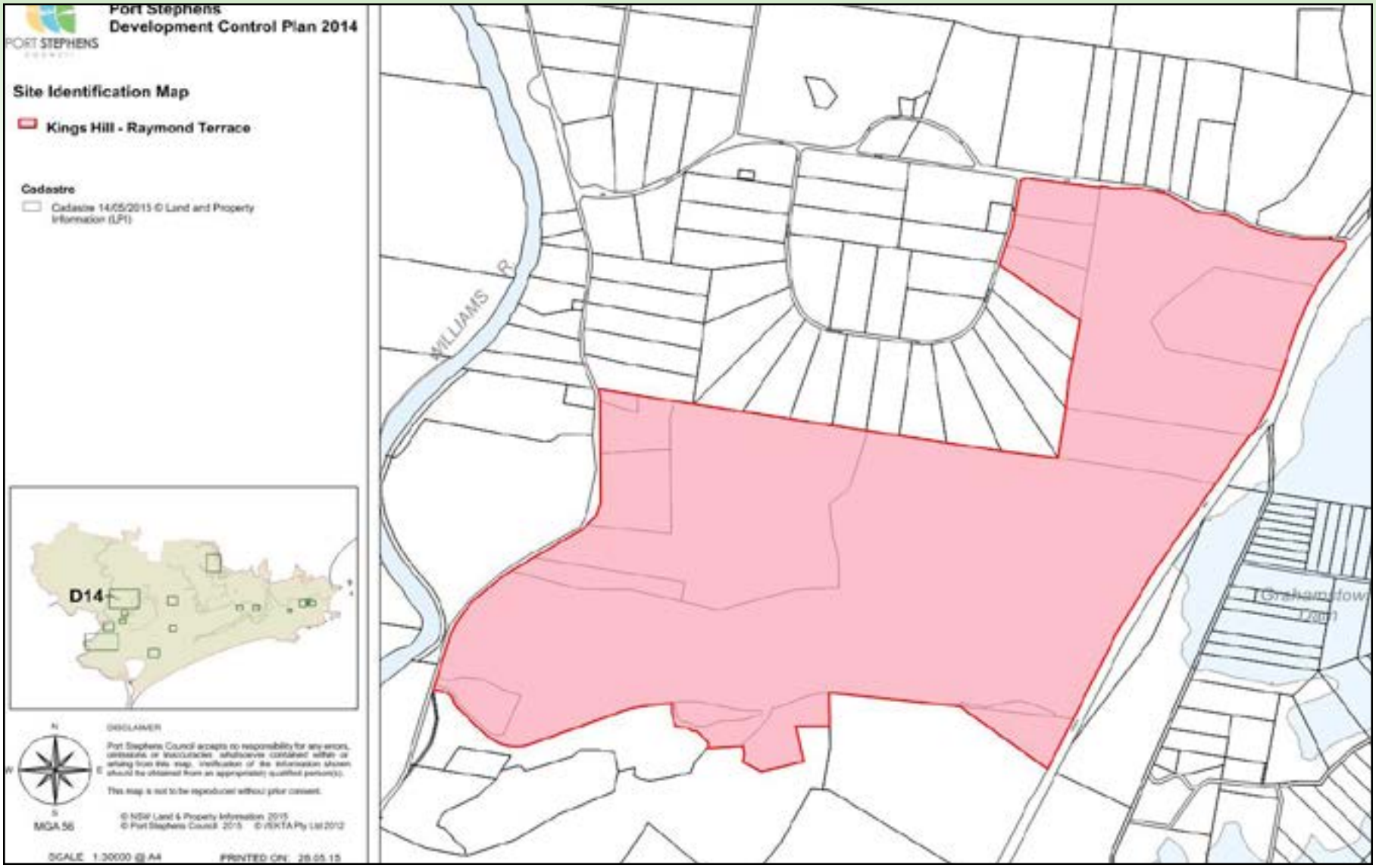


Figure DAD: Kings Hill - Raymond Terrace locality controls map

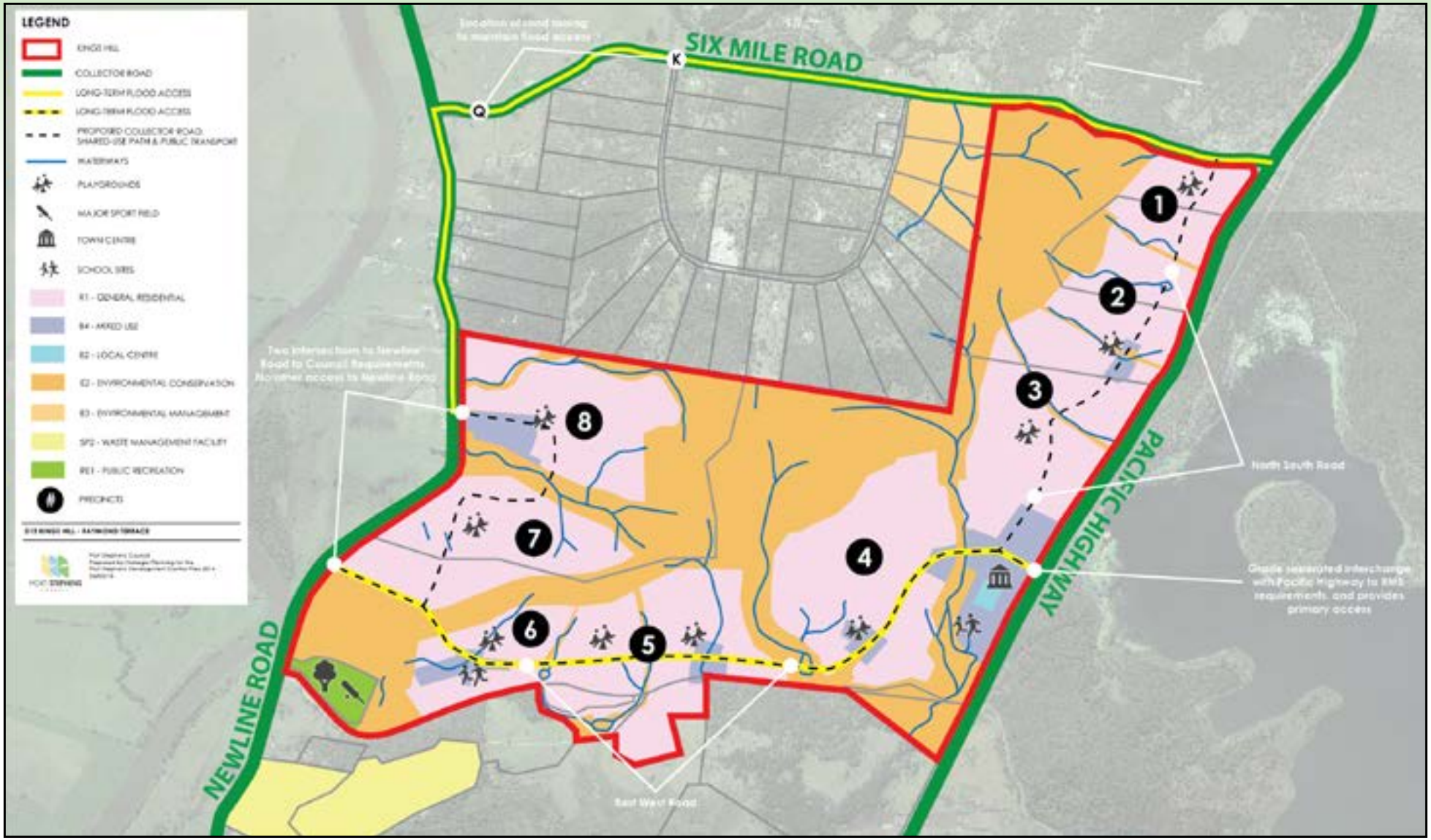
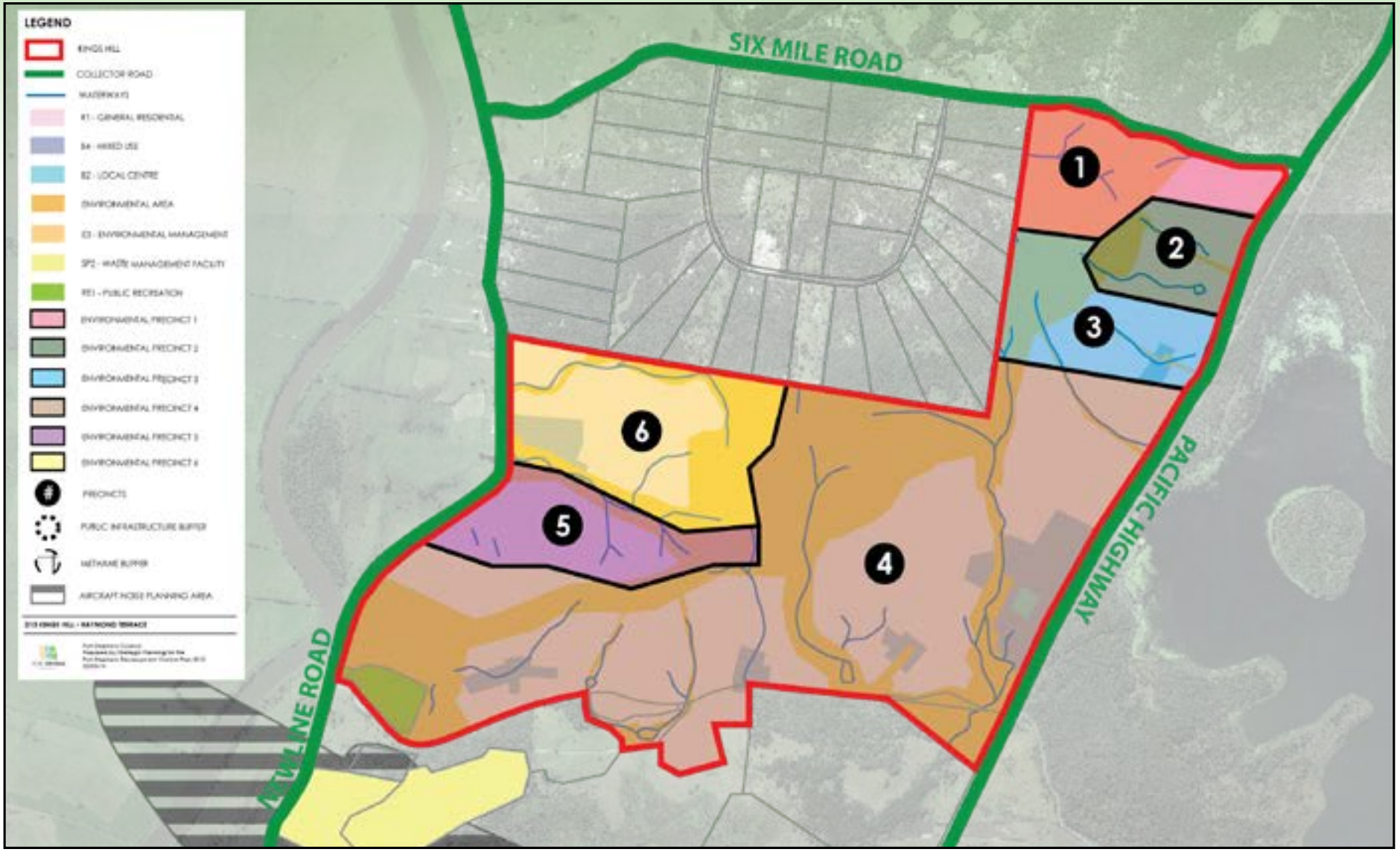


Figure DAE: Kings Hill - Raymond Terrace locality controls map



D15 Williamtown Defence and Airport Related Employment Zone (DAREZ)

Application

This Part applies to the land identified in Figure DAE as the Williamtown Defence and Airport Related Employment Zone (**DAREZ**)

D15.A Lodgement requirements

Objectives

- To ensure **development** is informed by an analysis of its setting
- To provide for a **development** that is dominated by native planting that complements the existing vegetation of the area and enhances natural beauty

Development controls	
Lodgement requirements	
D15.1	A development application is accompanied by a **landscape plan** consistent with the Williamtown Aerospace Park Landscape Master Plan[21]
D15.2	A schedule of colours and finishes is submitted with the **SEE** to demonstrate that the **development** contains non-reflective materials Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale

D15.B Setbacks

Objective

To encourage an active and vibrant streetscape

Development controls	
Front setback	
D15.3	Aerospace Support and Commercial Precinct: • Minimum front setback of 5m • Minimum **secondary setback** of 2m Note: C1.13 requires the street layout to provide a grid-like structure

D15.C Street layout

Objective

To ensure streets comply with the indicative layout

Development controls	
Street layout	
D15.4	Road Layout is consistent with Figure DAG Note: C2.7 requires **development** is built to the street property boundary for the ground and first floor
D15.5	A road is constructed to connect with Cabbage Tree Road prior to the release of any **subdivision certificate**

D15.D Drainage and water quality

Objective

To ensure drainage and stormwater systems are in accordance with the Williamtown Aerospace Park Flood Assessment and Stormwater Strategy

Development controls	
Drainage	
D15.6	Drainage and stormwater systems are in accordance with the Williamtown Aerospace Park Flood Assessment and Stormwater Strategy[23] Note: B4.2 requires **development** that increases **impervious surfaces** to provide a **stormwater drainage plan**

D15.E Flooding

Objective

To ensure post-development runoff is equal to or less than pre-development runoff for the broader **DAREZ**

Development controls	
Flooding	
D15.7	All car parking and driveways are to be located at a level greater than 2.5m **Australian Height Datum (AHD)**
D15.8	All **development** is to have a minimum floor level equal to or greater than the **flood planning level**

D15.F Parking

Objective

To ensure that appropriate **onsite parking** is provided

Development controls	
Parking	
D15.9	**Onsite parking** is to be located at the rear, side or within buildings of the Commercial Precinct, except for Lots 1001 and 1002, DP 1187948
D15.10	Onsite parking is located behind a 2m landscaped area for the Aerospace Support and Commercial Precincts Note: B8.11 requires on-site parking to be located behind the building line or setback

D15.G Airport operational requirements

Objective

To ensure that the operational needs of the Williamtown **RAAF** Base are provided consideration in the **development** of adjoining **DAREZ** lands

Development controls	
General requirements	
D15.11	Note: B6 provides general requirements relating to the aircraft noise planning area**, bird strike zone** and the Williamtown **RAAF** Base Obstacle Limitation Map
Radio emitting devices	
D15.12	Electromagnetic radiation or radio emitting devices are not to interfere with airspace operations Note: B6 Williamtown **RAAF** Base – Aircraft Noise and Safety requires consideration to **RAAF** operations
Navigational markers	
D15.13	**Development** provides consideration to navigational markers by not inferring with their intended purpose Note: B6 Williamtown **RAAF** Base – Aircraft Noise and Safety requires consideration to **RAAF** operations
Lighting	
D15.14	External lighting considers aircraft/control tower Note: B6 – Williamtown **RAAF** Base – Aircraft Noise and Safety requires consideration to **RAAF** operations

Figure DAF: Williamtown - DAREZ land application map

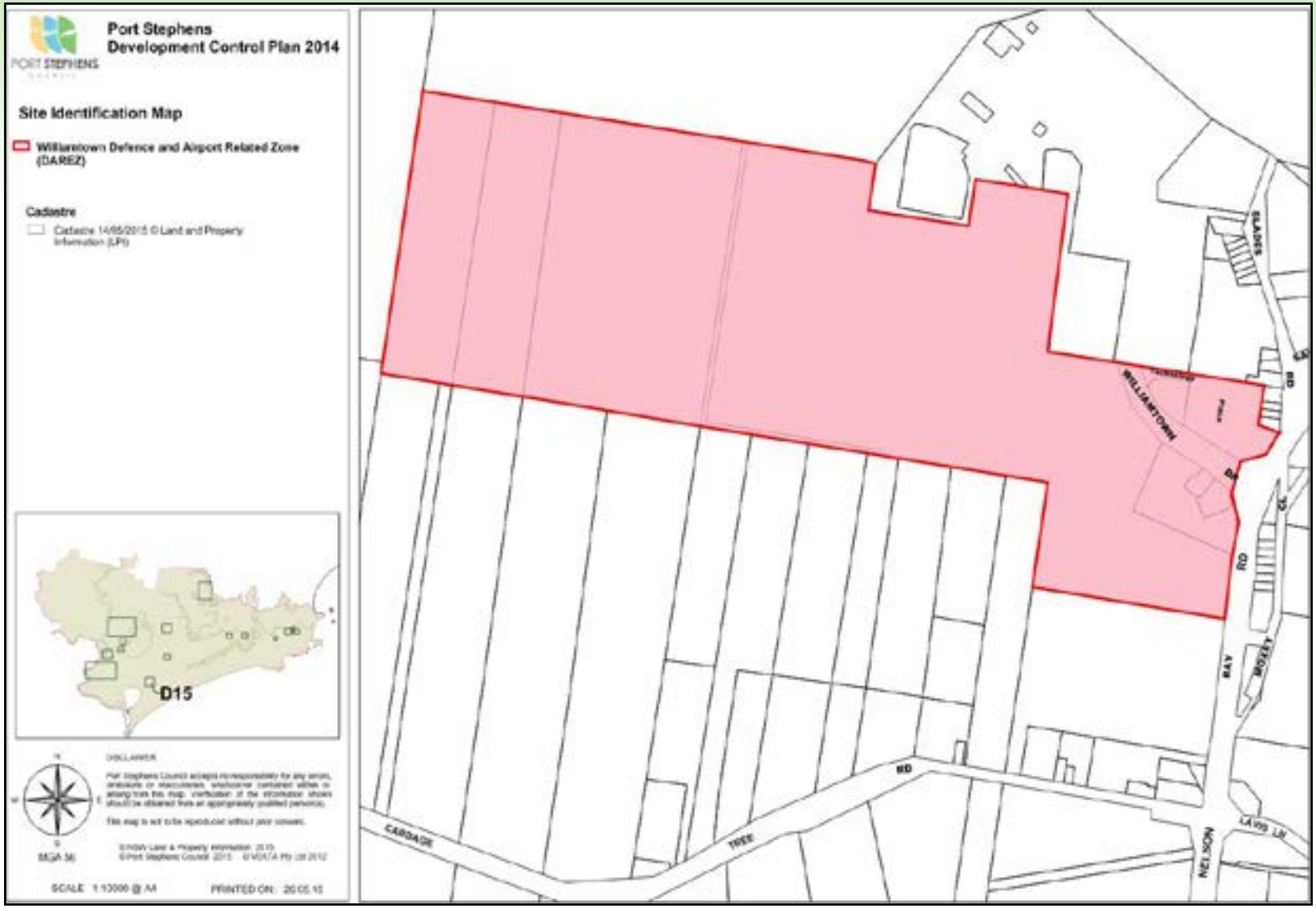
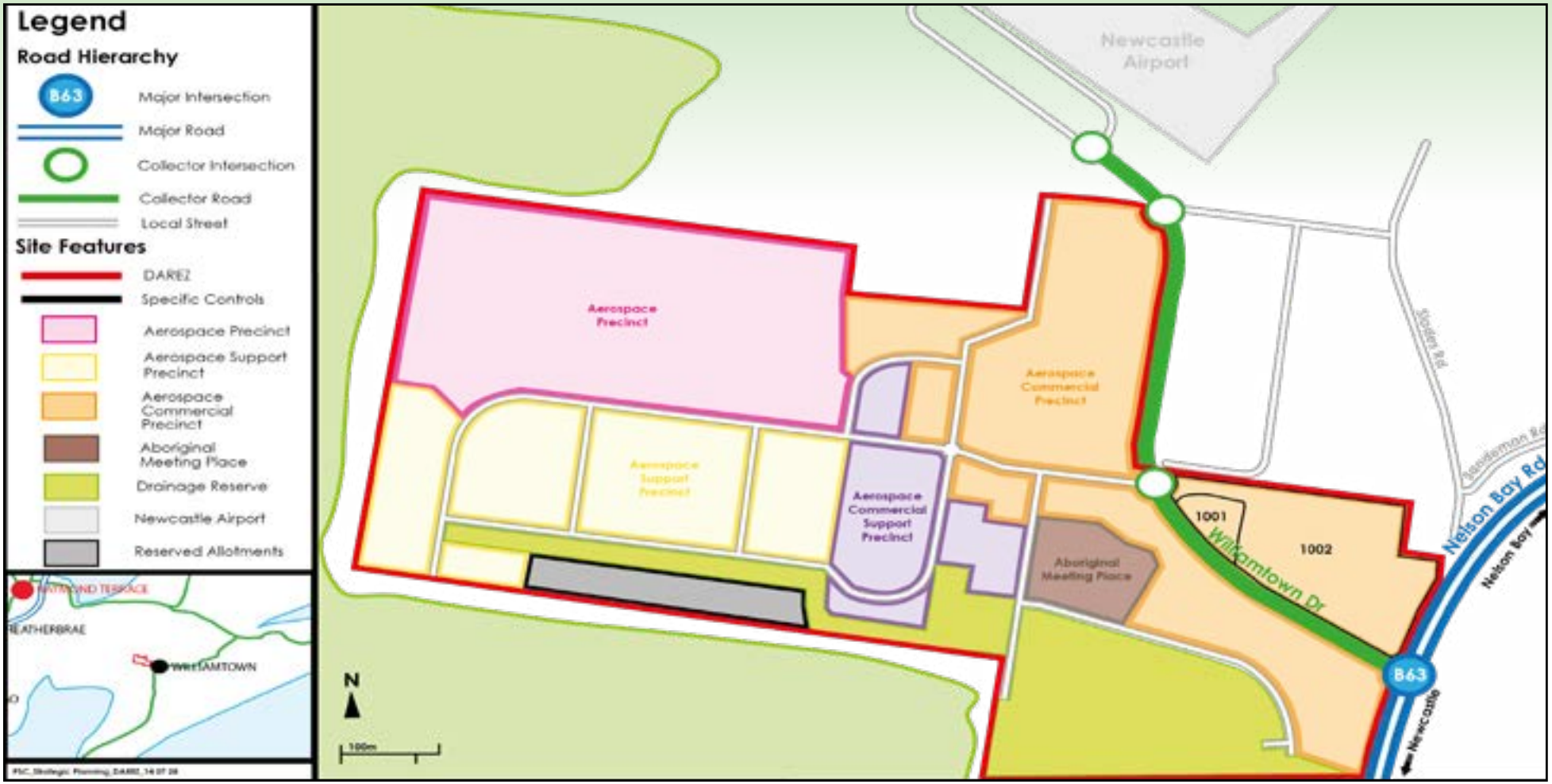


Figure DAG: Williamtown DAREZ locality controls map



D16 Medowie Planning Strategy (Precinct E)

Application

This Part applies to the land identified in Figure DAH Medowie Planning Strategy (Precinct E) land application map

D16.A Layout and staging

Objectives

- To ensure the timely and efficient release of urban land.
- To make provision for necessary infrastructure and sequencing.
- To ensure consideration is given to the overall planning and coordination of development within the precinct and sub-precincts.

Development controls	
Layout	
D16.1	Overall **development** layout needs to be consistent with the Figure DAI.
Staging	
D16.2	A **development application** for large-scale **residential accommodation** or **major subdivision** must include a staging plan demonstrating that **development** will occur in a coordinated sequence.
D16.3	Initial **residential accommodation** or **major subdivision** is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.
Sub-precincts	
D16.4	A **development application** for large-scale **residential accommodation** or **major subdivision** is able to occur separately within 'sub-precincts': one on the western side of Medowie Road and another on the eastern side of Medowie Road.
Lifestyle developments	
D16.5	A **development application** for 'lifestyle' residential accommodation must include a master plan demonstrating consideration and achievement of the objectives of C5 Multi Dwelling Housing or Seniors Living and identifying key common **development** design controls for dwellings (for example **dwelling** setbacks).

D16.B Natural resources

Objectives

- To provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and landscaping requirements for both the public and private domain.
- To provide an attractive and low maintenance landscape along Medowie Road.

Development controls	
General	
D16.6	Environmental areas, corridors and additional planting with koala feed trees will be retained and enhanced in general accordance with Figure DAI.
Vegetation management and **biodiversity offsets**	
D16.7	**Development** must take into consideration the implications of the **vegetation management plan** that applies to land within the precinct.
D16.8	Clearing of land on the eastern side of the precinct shall not occur until the requirements of the associated **vegetation management plan** are implemented (a **vegetation management plan** has been prepared that provides for vegetation offsets and improvements to vegetation corridors within the site – refer to **vegetation management plan**, Kleinfelder, 10 March 2017).
Landscaping along Medowie Road	
D16.9	A **landscaping plan** for major residential **development** or **major subdivision** must provide for an attractive and low maintenance landscape along the frontage with Medowie Road.

D16.C Transport movement hierarchy

Objectives

- To provide an overall transport movement hierarchy for major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- To maintain good traffic flow and safety along Medowie Road.
- To achieve connection between adjoining land and potential future residential precincts identified by the Medowie Planning Strategy.
- To ensure pedestrian and cycle connections are provided to the town centre, the Ferodale Park Sports Complex and the Medowie Community Centre for precinct residents and the broader community.

Development controls	
General	
D16.10	The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with the layout shown in precinct plan at Figure DAI.
Road connections to other precincts	
D16.11	The road layout must provide for potential future connections to other potential future residential planning precincts identified by the Medowie Planning Strategy including Brocklesby Road.
Road connections to Medowie Road	
D16.12	A roundabout intersection must be provided to Medowie Road to serve as the main access point for development.

Development controls	
D16.13	The main roundabout intersection must be designed to accommodate upgrades for increased future traffic flows along Medowie Road identified by the Medowie Planning Strategy.
D16.14	The main roundabout intersection may be provided by a staged approach to facilitate development of a single sub-precinct. Consideration for the future roundabout intersection must be included in the design and construction of any interim intersection.
D16.15	Additional intersections (intersections in addition to the main roundabout intersection with Medowie Road) must be limited in number and provided as left-in/left-out only.
D16.16	No direct **driveway** access to and from Medowie Road is permitted.
Shared path connections	
D16.17	Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.
D16.18	A shared path must be provided along the eastern side of Medowie Road, in conjunction with the development of the land on the eastern side of Medowie Road. The shared-use path must be provided along the eastern frontage with Medowie Road and connect north to Ferodale Road (to the extent that a shared path is able to be accommodated).
D16.19	A **shared path** must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a **shared path** is able to be accommodated).
D16.20	A **shared path** must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
D16.21	Consideration must be given to a potential mid-block **shared path** linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.

D16.D Managing risk from agricultural land uses

Objectives

- To ensure the land is suitable for residential occupation in relation to previous agricultural land uses.
- To ensure the potential for negative effects from the operation of poultry sheds on residential amenity are adequately managed.

Development controls	
Managing the potential requirement for land remediation	
D16.22	A **development application** for large-scale **residential accommodation** or **major subdivision** must be accompanied by the contamination and remediation reports identified by NSW **SEPP** No 55 – Remediation of Land with particular regard to the previous agricultural activities on the subject land.
Managing potential risk from odour and noise from poultry farming	
D16.23	New residential allotments and dwellings must not be constructed until the poultry sheds at 733 Medowie Road (Lot 199 DP 17437) are decommissioned.

D16.E Road noise

Objective

To ensure that **development** is not adversely affected by noise and vibration from traffic on Medowie Road

Development controls	
Considering road noise from Medowie Road	
D16.24	A **development application** for large-scale **residential accommodation** or **major subdivision** must demonstrate by provision of an acoustic report that future residential development will meet appropriate noise and vibration standards for **development** along Medowie Road.

D16.F Stormwater

Objective

- To provide for common and adequate stormwater management within the precinct.

Development controls	
Stormwater basins	
D16.25	Stormwater basins are located in general accordance with Figure DAI.
Stormwater culverts under Medowie Road	
D16.26	**Development** must address the potential effect on the two main culverts under Medowie Road (the desirable design standard for these culverts is 1% AEP +0.3m obvert freeboard for 2100 climate change conditions).

D16.G Williamtown RAAF Base - aircraft safety

Objective

- To ensure that development adequately considers aircraft safety.

Development controls	
Williamtown **RAAF** Base - aircraft safety	
D16.27	Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

Figure DAH: Medowie Planning Strategy (Precinct E) land application map

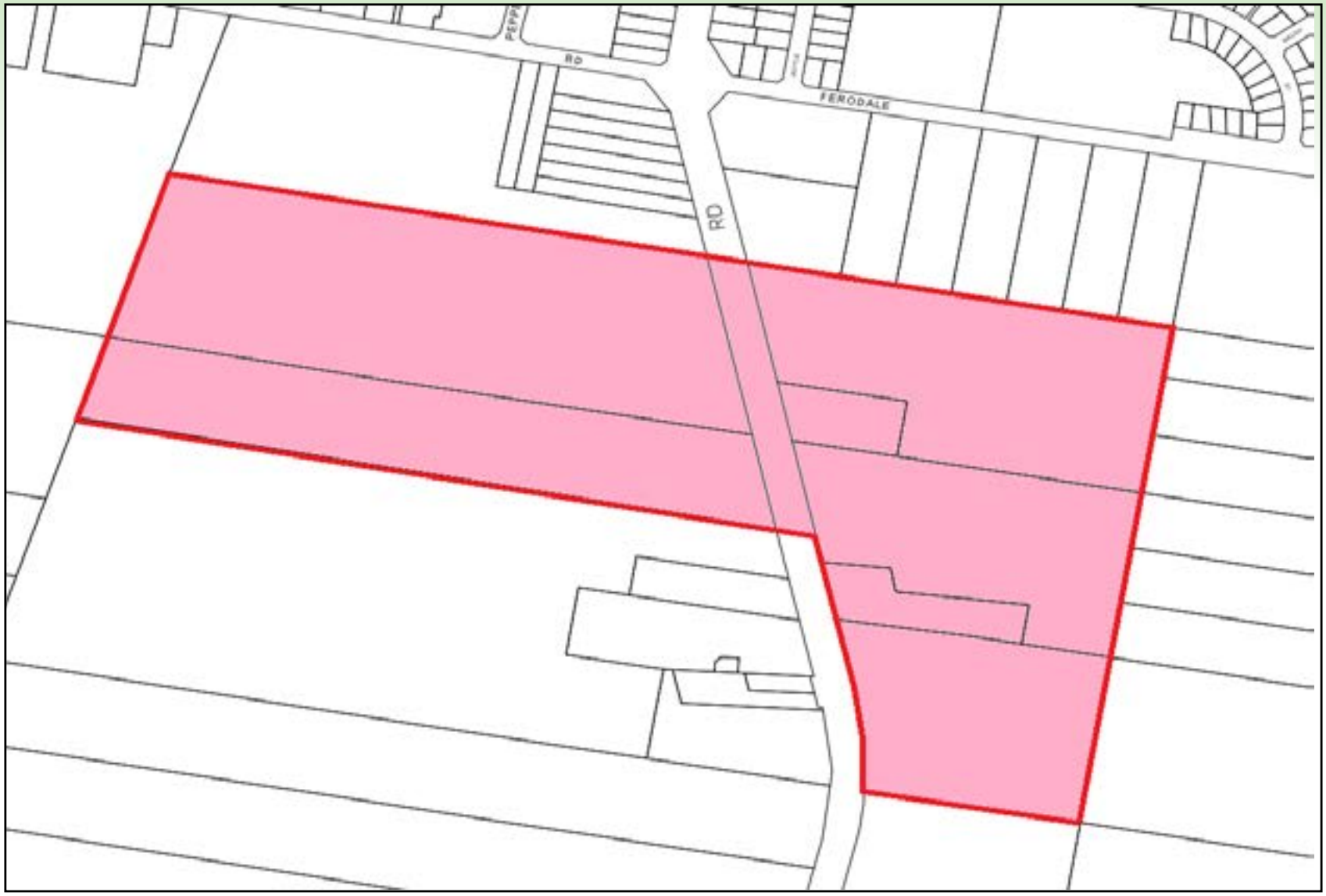
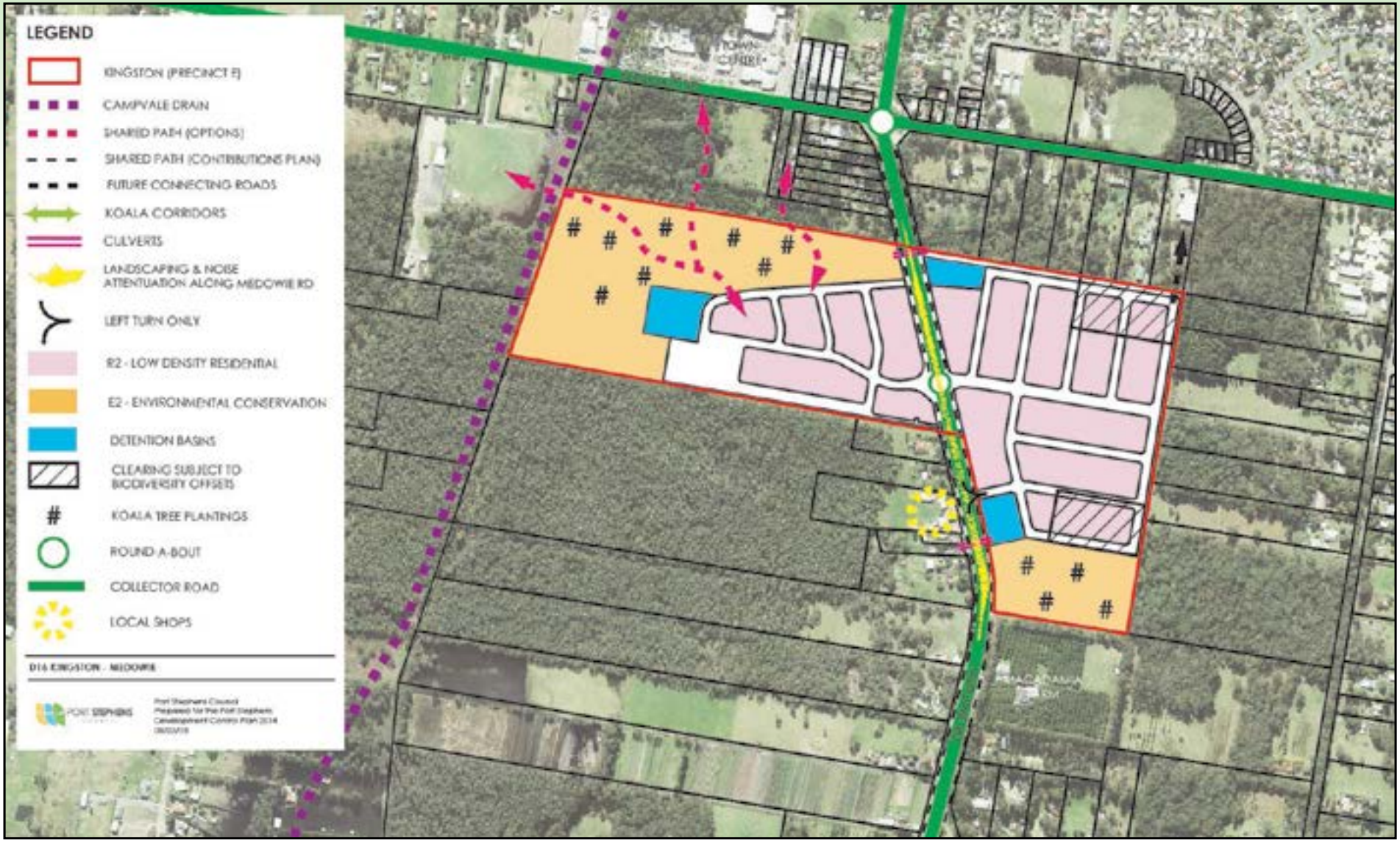


Figure DAI: Medowie Planning Strategy (Precinct E) locality controls map



D17 Stockton Rifle Range

Application

This part applies to the land identified in Figure DAJ Stockton Rifle Range Land Application Map

D17.A Heritage

Objective

To restore, maintain, and reinterpret heritage features and areas of archaeological potential.

Development controls	
D17.1	**Subdivision development** is to ensure the Heritage Anti-Aircraft Battery is stabilised and remnants of the rifle range stop butt are retained for heritage interpretation.
D17.2	**Subdivision development** is to ensure pedestrian access, wayfinding and heritage information signage is provided within the site.
D17.3	The street network shall be consistent with the alignment of the existing rifle range firing mounds.
D17.4	**Subdivision development** shall ensure the coastal forest to the north of the existing rifle range footprint is retained to protect areas of archaeological potential.
D17.5	The first **subdivision development** is to consider the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report – Residential Development Planning Proposal – Stockton Rifle Range, Stockton (Umwelt 2017).

D17.B Ecology

Objective

To enhance the coastal dune ecology of the site within the broader Stockton Peninsula ecological context.

Development controls	
D17.6	Landscaping provided with **development** shall be limited to endemic species for public and private landscaping.
D17.7	Residential lots shall be setback from the Stockton Beach dunes by a minimum of 50m as shown on Figure DAK.
D17.8	**Subdivision development** shall ensure the Stockton Beach dunes area is revegetated to stabilise the dune and to provide north-south ecological continuity along the dune edge.

Development controls	
D17.9	**Subdivision development** is to ensure that the public open space required by D17.18 provides for a faunal movement corridor between coastal forests to the north and south of the site and should be designed to ensure the effective movement of: • Koala; and • Squirrel glider Within corridors: • Where possible, mature trees should be retained. • Trees, or clumps of vegetation, should be spaced no greater than 30 metres apart. • New planting must be locally endemic native species.

D17.C Street layout, access and circulation

Objective

To ensure the **local street** network is interconnected and facilitates movement, accessibility and pedestrian comfort.

Development controls	
D17.10	**Subdivision development** is to provide a street layout that is generally consistent with Figure DAK.
D17.11	The **subdivision** of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported.
D17.12	**Subdivision development** is to provide a shared path layout that is consistent with Figure DAK.
D17.13	**Subdivision development** is to provide footpaths along all local streets.
D17.14	**Subdivision development** is to ensure the vehicle and pedestrian access to the site via Popplewell Road at Taylor Road is constructed as a Local Sub-Arterial (as shown in Figure DAK).
D17.15	**Subdivision development** is to ensure the second vehicle and pedestrian access to the site via Popplewell Road is constructed as a Local Sub-Arterial (as shown in Figure DAK).
D17.16	**Subdivision development** is to ensure the street grid maintains provision for a future street connection to the Stockton Centre site to the south as shown in Figure DAK.
D17.17	The first **subdivision development** is to include: • Signalisation of the Vardon Road and Nelson Bay Road intersection; and • Upgrades to Vardon Road and Popplewell Road to facilitate a Local Sub-Arterial bus route.

D17.D Public open space

Objective

To identify, acquire, and protect a central part of the site as a local public park.

Development controls	
D17.18	**Subdivision development** is to provide public open space of a minimum area of 1.5 hectares in the centre of the site, as shown in Figure DAK.
D17.19	**Subdivision development** is to ensure that the **crime prevention through environmental design (CPTED)** principles are implemented during the design of paths that are not adjacent to a road. This must include the provision of pedestrian lighting, clear sight lines, and universally accessible design features to promote safety and accessibility.

D17.E Landscape

Objective

To provide landscaping that is appropriate for the coastal bushland context, and that integrates with housing development.

Development controls	
D17.20	All local streets within the **subdivision development** shall feature informal endemic street tree plantings.
D17.21	Access to the adjacent land to the north and east must be limited by physical barriers to limit ecological impacts. These measure can include the installation of bollards or koala sensitive fencing.
D17.22	Landscaping is provided as follows: • If the lot has an area of at least 200m^2 but not more than 300m^2 - 10% of the area of the lot • If the lot has an area of at least 300m^2 but not more than 450m^2 - 15% of the area of the lot • A principle landscaped area, measuring at least 1.5m wide and at least 3m long, must be provided as part of the development.

D17.F Setbacks, bulk and scale

Objective

To facilitate a diversity of housing within the development area.

Development controls	
D17.23	A Residential lot that has an area less than 500m^2 is capable of supporting a rectangular building footprint of 8m x 12m. Note: lots greater than 500m^2 are defined in C1.2

Development controls	
D17.24	The following setbacks must be provided for development on lots less than 300m^2 that are located within the flexible housing precinct (Figure DAK): • Zero setback to side (only 1 side if no rear land access) • 2m to any road frontage • 5.5 to garage from the road frontage • 4m to rear (ground & upper floor) – no rear access • Zero setback to rear if land has rear access • 16m^2 private open space, minimum 4mx4m
D17.25	The following setbacks must be provided for development within the central park precinct (Figure DAK): • 2m to primary road frontage

Figure DAJ: Stockton Rifle Range Land Application Map

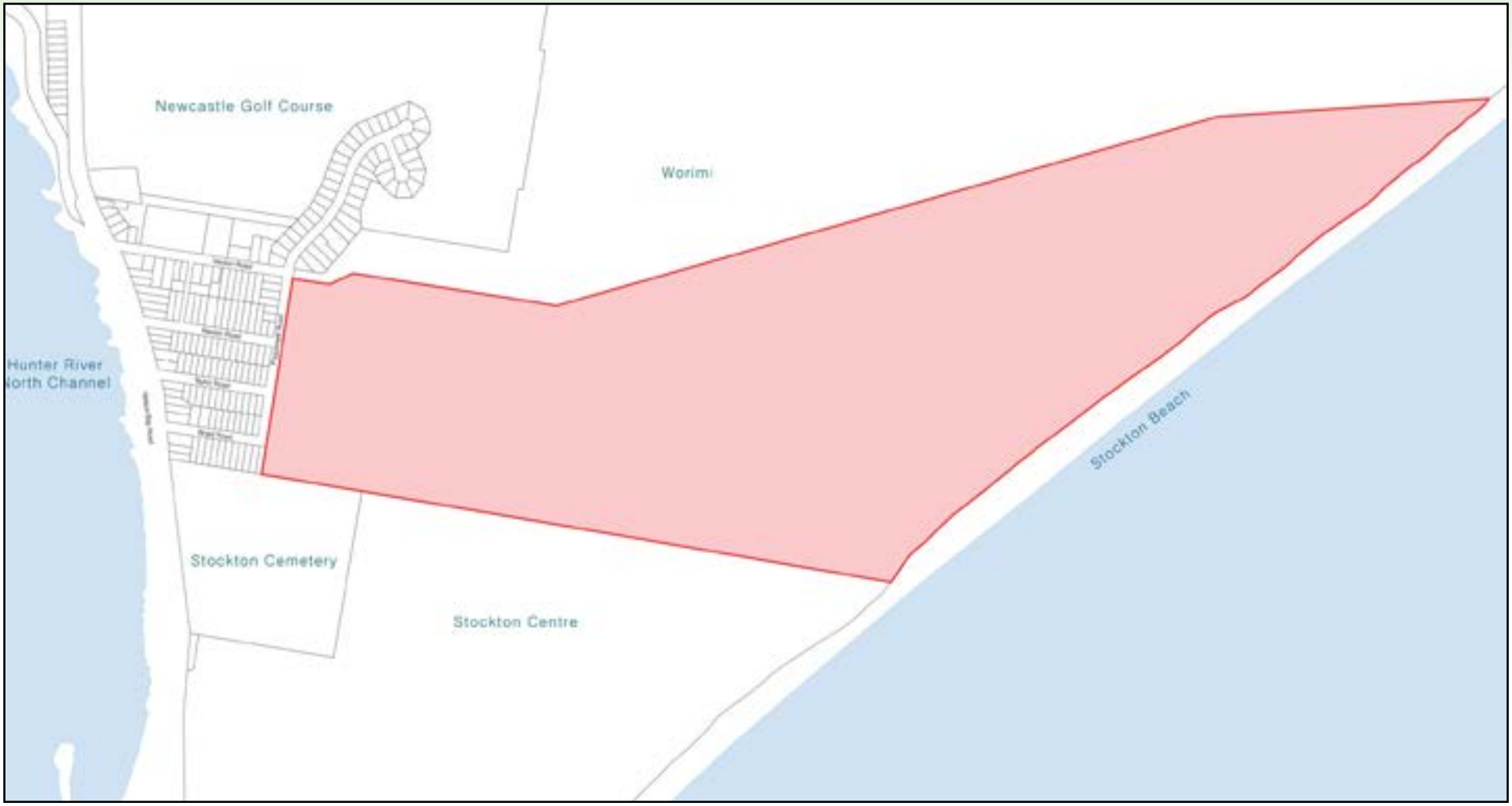
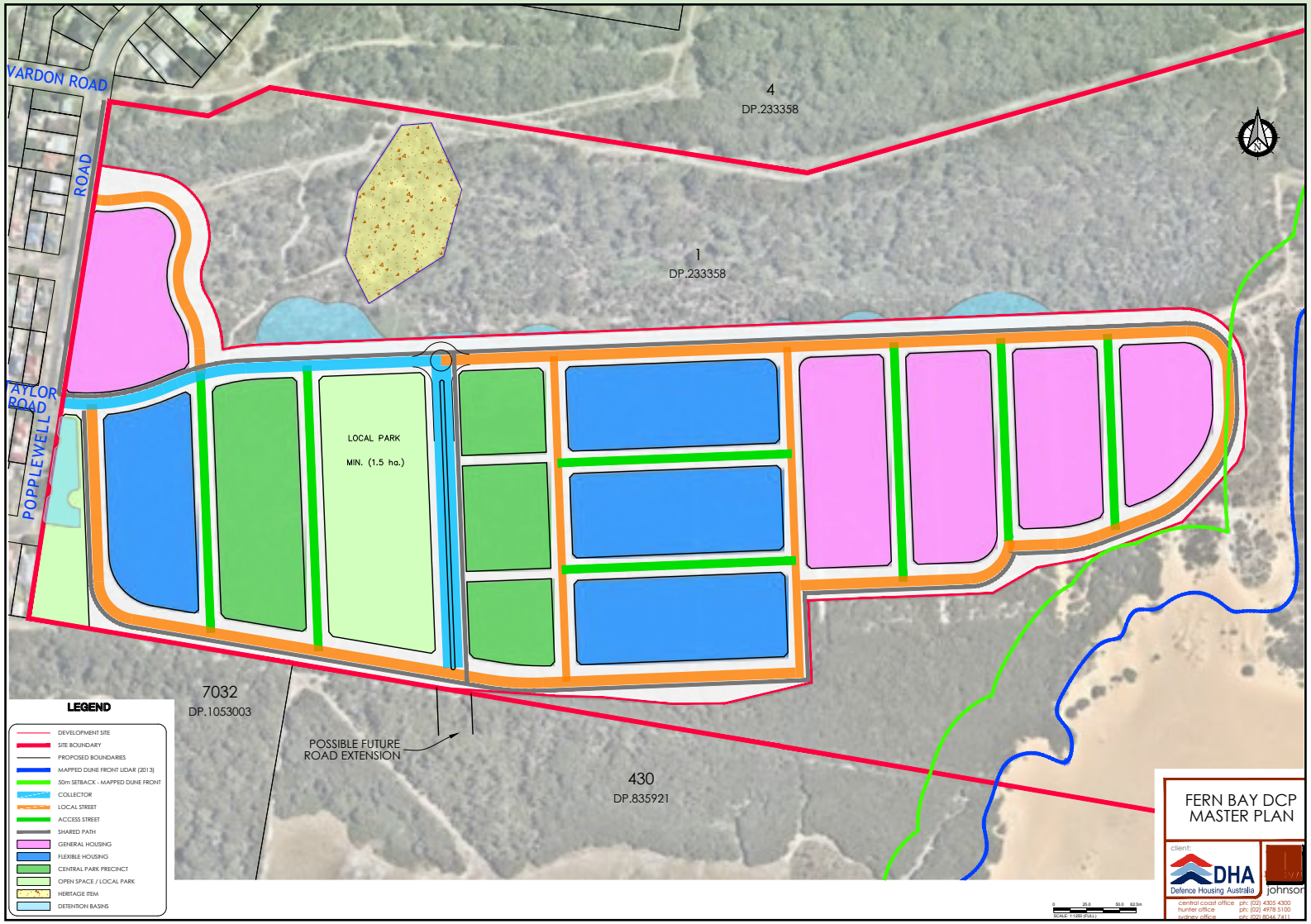


Figure DAK: Flexible Housing Precinct

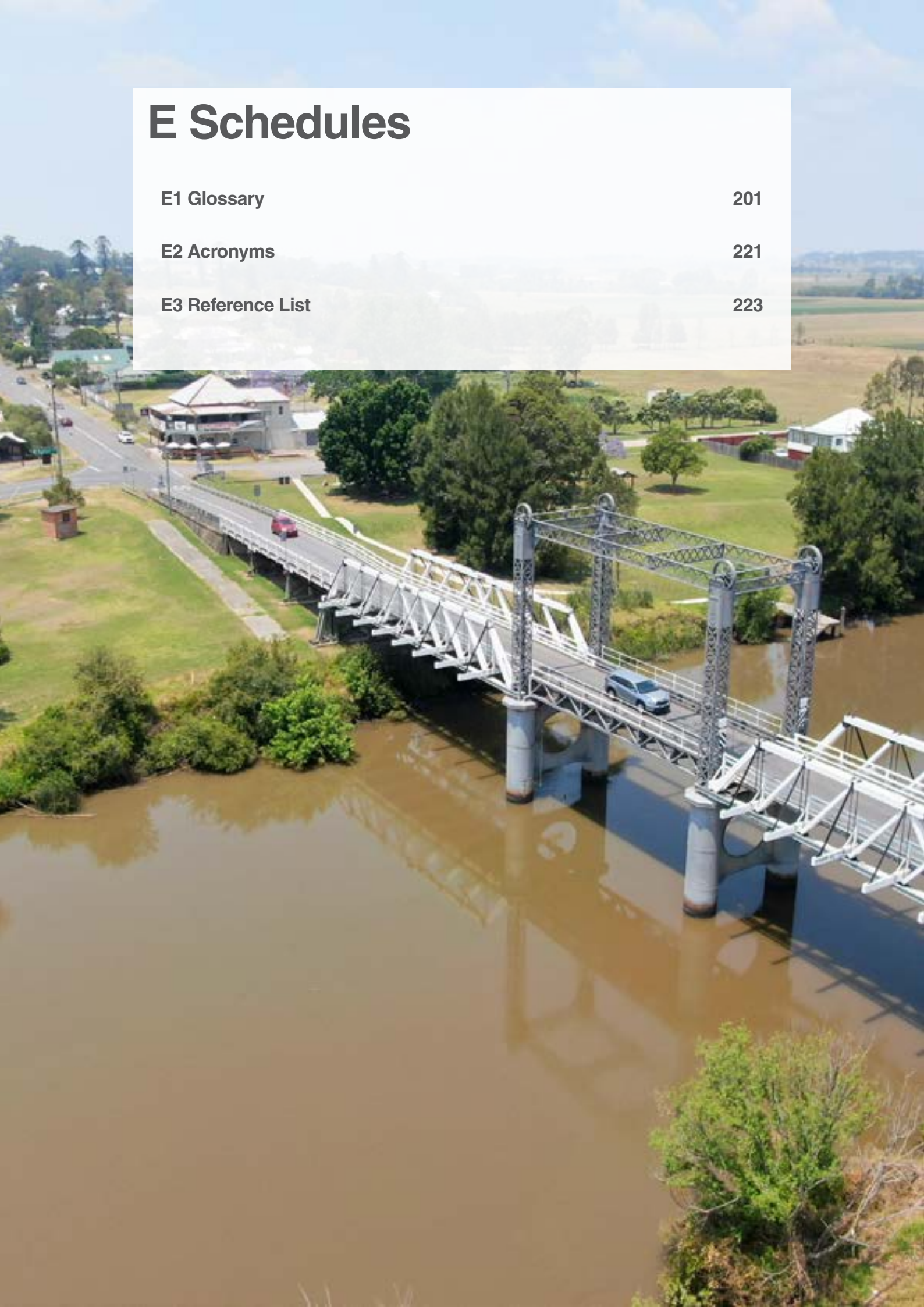


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E1 Glossary

This **DCP** adopts the terms and definitions of the Standard Instrument - Principal **Local Environmental Plan**, unless otherwise defined in the Glossary.

1% Annual Exceedance Probability (AEP) flood event is the design flood based on statistical analysis of flood and rainfall data that has a 1% probability of being equalled or exceeded within any year.

1st, 2nd & 3rd order water courses means a watercourse order as classified under the Strahler System of ordering watercourses. They can be determined by the width of the Core Riparian Zone (**CRZ**) as follows:

Water course description	CRZ width
Any first order watercourse where there is a defined channel where water flows intermittently	10m
Any permanently flowing first order watercourse or any second order watercourse where there is a defined channel where water flows intermittently or permanently	20m
Any third order or greater watercourse and where there is a defined channel where water flows intermittently or permanently. Includes estuaries, **wetland** and any parts of rivers influenced by tidal waters	20-40m

2025 Australian Noise Exposure Forecast (ANEF) means the area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the **ANEF** 20 contour on the **RAAF** Base Williamtown & Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map and includes land that is within **ANEF** contours of 20 and greater.

Aboriginal heritage impact permit (AHIP) means the statutory instrument that the NSW Office of Environment and Heritage issues under section 90 of the *National Parks and Wildlife Act 1974* to manage harm or potential harm to Aboriginal objects and places

access boundary means the boundary from which formal access to the site is achieved

acid sulfate soils (ASS) has the same meaning under the ***Local Environmental Plan***

acoustic report means a report carried out to detail the noise or vibration intrusion related to aircraft, railway, restaurants, childcare centres, industrial buildings and the like

active street frontage means a building for which all premises on the ground floor:

a. are used for the purposes of **business premises** or **retail premises** if the premises face the street, and
b. have direct pedestrian access from the street.

adaptable minimum floor level is the **1% AEP flood event** level plus 0.5m at 50 years from determination date

adversely impact means a negative effect that goes against desired conditions

air pollution means the emission into the air of any air impurity

Note: air pollution has the same meaning as in the *Protection of the Environment Operations*

Act 1997

air quality impact assessment means a report that identifies and measures the potential for air quality impacts

ancillary structure means for the purpose of this instrument, **development** that is incidental to an existing use being lawfully carried out on the land and includes a **swimming pool**, shed, fencing, retaining wall, shipping container or the like

annual exceedance probability (AEP) means the chance of a flood of a given or larger size occurring in any one year (for example, the **1% AEP flood event** has a 1% chance of occurring every year; the 5% **AEP** flood event has a 5% chance of occurring every year)

arborist report means a technical report prepared by a **qualified arborist** that adequately assesses the health of a tree or other vegetation

area free of risk from flooding means land above the **probable maximum flood (PMF)**

arterial road means an arterial road as defined by the current version of the Port Stephens Council 'Infrastructure Specification – Design'

assessment of significance means an analysis of the impacts that a proposed **development** is likely to have on threatened species, populations, ecological communities or habitat.

Asset Protection Zone (APZ) means a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack

Note: **Asset Protection Zone** has the same meaning as in Planning for Bush Fire Protection

Australian Height Datum (AHD) means the setting of the mean sea level as zero elevation. Mean sea level was determined from observations recorded by 30 tide gauges around the Australian continent for the period 1966-1968

Australian rainfall and runoff means the national guideline document for the estimation of design flood characteristics in Australia

average building line for the purposes of determining the front **setback**, means the average distance of the setbacks to the nearest 2 buildings having a boundary with the same parallel road and located within 40 metres of the lot on which the **dwelling house** is erected

battle-axe lot means a lot of land behind another, with access from the street through a narrow drive known as a handle

biodiversity offsets means measures that benefit biodiversity by compensating for the adverse impacts elsewhere of an action, such as clearing for development

bio-metric terrestrial biodiversity assessment tool means a tool used to assess the impacts on terrestrial biodiversity of applications for clearing and applications for incentives in **native vegetation** under the *Native Vegetation Act 2003*

bird strike zone means land identified as bird strike Group A, Group B or Group C by Figure BQ

buffer means a distinct separation between two developments or land-uses that require separation

Building Code of Australia (BCA) means volumes one and two of the National Construction Code

building height (or height of building) has the same meaning as in the ***Local Environmental Plan***

building line or **setback** has the same meaning as in the ***Local Environmental Plan***

bulk earthworks plan means a plan prepared that details the process of cut and fill, including proposed cutting and filling and any proposed loads or the type and source of landfill being used

bulky goods premises has the same meaning as specialised retail premises in the ***Local Environmental Plan***

bush fire prone land means land recorded for the time being as bush fire prone land on bush fire prone land map

bush fire prone land map for an area means a map for the area certified as referred to in section 10.3(2) of the **EP&A Act**

business premises has the same meaning as in the ***Local Environmental Plan***

capital investment value of a **development** or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs:

a. amounts payable, or the cost of land dedicated or any other benefit provided, under a condition imposed under Division 7.1 or 7.2 of the **EP&A Act** or a **planning agreement** under that Division,
b. costs relating to any part of the development or project that is the subject of a separate **development consent** or project approval,
c. land costs (including any costs of marketing and selling land),
d. GST (within the meaning of *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth).

Note: **capital investment value** has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*

cantilevered means a projecting structure, such as a beam, that is supported at one end and carries a load at the other end along its length

cellular system means systems that can be used to control and manage rainwater surface runoff as either a soak away or a storage tank. The modular/honeycomb nature of **cellular systems** means that they can usually be tailored to suit the specific requirements of any site

centrality means central to the geographic population or in proximity to a neighbourhood centre. An example would be where a **collector road** crosses another **collector road** or opposite a neighbourhood town centre

circumference breast height means the girth of the supporting stem of a tree at a height 1m above the existing ground level measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses

collector road means a collector road as defined by the current version of the Port Stephens Council 'Infrastructure Specification - Design'[11]

commercial premises has the same meaning as in the ***Local Environmental Plan***

compensatory planting means the planting of a tree to mitigate for the removal of a tree. Compensatory planning must be conducted in accordance with the Port Stephens Council **technical tree specification**[1]

construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the regulations

Note: **construction certificate** has the same meaning as in the **EP&A Act**

construction management plan means a management plan that details how construction will be managed. The plan takes into account relevant safety concerns, including how the works will interfere with the **public domain**

contaminated land means land in, on or under which any substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Note: **contaminated land** has the same meaning as in Schedule 6 of the **EP&A Act**

controlled activity means:

a. the erection of a building or the carrying out of a work (within the meaning of the **EP&A Act**), or
b. the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
c. the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
d. the carrying out of any other activity that affects the quantity or flow of water in a water source.

Note: **controlled activity** has the same meaning as in the *Water Management Act 2000*

crime prevention through environmental design (CPTED) means a multi-disciplinary approach to deterring criminal behaviour through environmental design

critical mass means the number of users of **public open space** to sustain its vitality

cut means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of land

dB(A) means an expression of the relative loudness of sounds in air as perceived by the human ear

desire lines means a path that represents the shortest and most easiest navigated route between an origin and destination

development means any of the following:

a. the use of land,
b. the **subdivision** of land,
c. the erection of a building,
d. the carrying out of a work,
e. the demolition of a building or work,
f. any other act, matter or thing that may be controlled by an **environmental planning instrument**,

Note: **development** has the same meaning as in the **EP&A Act**

development application means an application lodged with Council to seek consent for development that requires **development** consent under the ***Local Environmental Plan***

development consent means consent under Part 4 of the **EP&A Act** to carry out **development** and includes, unless expressly excluded, a complying development certificate

Note: **development consent** has the same meaning as in the **EP&A Act**

development type means the definition given to a proposed land-use under the Dictionary of the ***Local Environmental Plan***

district park means a park that can support a greater variety of functions and facilities than a local park to meet different community needs. Large groups should be able to gather for an extended period of time. A **district park** consists of the following attributes:

- Provides advanced evergreen shade trees;
- Provides multiple entry and exit points;
- Creates links between public and private areas;
- Integrates remnant vegetation;
- Formal car parking and pathways;
- Accessible amenities;
- Park furniture and sheltered picnic facilities (e.g. electric barbeques);
- **Signage**; and
- High quality play equipment.

drainage reserve means a parcel of land set aside for drainage purposes. **Drainage reserves** usually contain either a drainage basin or an open drain. A **drainage reserve** is a type of **overland flow path**

drinking water catchment means the Drinking Water Catchment identified on the Drinking Water Catchment Map in the ***Local Environmental Plan***

driveway means a type of private road for local access to one or a small group of structures, and is owned and maintained by an individual or group

driveway cross-fall means the point where a **driveway** crosses a pedestrian pathway, which is then understood to be the boundary of the pedestrian environment

dual occupancy has the same meaning as in the ***Local Environmental Plan***

dwelling has the same meaning as in the ***Local Environmental Plan***

dwelling house has the same meaning as in the ***Local Environmental Plan***

earthworks has the same meaning as in the ***Local Environmental Plan***

easement means an individual or a company, known as a grantee has the right to use land for a particular purpose. An **easement** can restrict how the owner of the land, known as the granter, can use their property. Common **easements** include:

- pathways and walkways
- for the supply of utilities
- access roads
- the right to park a vehicle

ecologically sustainable development means using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased

Environmental Planning Instrument (EPI) means an **environmental planning instrument** (including a **SEPP** or **LEP** but not including a **DCP**) made, or taken to have been made under Part 3 and in force.

Note: **environmental planning** instrument has the same meaning as in the **EP&A Act**

environmentally sensitive area means an area deemed to have significant environmental value by Council, including such areas as terrestrial biodiversity, **riparian corridors or wildlife corridors**

environmental significance means threatened species and communities, listed migratory species, wildlife corridors, **wetlands** or **riparian corridors**

essential services means reference to the essential services listed in the relevant clause of the ***Local Environmental Plan***, including; the supply of water, the supply of electricity, the disposal and management of sewage and suitable vehicular access undesirable species means the following:

exempt development means **development** that is specified in an **exempt development** code that meets the standards specified for that **development** and that compiles with the requirements of **exempt development** under *SEPP (Exempt and Complying Development Codes) 2008*

facadism means an architectural and construction practice where the façade of a building was designed or constructed separately to the rest of a building. More often it refers to the practice where only the face of a building is preserved with new buildings erected behind or around it

false windows means windows that do not link a habitable room and therefore do not provided passive surveillance

fill has the same meaning as in the ***Local Environmental Plan***

finished access level is the completed level of the driveway following construction, from the building envelope to the public road.

Finished Floor Level (FFL) is the completed floor level of the premises following construction.

flood certificate means a Council prepared flood certificate not more than 12 months old.

flood compatible design refers to all proposed development on flood prone land must be of a flood-resistant design and construction. The design must take into account the hydrostatic actions, hydrodynamic actions, debris actions, wave actions, erosion and scour. Materials used for structural purposes and located below the flood planning level must:

- Be capable of resisting damage, deterioration, corrosion or decay;
- Consider the amount of time that the material is likely to be in contact with flood water; and
- Consider the amount of time it will take for the material to dry out.

Note: Materials should be consistent with the:

- Construction of Buildings in Flood Hazard Areas – Standard, Australian Building Codes Board; and
- Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006.

flood fringe area is the remaining land in the **flood planning area** after the **floodway** area and flood storage area have been defined.

flood hazard means a source of potential harm or a situation with a potential to cause loss.

flood hazard maps includes the visual representation of the flood hazard and hydraulic categories referenced in Council's **Floodplain Risk Management Policy.** The maps are available on Council's website.

flood immunity refers to a building or structure that will not be directly affected by flooding during a flood event.

flood impact and risk assessment is a comprehensive technical investigation of flood behaviour that defines the variation over time of flood levels, extent and velocity for flood events of various severities up to and including the **PMF** event. It covers the entire floodplain catchment, with particular emphasis on the area under consideration. The flood impact and risk assessment will:

i. Be certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (**NER**), who has experience in hydraulics and floodplain management;
ii. Be a comprehensive document that includes numerical flood modelling of the proposed development area;
iii. Ensure that the extent of the study adequately assesses all flooding characteristics and impacts of the development in the area;
iv. Be consistent with any existing **flood impact and risk assessment** or floodplain risk management plan undertaken for Council for the subject site. Where there is deviation from the Council adopted studies, the flood study must detail and justify the deviations;
v. Be consistent with the **NSW Floodplain Development Manual 2005** and the current version of Australian Rainfall and Runoff and determine the existing flooding characteristics and assess the impacts of the proposal, including assessment of design flood events including 10% **AEP**, 5% **AEP**, 1% **AEP** and **PMF** for existing conditions, 2050 and 2100; and
vi. Assess cumulative flood storage impacts, flood levels, velocity (including direction), hazard and hydraulic categories.

floodplain means an area of flat land adjacent to a river, creek, lake, estuary, dam or artificial channel which is subject to flooding during high rainfall periods

floodplain risk management plan is developed from the **floodplain risk management study** and details how flood prone land within the study areas is to be managed. The primary aim of the Plan is to reduce the **flood hazard** and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with **flood hazard** now and in the future. The Plan consists of prioritised and costed measures for implementation.

Floodplain Risk Management Policy refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area in accordance with State Government's Flood Prone Land Policy and **NSW Floodplain Development Manual 2005.**

Floodplain Risk Management Study is a study of the risks across the floodplain and evaluates management options for both existing and proposed development. A floodplain risk management study needs to be developed in accordance with the principles and guidelines contained in the **NSW Floodplain Management Manual**.

flood planning area is the land inside the extent of the flood planning level

Flood Planning Level (FPL) is the level of the **1% AEP flood event** in the year 2100 plus 0.5 metre freeboard, except for overland flooding areas where a freeboard of 0.3 metre is applied. The area of land below the **FPL** is subject to flood-related development controls.

flood planning horizon refers to the length of time into the future for the risk to be managed. In floodplain risk management this includes consideration of climate change impacts and the planning horizon is typically 2100.

flood prone land refers to land that is likely to be inundated by the **PMF**.

flood prone land subject to further investigation refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behaviour (to define the variation over time of flood levels, extent, velocity, flood hazard and the flood planning level up to and including the **PMF** has not yet been carried out. Land designated as **flood prone land subject to further investigation** on Council's flood hazard maps will be considered as **High Hazard Flood Storage** (unless satisfactory evidence is provided to demonstrate otherwise).

flood refuge means an approved and well-designed mound to provide temporary refuge for humans and livestock during flooding

flood storage areas are those parts of the **floodplain** that are important for the temporary storage of floodwaters during the passage of a flood. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation.

flood volume refers to the volume of water occupying a site at the peak of a flood event. The 1% **AEP** flood volume is the difference between the peak flood height in the 1% **AEP flood event** and the natural surface level.

floodway refers to land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential.

floor space ratio of buildings on a site is the ratio of the **gross floor area** of all buildings within the site to the **site area**

flora, fauna or conservation strategy means a **flora, fauna or conservation strategy** that is relevant to the subject site and in turn has identified by Council as relevant (e.g. Port Stephens Council Koala Plan of Management)

flora and fauna survey means a survey to identify ecological and biological diversity of the site

foreshore means the part between the water and occupied or cultivated land

freeboard means the height above the 1% **AEP flood event** level. It is used as a safety margin to compensate for uncertainties such as wave action, localised hydraulic behaviour (e.g. flow path blockages caused by natural and urban debris such as trees, 'wheelie' bins, cars, containers) and changes in rainfall patterns and ocean water levels as a result of the changing climate.

front property line means the legal boundary of a parcel of land adjoining the primary r**oad reserve** frontage

function centre has the same meaning as in the ***Local Environmental Plan***

greenfield means a site in a locality which has been previously undeveloped other than for agricultural pursuits

gross floor area has the same meaning as in the ***Local Environmental Plan***

ground level (finished) has the same meaning as in the ***Local Environmental Plan***

groundwater means the water located beneath the earth's surface in soil pore spaces and in the fractures of rock formations. A unit of rock or an unconsolidated deposit is called an aquifer when it can yield a usable quantity of water.

habitable room as defined by the **NSW Floodplain Development Manual 2005** and the current Building Code of Australia means:

a. In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, music room, television room, sewing room, study/ office, playroom, family room, home theatre room, and sunroom, bedroom or workroom.
b. In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

Note: the **habitable room** definition excludes areas such as a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

heritage conservation area has the same meaning as in the ***Local Environmental Plan***

heritage impact statement has the same meaning as in the ***Local Environmental Plan***

heritage item has the same meaning as in the ***Local Environmental Plan***

high hazard flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have

difficulty wading to safety or where there is a potential for significant damage to buildings.

hollow tree assessment means an assessment undertaken to uncover the quality and quantity of tree hollows present on a site

home business has the same meaning as in the ***Local Environmental Plan***

home industry has the same meaning as in the ***Local Environmental Plan***

impervious surfaces means a surface within a **development** which does not allow infiltration of water to the underlying ground including roads, parking lots, driveways, pathways, buildings and roofs.

industry has the same meaning as in the ***Local Environmental Plan***

infill means the **development** of land by the erection of or addition of a residential building or buildings which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing allotment

integrated development means **development** (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and the listing approvals under section 4.46 of the **EP&A Act**

koala habitat means land identified on the Port Stephens Council Koala Habitat Map as being **preferred koala habitat**, **supplementary koala habitat**, and linking or buffer areas to them

land application map has the same meaning as in the ***Local Environmental Plan***

landscape plan means a plan or document outlining the extent, type and location of hard and soft landscape works proposed for a development

land use types means the definitions of development as listed under the Dictionary of the ***Local Environmental Plan***

Local Environmental Plan means the local environmental plan(s) applying to the land to which this plan applies

local park means a park that is provided and maintained for local residents comprising open grassed areas suitable for small scale ball play, picnics, unorganised active recreation and consists of the following attributes:

- Provides advanced evergreen shade trees;
- Provides multiple entry and exit points;
- Creates links between public and private areas;
- Integrates remnant vegetation;
- Provides park furniture seating; and
- May also include play equipment and pathways.

local street means a local street as defined by the current version of the Port Stephens Council Infrastructure Specification – Design

low hazard flood area is the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in

wading to safety

major subdivision means where new roads are proposed, existing roads or intersections require significant upgrading or **public drainage** is constructed

merit-based approach is the means of achieving an objective based on the desired outcome, rather than specific numerical standards

mezzanine has the same meaning as in the ***Local Environmental Plan***

minimal risk flood prone land refers to land on the floodplain that is above the **FPL**. This means that there are no flood-related development controls that apply to residential development, but critical emergency response and recovery facilities, such as evacuation centres and vulnerable development types, such as aged care and child care facilities, may not be appropriate in this location.

minor subdivision include strata subdivisions, boundary adjustments and Torrens & Community Title subdivision where only inter allotment drainage lines and driveways are required

Model for Urban Stormwater Improvement Conceptualisation (MUSIC) means a toolkit that aids decision-making; **MUSIC** predicts the performance of stormwater quality management systems

mixed use development has the same meaning as in the ***Local Environmental Plan***

multi dwelling housing has the same meaning as in the ***Local Environmental Plan***

multi-functional means sport fields that are designed with multiple uses in mind, including the provision of an all-weather surface, field markings that can be easily changed and removable goal posts.

natural ground level means the most likely surface of the property at the time the lots were created and the roads built

native vegetation has the same meaning as in the ***Local Environmental Plan***

nest box technical specification means the Port Stephens Council Nest Box Technical Specification[5] available from the Port Stephens Council website

nodes mean focal points, intersections or loci as Kevin Lynch in The Image of the City[42]. Examples include train stations, neighbourhood centres, bus depots or intersections.

non-habitable room means a room not defined as a **habitable room** under this Plan

non-rural areas for the purposes of Part B1 – Tree Management means the following land-use zones under the ***Local Environmental Plan*** and as specified in *SEPP (Vegetation in Non-Rural Areas) 2017*:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- B1 Neighbourhood Centre

- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- IN1 General Industrial
- IN2 Light Industrial
- IN4 Working Waterfront
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- RE1 Public Recreation
- RE2 Private Recreation
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

noxious weeds is a plant declared by an order under section 7 of the *Noxious Weeds Act 1993* to be a noxious weed. Note: **noxious weeds** has the same meaning as in the *Noxious Weeds Act 1993*

Noxious Weeds Technical Specification means the Port Stephens Council **Noxious Weeds Technical Specification**[6] that is available from the Port Stephens Council website

NSW ASS Assessment Guidelines means NSW Acid Sulfate Soils Management Advisory Committee. August 1998, 'Acid Sulfate Soils Assessment Guidelines'[40]

NSW ASS Manual means the Acid Sulfate Soils Manual that is available from the NSW Department of Planning and Environment

NSW Floodplain Development Manual 2005 refers to the State Government manual relating to the development of flood liable land for the purposes of section 733 of the *Local Government Act 1993*

occupation certificate means a certificate that authorises:

i. the occupation and use of a new building in accordance with a development consent, or
ii. a change of building use for an existing building in accordance with a development consent.

Note: **occupation certificate** has the same meaning as in the **EP&A Act**

offensive noise means noise:

a. that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
    ii. is harmful to (or is likely to be harmful) to a person who is outside the premises from which it is emitted, or
    iii. interferes unreasonable with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premise from which it is emitted,

b. that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

Note: **offensive noise** has the same meaning as in the *Protection of the Environment Operations Act 1997*

on-site detention means a way of ensuring that land-use changes does not cause increased downstream flooding: both in the local drainage system immediately downstream and along the creeks and rivers further downstream. **On-site detention** usually consists of a discharge control pit, storage and collection network.

on-site infiltration means a system by which water on the ground surface enters the soil. Infiltration rate in soil science is a measure of the rate at which soil is able to absorbed rainfall or irrigation. It is measured in inches per hour or millimetres per hour. The rate decreases as the soil becomes saturated.

on-site parking means parking required under Figure BU: On-Site Parking Requirements

on-site refuge means a convenient access to flood free ground. In general, it is not acceptable to rely on refuge provided by or on other **development** sites. In all cases where on site refuge is provided, it is to be both intrinsically accessible to all people on the site and an integrated part of the development (e.g. a second storey with stair access). The route to the refuge is to be fail safe, plainly evident and self-directing.

on-site sewage management system means wastewater systems designed to treat and dispose of effluent on the same property that produces the wastewater. A septic tank and drain field combination is the oldest and most common type.

on-site waste water level is the 5% **AEP** flood event level at 50 years from determination date (Note: there is no 0.5m freeboard in this instance).

open space means either **private open space** or **public open space**

operational land has the same meaning as in the ***Local Environmental Plan***

operation and maintenance plan means a plan developed to maintain **Water Sensitive Urban Design (WSUD)** measures in line with the Port Stephens Council. NA, 'Guidelines for Preparing a Water Sensitive Urban Design Strategy'

overland flow means water that flows down to a water course as opposed to flooding that is water that rises from a water source

overland flow path are the areas of inundation by local runoff rather than inundation created by overbank flows discharging from a watercourse

permit means an approval from Council for clearing of trees and/or vegetation in accordance with Clause 10(1) of *SEPP (Vegetation in Non-Rural Areas) 2017*

planning agreement means an agreement made between the proponent and Council under section 7.4 of the **EP&A Act** regarding infrastructure provision

podium means a platform used to raise something above its immediate surroundings

precinct plan means a plan prepared to address the matters set out in Part 6 (Urban release areas) of the ***Local Environmental Plan***

preferred koala habitat means all habitat areas identified by the Koala Habitat Atlas as Primary Habitat, Secondary Habitat and Community Based Survey Categories under the *Port Stephens Council Comprehensive Koala Plan of Management*[10]

primary use means the principle reason for which the vehicle is utilised

privacy screen means a screen that:

a. faces the boundary;
b. is 1.5m high, measured from the floor level;
c. has no individual opening more than 30mm wide; and
d. has a total of all openings less than 30 percent of the surface area of the screen.

private open space has the same meaning as in the ***Local Environmental Plan***

probable maximum flood (PMF) refers to the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions.

public means a person who accesses a building or premises who are not owners or staff

public domain means land to be considered public property and would generally be understood to be streetscapes or **public open space**

public drainage means the drainage system that is under public ownership and is maintained by a public authority

public infrastructure means infrastructure, such as sewerage, electrical, water or similar that is under the ownership of a public authority, such as Council

public open space means a social space that is generally open and accessible to people, including road reserves, public domain, parks and beaches

qualified arborist means:

a. a person who holds the Australian Qualifications Framework Diploma in Horticulture (Arboriculture) or other qualifications to the satisfaction of Council, and
b. who has been registered with the Council as a qualified person for the proposes of the preparation of an **arborist report**, or
c. the Council

qualified engineer means a practicing professional with accreditations received from a University recognised by Engineers Australia or equivalent international accreditation

Reduced Level (RL) has the same meaning as in the ***Local Environmental Plan***

regional park means a park that attracts visitors from the wider community of the Port Stephens local government area, providing facilities that are of a broader scale than those of a local park or district park. They support extended visitation times, are considered to be a destination and consist of the following attributes:

- Provides advanced evergreen shade trees;
- Provides multiple entry and exit points;
- Creates links between public and private areas;
- Integrates remnant vegetation;

- Play equipment and the highest quality supporting infrastructure;
- Easily accessible by main roads and public transport;
- Formal car parking and pathways;
- Accessible amenities;
- Quality landscaping and turf areas;
- Park furniture and sheltered picnic facilities (e.g. electric barbeques);
- Large scale children's playground; and
- Adequate lighting in consideration of CPTED principles.

register of significant trees means the Port Stephens Council Register of Significant Trees. This Register is available from the Port Stephens Council Website

residential accommodation has the same meaning as in the ***Local Environmental Plan***

residential flat building has the same meaning as in the ***Local Environmental Plan***

restricted premises has the same meaning as in the ***Local Environmental Plan***

retail premises has the same meaning as in the ***Local Environmental Plan***

riparian corridor means a transition zone between the land, also known as the terrestrial environment, and the river or watercourse or aquatic environment. **Riparian corridors** perform a range of important environmental functions.

road reserve means a legally described area within which facilities such as roads, footpaths, and associated features may be constructed for public travel

rural areas means the following land-use zones under the ***Local Environmental Plan***:

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry

secondary dwelling has the same meaning as in the ***Local Environmental Plan***

secondary setback relates to a building situated on a corner lot, faces to two streets and therefore requires two setbacks. The secondary setback is provided to the non-primary street, being the street which carries less traffic load.

section 88B means section 88B of the *Conveyancing Act 1919*

seniors housing has the same meaning as in the ***Local Environmental Plan***

sensitive receivers mean those locations or persons that are vulnerable to a decline in air quality, such as asthmatics, children or the elderly

servicing strategy means a strategy that identifies major works in relation to essential services.

sex services premises has the same meaning as in the ***Local Environmental Plan***

shared path means a path designed to provide a travel area separate from motorised traffic for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users

side boundary means the property boundaries connected to the front property line

signage has the same meaning as in the ***Local Environmental Plan***

significant effect means there is likely to be a significant effect as determined under section 5A of the **EP&A Act** or development is on land which is, or is part of, critical habitat

site analysis means the preparatory step developing a **site analysis plan**. The results of this analysis are illustrated by a **site analysis plan** submitted as part of the **SEE**

site analysis plan means a plan informed by a **site analysis** and provided as part of a **development application**

site area means the area contained within the boundaries of the site

site based overland flow report is a report certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (**NER**), who has experience in hydraulics and floodplain management, demonstrating that the development:

i. Will not result in a material increase in flood level or flood hazard on upstream, downstream or surrounding properties; and
ii. Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people.

The site based overland flow report must consider, as a minimum:

a. existing or created overland flow paths and make due provision in the design of the site stormwater system;
b. preserving existing overland flow paths as far as practical;
c. a range of flood events, including the 1% **AEP flood event**;
d. designs to ensure that the maximum overland flow velocity at the 1% **AEP flood event** should not exceed 1.5m/s and depths not exceed 250mm;
e. designs to ensure that the impacts of the proposed development on localised flood hazards are mitigated and surrounding properties (upstream and downstream) are not adversely affected; and
f. the latest advice from Australian Rainfall and Runoff: A Guide to Flood Estimation.

solar access means the amount of the sun's energy available to a building

species impact statement (SIS) means a statement referred to in Division 2 of Part 6 and includes an environmental impact statement, prepared under the **EP&A Act** that contains a species impact statement

splay corners means the corners of a road intersection

staged development application has the same meaning as in the **EP&A Act**.

statement of environmental effects (SEE) means a document that demonstrates that the environmental impact of a development

stormwater drainage plan means a plan and written description in relation to the stormwater management of a site and includes information on:

- catchment boundaries;
- existing surface conditions;
- proposed surface contours;

- proposed building flood or floor levels;
- location and levels of discharge points;
- overland flow paths and flood liable areas;
- location of drainage pits and lines;
- location and area of on-site detention easements;
- calculations for any proposed stormwater system;
- methods of draining the land;
- water quality measures identified by Small Scale Stormwater Water Quality Model (**SSSQM**) or water quality modelling, such as **MUSIC** Modelling;
- operational plan; and
- maintenance plan.

stormwater quality improvement devices (SQIDs) mean engineering methods that are used to protect the creeks, rivers and beaches that our stormwater drains into. They trap or collect rubbish and pollution that ends up in our stormwater drains. Examples include litter collection cages, trash racks or constructed wetlands

stormwater requirement areas means land identified on a map on Councils website where additional stormwater control devices may be required

structural engineering assessment means an assessment undertaken of the building by a qualified engineer

structural certificate is a report certifying the structural stability of the structure. The **structural certificate** is to be prepared by a Chartered Professional Engineer recognised under the Engineers Australia's National Engineering Register (**NER**) in the area of practice of Structural Engineering. The Report must certify that the proposed structural components can withstand the forces of floodwater up to the **PMF**, including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces.

subdivision means an area or lot of land being subdivided into smaller lots. Subdivision under this Plan is either minor subdivision or major subdivision as defined under C1.2 of this Plan

subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Note: **subdivision certificate** has the same meaning as in the **EP&A Act**

subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the regulations.

Note: **subdivision works certificate** has the same meaning as in the **EP&A Act**

super lot means an area of land created by subdivision and intended to be further subdivided into additional lots.

supplementary koala habitat means koala habitat that is supplementary to preferred koala habitat as defined under the *Port Stephens Comprehensive Koala Plan of Management*[10]

surface water means water on the surface of the planet, such as in a stream, river, lake, wetland, or ocean

swimming pool means an excavation, structure or vessel:

a. that is capable of being filled with water to a depth greater than 300 millimetres, and
b. that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act

Note: **swimming pool** has the same meaning as in the *Swimming Pools Act 1992*

traffic generating development means **development** defined as **traffic generating development** under Schedule 3 of the *SEPP (Infrastructure) 2007*

Traffic Impact Assessment (TIA) means an assessment to quantify the traffic impacts and associated parking requirements that result from proposed **development**

tree removal notification means the Port Stephens Council Tree Removal Form. The Form is available from the Port Stephens Council Website

tree technical specification means the Port Stephens Council **Tree Technical Specification**[1]. The Specification is available from the Port Stephens Council Website

undesirable species means the following:

- Tree of Heaven – *Alionthus altissima*
- Camphor Laurel – *Cinnoamomum camphora*
- Cotoneaster - *Cotoneaster spp.*
- Coral Tree – *Erythrina spp.*
- Rubber Tree – *Fiscus elastica*
- Privet – *Ligustrum spp.*
- Oleander – *Nerium oleander*
- Slash pine – *Pinus elliotii*
- Radiata pine – *Pinus radiate*
- Willow – *Salix babylonica, Salix matsudana tortuosa* and *Salix spp*
- Umbrella Trees – *Schefflera spp*
- Cocos Palm – *Syagrus romanzonffianum*
- Rhus Tree – *Toxicodendron succedameum*

urban release area has the same meaning as in the ***Local Environmental Plan***

vegetated riparian zone means the **vegetated riparian zone** that adjoins the channel comprising the bed and banks of the watercourse of a **riparian corridor**

vegetation management plan (VMP) means a **vegetation management plan** as described under the Port Stephens Council **vegetation technical specification**[2]

vegetation technical specification means the Port Stephens Council Vegetation Technical Specification. The Specification is available from the Port Stephens Council Website.

virgin excavated natural material (VENM) means natural material (such as clay, gravel, sand, soil or rock fines):

a. that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining, or agricultural activities, and
b. that does not contain any sulfidic ores or soils or any other waste,

and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an **EPA** Gazettal notice.

Note: **virgin excavated natural material** has the same meaning as in the *Protection of the Environment Operations Act 1997*

vistas means a view corridor to a distant view

waste includes:

a. any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause an alteration in the environment, or
b. any discarded, rejected, unwanted, surplus or abandoned substance, or
c. any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
d. any substance prescribed by the regulations to be **waste**.

A substance is not precluded from being **waste** for the purpose of this Act merely because it is or may be processed, recycled, re-used or recovered

Note: **waste** has the same meaning as in the *Protection of the Environment Operations Act 1997*

waste storage and recycling area means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the buildings occupants

water balance means an equation that can be used to describe the flow of water in and out of a system

waterfront land means:

a. the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of , the highest bank of the river, or
   - the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
   - the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
b. if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be **waterfront land** by virtue of any of the paragraphs relevant to that land.

Note: **waterfront land** has the same meaning as in the *Water Management Act 2000*

water quality stripping targets means the following water quality targets:

a. Total nitrogen retention post-development load: 45%
b. Total phosphorus retention post-development load: 60%
c. Total suspended solids post-development load: 90%
d. Gross pollutants post-development load: 90%

water sensitive urban design (WSUD) means a range of measures that are designed to avoid, or at least minimise, the environmental impacts of urbanisation in terms of the demand for water and the potential pollution threat to natural water bodies

wetland means a location identified as 'wetland' on the Wetlands Map under *Local Environmental Plan*

E2 Acronyms

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHIMS	Aboriginal heritage information management system
AHIP	Aboriginal heritage impact permit
ANEF	Australian noise exposure forecast
APZ	Asset Protection Zone
ASS	Acid sulfate soils
AS	Australian Standard
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
CKPoM	Comprehensive Koala Plan of Management
CPTED	Crime prevention through environmental design
CRZ	Core Riparian Zone
DAF	Development Assessment Framework
DAREZ	Defence or Airport Related Employment Zone
dB(A)	A-weight decibels
DCP	Development Control Plan 2014
DCP 2013	Development Control Plan 2013
DPI	Department of Primary Industries (NSW)
EP&A Act	*Environmental Planning and Assessment Act 1979*
EPI	Environmental Planning Instrument
FFL	Finished floor level
FPL	Flood planning level
LEP	*Local Environmental Plan*
LLS	Local Land Services
MSD	Minimum sight distance
MUSIC	Model for urban stormwater improvement conceptualisation
NASAG	National Airport Safeguarding Advisory Group
NorBE	Neutral or beneficial effect on water quality

OSMS	On-site sewage management system
PMF	Probable maximum flood
PSC	Port Stephens Council
RAAF	Royal Australian Air Force
RL	Reduced level
SEE	Statement of environmental effects
SEPP	State Environmental Planning Policy
SIS	Species impact statement
SQIDs	Stormwater quality improvement devices
SSSQM	Small scale stormwater quality model
TIA	Traffic impact assessment
TSC Act	*Threatened Species Conservation Act 1995*
VENM	Virgin excavated natural material
VMP	Vegetation management plan
WSUD	Water sensitive urban design

E3 Reference List

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