

# E Schedules

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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, <b>wetland</b> 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:

- are used for the purposes of **business premises** or **retail premises** if the premises face the street, and
- 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'<sup>11</sup>

**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**<sup>1</sup>

**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 grantor, 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 complies 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 **road 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<sup>5</sup> available from the Port Stephens Council website

**nodes** mean focal points, intersections or loci as Kevin Lynch in *The Image of the City*<sup>42</sup>. 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**<sup>6</sup> 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'<sup>40</sup>

**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 absorb 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*<sup>10</sup>

**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 purposes 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*<sup>10</sup>

**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**<sup>1</sup>. 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**<sup>2</sup>

**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

<b>AEP</b>	Annual Exceedance Probability
<b>AHD</b>	Australian Height Datum
<b>AHIMS</b>	Aboriginal heritage information management system
<b>AHIP</b>	Aboriginal heritage impact permit
<b>ANEF</b>	Australian noise exposure forecast
<b>APZ</b>	Asset Protection Zone
<b>ASS</b>	Acid sulfate soils
<b>AS</b>	Australian Standard
<b>BCA</b>	Building Code of Australia
<b>CASA</b>	Civil Aviation Safety Authority
<b>CKPoM</b>	Comprehensive Koala Plan of Management
<b>CPTED</b>	Crime prevention through environmental design
<b>CRZ</b>	Core Riparian Zone
<b>DAF</b>	Development Assessment Framework
<b>DAREZ</b>	Defence or Airport Related Employment Zone
<b>dB(A)</b>	A-weight decibels
<b>DCP</b>	Development Control Plan 2014
<b>DCP 2013</b>	Development Control Plan 2013
<b>DPI</b>	Department of Primary Industries (NSW)
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPI</b>	Environmental Planning Instrument
<b>FFL</b>	Finished floor level
<b>FPL</b>	Flood planning level
<b>LEP</b>	<i>Local Environmental Plan</i>
<b>LLS</b>	Local Land Services
<b>MSD</b>	Minimum sight distance
<b>MUSIC</b>	Model for urban stormwater improvement conceptualisation
<b>NASAG</b>	National Airport Safeguarding Advisory Group
<b>NorBE</b>	Neutral or beneficial effect on water quality

<b>OSMS</b>	On-site sewage management system
<b>PMF</b>	Probable maximum flood
<b>PSC</b>	Port Stephens Council
<b>RAAF</b>	Royal Australian Air Force
<b>RL</b>	Reduced level
<b>SEE</b>	Statement of environmental effects
<b>SEPP</b>	State Environmental Planning Policy
<b>SIS</b>	Species impact statement
<b>SQIDs</b>	Stormwater quality improvement devices
<b>SSSQM</b>	Small scale stormwater quality model
<b>TIA</b>	Traffic impact assessment
<b>TSC Act</b>	<i>Threatened Species Conservation Act 1995</i>
<b>VENM</b>	Virgin excavated natural material
<b>VMP</b>	Vegetation management plan
<b>WSUD</b>	Water sensitive urban design

# E3 Reference List

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