

B1 Tree Management

Application

This Part applies to **development** to remove the removal or pruning of 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 (Biodiversity and Conservation) 2021* 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
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Note: The tree pruning and removal assessment form available on Council's website can be used to determine what type of Council issued approval (if any) is required prior to tree removal or pruning.

Figure BA: Approval requirements thresholds

Column 1 – Approval type required	Column 2 – Tree management activity
Council approval not required	<p>No approvals are required for the removal of a tree(s) or other vegetation that is:</p> <ul style="list-style-type: none"> authorised under other legislation, such as vegetation clearing authorised under the <i>Rural Fires Act 1997</i>; or, clearing as part of an approved construction certificate or approved subdivision certificate; or trees and shrubs under 3m in height and diameter is less than 300mm (measured 1.3m from the ground); or, where height exceeds 3m or diameter exceeds 300mm (measured 1.3m from the ground), that is: <ul style="list-style-type: none"> within 5m of the wall of an approved structure being a dwelling, shed, attached garage, pools or retaining wall measured from the wall to the trunk of the tree (excluding driveways); or, a tree grown for fruit or nut production; or, a species listed in NSW Weedwise that is not otherwise listed as requiring Council approval. <p>Note: No approvals are required when pruning a tree or other vegetation less than 10% foliage within a 12 month period when completed in accordance with Australian Standard (AS) 4373– Pruning of amenity trees.</p>

Column 1 – Approval type required	Column 2 – Tree management activity
Notification to Council	<p>Removal or pruning of a tree, not otherwise listed as requiring Council approval, can occur in instances where Council is satisfied that:</p> <ul style="list-style-type: none"> there is a risk to human life or property not related to leaf/flower/fruit drop, or the tree(s) are dead or dying and it is not required as the habitat of native animals. <p>Note: where urgent removal or pruning over 10% of a tree is required due to risk of immediate failure, Council requires a tree removal notification within 10 days of the removal.</p> <p>Note: notification must be provided by completing the tree pruning and removal assessment form available on Council's website.</p>
Council issued permit	<p>A tree permit is required for the removal or pruning over 10% of a tree or other vegetation where height exceeds 3m or diameter exceeds 300mm (measured 1.3m from the ground) and poses no risk to life or property.</p> <p>A tree permit is required for the removal or pruning of a tree or other vegetation, irrespective of the location or risk that is:</p> <ul style="list-style-type: none"> a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>); a Cabbage Tree Palm (<i>Livistona australis</i>); listed under the register of significant trees³; or part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: <ul style="list-style-type: none"> 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 <p>Note: a tree permit can be requested by completing the tree pruning and removal assessment form available on Council's website.</p>
Council issued development consent	<p>Development consent from Council is required for the 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:</p> <ul style="list-style-type: none"> 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 <p>Note: A development application will need to be lodged.</p>
Native vegetation panel approval	<p>Clearing of native vegetation that is subject to the biodiversity offset scheme as specified in the <i>Biodiversity Conservation Act 2016</i></p>
Threatened Species Licence	<p>Removal or pruning of vegetation that poses no risk to life or property and is likely to result in:</p> <ul style="list-style-type: none"> harm to an animal that is a threatened species or part of a threatened ecological community; or picking a plant that is a threatened species or part of a threatened ecological community; or damage to the habitat of a threatened species or threatened ecological community; or damage to a declared area of outstanding biodiversity value.
Fisheries and Marine park Permit	<p>Removal or pruning of Mangrove and marine vegetation, irrespective of the size, location or risk.</p>

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 <i>Biodiversity Conservation Act 2016</i>
Council issued permit	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>); a Cabbage Tree Palm (<i>Livistona australis</i>); a species listed under the <i>Biodiversity Conservation Act 2016</i>; listed under the register of significant trees³; or part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: <ul style="list-style-type: none"> 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	<p>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:</p> <ul style="list-style-type: none"> 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 <p>Note: A development application will need to be lodged</p>
Council approval not required	<p>Removal or pruning of a tree or other vegetation:</p> <ul style="list-style-type: none"> authorised under other legislation, such as vegetation clearing authorised under the <i>Rural Fires Act 1997</i>, <i>Roads Act 1993</i>, or a construction certificate or subdivision certificate; or where height exceeds 3m or circumference breast height exceeds 300mm, that is: <ul style="list-style-type: none"> 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. <p>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.</p>

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~~. **Port Stephens Council's Invasive Species Team.**
- *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	<p>Council assessment of tree notifications applications to remove or prune trees or other vegetation has regard for:</p> <ul style="list-style-type: none"> • the level and likelihood of risk posed by the vegetation based on current arboricultural practises • whether the tree is dead and provides habitat
B1.3	<p>Council assessment of permits and development applications to remove or prune trees or other vegetation has regard for:</p> <ul style="list-style-type: none"> • the level and likelihood of risk posed by the vegetation based on current arboricultural practises • damage to an existing structure or utility service substantiated by a qualified person • impacts resulting from the approval of the development • impact on threatened species, populations or ecological communities and their habitats

Development controls

	<ul style="list-style-type: none"> • retention value under the tree technical specification¹ • other relevant circumstances, as per the tree technical specification¹ • 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
B1.4	<p>Council assessment of applications to remove or prune trees or other vegetation has no regard for the removal or pruning of trees:</p> <ul style="list-style-type: none"> • due to leaf/flower/fruit drop • to enhance view • interfering with a solar photovoltaic/hot water system <p>Note: the tree technical specification¹ details circumstances where the removal or pruning of trees for the installation of solar photovoltaic/hot water systems may be considered</p> <ul style="list-style-type: none"> • interfering with the amenity of a habitable room dwelling • located further than 3m from a driveway. Any trees located closer to driveways must be shown to be interfering, or likely to interfere with the integrity of a driveway

B1.C Supporting information

Objective

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

Development controls

B1.35	<p>An arborist report consistent with tree technical specification¹ is required:</p> <ul style="list-style-type: none"> • for a tree or other vegetation listed under register of significant trees³ • to assess the impact on existing trees as part of a development application as per AS 4970 – Protection of trees on development sites, where they are within 5m of the development footprint, (including any ancillary development or associated excavation), or otherwise proposed to be removed • to support reassessment of applications for tree removal on a technical basis • to support the release of a tree bond
B1.4	<p>A tree bond consistent with the tree technical specification¹ is imposed where Council deems a public tree is at risk</p>

Development controls

B1.56	<p>A request to remove 20¹⁰ or more trees requires a vegetation management plan prepared by a suitably qualified professional. consistent with vegetation technical specification²</p> <p>Note: An application to remove 20¹⁰ or more trees, where tree height exceeds 3m or circumference breast height diameter exceeds 300mm (measured 1.3m from the ground), 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'</p>
B1.67	<p>Compensatory planting consistent with the tree technical specification¹ may be required when council approval to remove trees is provided</p>
B1.78	<p>A hollow tree assessment is required to remove hollow bearing trees:</p> <ul style="list-style-type: none"> • Two replacement hollows are provided for each hollow tree identified by the hollow tree assessment tree technical specification¹ • Salvaged hollows are preferred over nest boxes, which are consistent with the nest box technical specification⁵ tree technical specification¹ <p>Note: B2.1 requires a hollow tree assessment and replacement or salvaged hollows if a flora and fauna survey report proposes their removal</p>

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** **biosecurity risks**; 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 specification² tree technical specification¹** 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 specification⁵ tree technical specification¹**

Note: This is consistent with B1.7⁸ 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 specification² tree technical specification¹**
 - in a secure tenure ownership
 - located on land to which this Plan applies

B2.C ~~Noxious~~ Biosecurity risks (weeds)

Objective

To reduce the negative impact of **noxious-biosecurity risks (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 the **biosecurity technical specification* noxious-weeds technical specification⁶**

Note: NSW Weedwise is an online tool to identify weeds available on the Department of Primary Industries website

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 control

- B2.4 **Development** located on or in proximity to land identified as **koala habitat** complies with the *Port Stephens Comprehensive Koala Plan of Management¹⁰* 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 Management¹⁰*

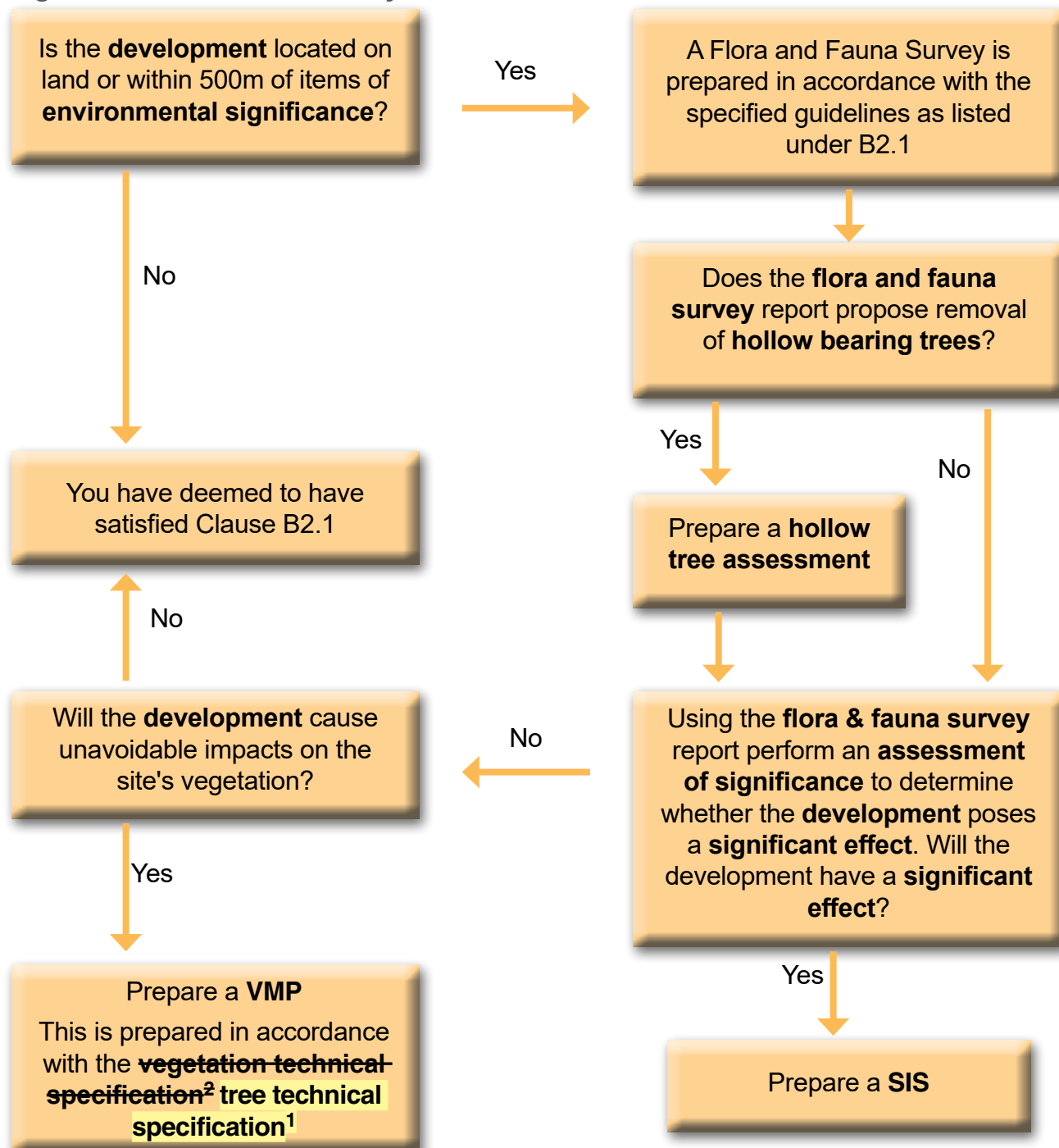
Development control

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 (Biodiversity and Conservation) 2021**

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

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	<p>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.</p> <p>Note: C1.D also provides drainage requirements for development relating to subdivision</p> <p>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.</p> <p>Note: The minimum finished floor level of development in relation to the ground level (finished) surrounding the building must comply with BCA requirements, should take into account local constraints and should appropriately and effectively manage stormwater and surface water drainage so as to minimise risk caused by localised drainage / flooding issues.</p>
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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	<p>On-site detention / on-site infiltration is required in stormwater requirement areas where:</p> <ul style="list-style-type: none"> the post-development flow rate or volume exceeds the pre-development flow rate or volume; or 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. <p>Note: A map of stormwater requirement areas is published on Council's website.</p> <p>Note: Pre-development is prior to any development occurring on the land.</p>
B4.3	<p>On-site detention / on-site infiltration is to be:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> under grassed areas for any cellular system (which can be easily maintained) under hardstand areas such as driveways for any concrete tank structures <p>Note: A neutral or beneficial effect (NorBE) on water quality must be designed for all storm events.</p>
B4.4	<p>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:</p> <ul style="list-style-type: none"> 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 <p>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.</p>

Figure BC: Maximum impervious surface table

Land use zone	Maximum impervious surface area (%)
E4C4, R5, RU1, RU2 & RU3	Refer to Figure BD (below)
E1C1, E2C2, E3C3, 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 E4C4, 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	<p>Development is to provide stormwater quality improvement devices (SQIDs) in accordance with Figure BE: Water quality table, unless:</p> <ul style="list-style-type: none"> 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 250m² <p>A document listing approved WSUD strategies is available on Council's webpage.</p> <p>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.</p> <p>Note: The list of approved WSUD Strategies should be consulted for the purpose of determining whether SQIDs are required for a complying development proposal.</p>
B4.6	<p>Stormwater quality improvement devices (SQIDs) are designed to be taken off-line from minor and major drainage systems.</p>
B4.7	<p>Development submits modelling to demonstrate the evidence of how the water quality targets have been achieved (eg SSSQM Certificate, MUSIC or MUSIC-Link report).</p>

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 <i>Hunter Water Act 1991</i> . 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
	Development 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 250m²	No water quality measures are required	No water quality measures are required	-

Type of development or site area Subdivision lot size	Water quality targets		Tool used to achieve target
	Development 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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 <i>Water Management Act 2000</i> 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 : <ul style="list-style-type: none"> • 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

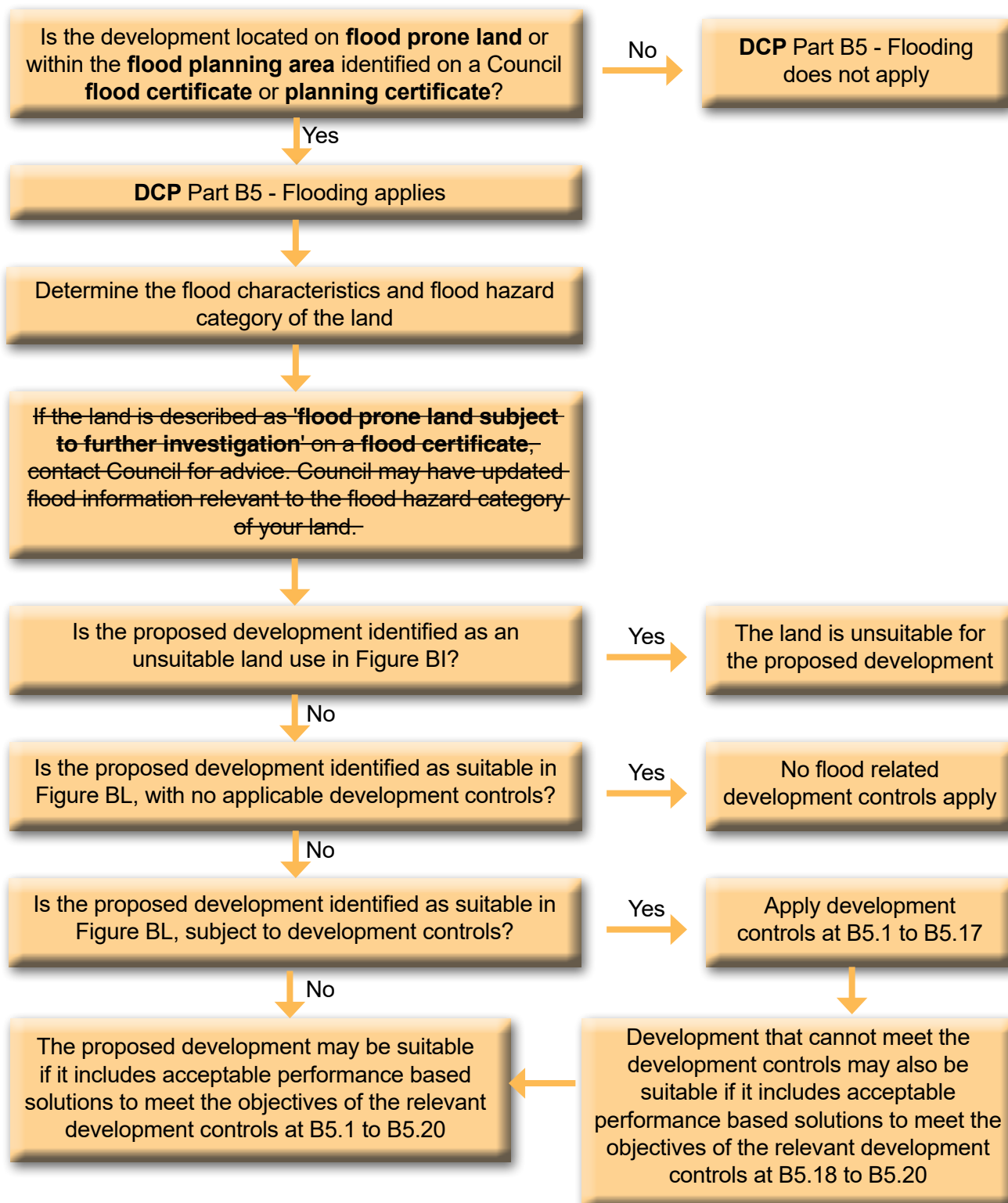
B5 Flooding

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 and flood levels reflect the landscape and the relationship between water depth and water velocity in a flood.

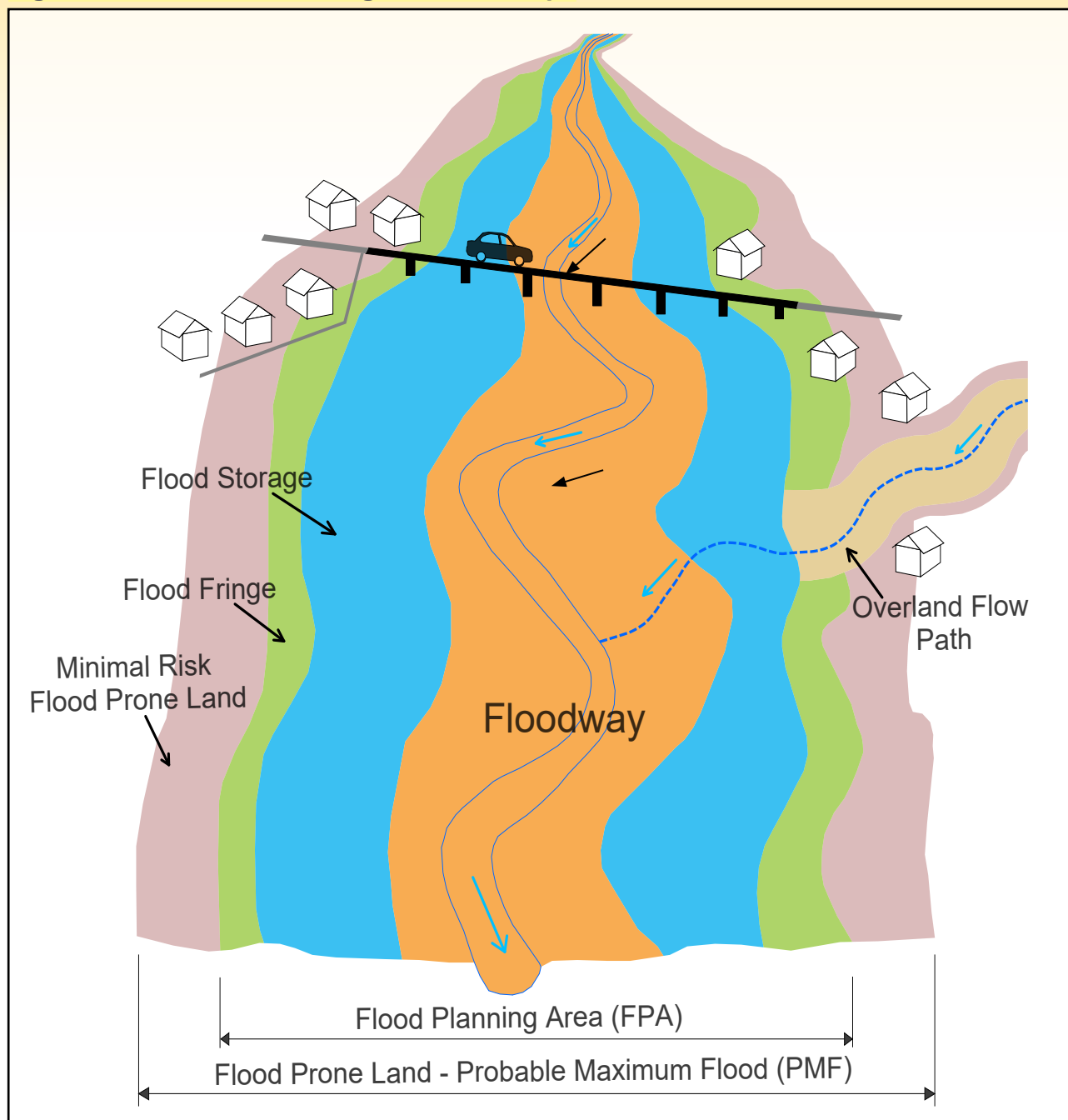
Land in the hydraulic categories **flood fringe**, **flood storage** and **floodway** will generally make up the visible **floodplain**, whilst **overland flow paths** feed into the **floodplain**. Consequently, the characteristics of **overland flow paths** are considered separately from other flood 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 particular 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).

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: <ul style="list-style-type: none"> 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 Williamstown **RAAF** Base are considered

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 **ground disturbing works** significant **cut**, being greater than 2m, under B3.4 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*

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

Note: Where a development proposes ancillary uses, additional parking is to be provided in accordance with that development type as required in Figure BU

Figure BU: On-site parking requirements

Development type	Parking requirements	Accessible parking
Commercial premises		
bulky goods specialised retail premises	<ul style="list-style-type: none"> 1 car space per 55m² floor area 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
entertainment facilities and function centres	<ul style="list-style-type: none"> A traffic impact study is required 1 bicycle space per 20 employees 1 bicycle space per 20 visitors 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
food and drink premises, including restaurants, cafes and take-away drink premises	<ul style="list-style-type: none"> 1 car space per 25m² floor area within commercial premises (where no seating is provided) 12.5 car spaces per 100m² floor area or 1 car space per 43 seats (whichever is greater) outside of commercial premises Minimum queuing area of 5 cars for drive-thru 1 bicycle space per 200m² 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
garden centre and plant nursery	<ul style="list-style-type: none"> 1 car space per 130m² nursery area 	<ul style="list-style-type: none"> 1 car space
hardware building supplies and industrial retail outlets	<ul style="list-style-type: none"> 1 car space per 55m² floor area 	No requirement
market	<ul style="list-style-type: none"> 2.5 car spaces per stall 	No requirement
motor showroom and vehicle sales or hire premises	<ul style="list-style-type: none"> 0.75 car spaces per 100m² vehicle display area 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
office premises and business premises	<ul style="list-style-type: none"> 1 car space per 40m² floor area 1 bicycle space per 200m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
pub and registered clubs	<ul style="list-style-type: none"> 1 car space per 7m² of floor area within commercial centres 1 car space per 10m² courtyard / beer garden within commercial centres 1 car space per 3.5m² of floor area outside of commercial centres 1 bike space per 25m² bar area 1 bike space per 100m² courtyard / beer garden 1 car space per 10m² of public or licenced floor area 1 car space per accommodation unit 1 bicycle space per 20 accommodation units rooms 	<ul style="list-style-type: none"> 1 car space per 20 parking spaces

Development Type	Parking Requirements	Accessible Parking
roadside stall	<ul style="list-style-type: none"> 4 car spaces 	No requirement
rural supplies, timber yards, landscaping material supplies and wholesale supplies	<ul style="list-style-type: none"> 1 car space per 130m² of supplies area 1 bicycle space per 20 employees 	No requirement
service station	<ul style="list-style-type: none"> 4 car spaces per work bay 1 car space per 20m² floor area 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space
sex services premises	<ul style="list-style-type: none"> 2 car spaces per room used for prostitution 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
shop	<ul style="list-style-type: none"> 1 car space per 20m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
veterinary premises and health consulting rooms	<ul style="list-style-type: none"> 3 car spaces per practitioner 1 car space per 2 employees not a practitioner 2 bicycle spaces per 10 practitioners and other employees not practitioners 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
Industry		
heavy industrial storage establishments, heavy industry and general industry	<ul style="list-style-type: none"> 1 car space per 100m² floor area or 4 space per work bay 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
light industry	<ul style="list-style-type: none"> 1 car space per 100m² or 1 car space for each per employee (whichever is greater) 1 bicycle space per 20 employees 	No requirement
rural industries	<ul style="list-style-type: none"> Merit-based approach 1.3 per 100sqm 	No requirement
vehicle body repair workshops and vehicle repair stations	<ul style="list-style-type: none"> 4 car spaces per work bay 	No requirement
warehouse or distribution centres, storage premises and depots	<ul style="list-style-type: none"> 1 car space per 200m² 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space
Infrastructure		
bowling alley	<ul style="list-style-type: none"> 3 car spaces per bowling alley 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
bowling green	<ul style="list-style-type: none"> 30 car spaces for first bowling green, then 15 for each additional bowling green 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
charter and tourism boating facilities	<ul style="list-style-type: none"> 4.5 car spaces per 100m² floor area or 1 space per 10 passengers 	<ul style="list-style-type: none"> 1 car spaces per 20 car spaces
child care centre	<ul style="list-style-type: none"> 1 car space for every 4 childcare places 	<ul style="list-style-type: none"> 1 car space
community facilities	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
educational establishment	<ul style="list-style-type: none"> 1 car space per employee 1 car space per 8 senior high school students 1 bicycle space per 10 employees and students 	<ul style="list-style-type: none"> 1 car space per 20 car spaces

Development type	Parking requirements	Accessible parking
gymnasium	<ul style="list-style-type: none"> 5 car space per 100m² 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
indoor soccer/cricket/netball	<ul style="list-style-type: none"> 15 car spaces per pitch/court 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
marina	<ul style="list-style-type: none"> 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 bicycle space per 15 employees <p>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.</p>	No requirement
medical centres	<ul style="list-style-type: none"> 1 car space per 25m² floor area 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
passenger transport facility	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
place of public worship	<ul style="list-style-type: none"> Merit-based approach 1 car space per 5 seats or 5m² (which ever is greater) 1 bicycle spaces per 10 employees and visitors 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
squash/tennis courts	<ul style="list-style-type: none"> 3 car spaces per tennis court 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
Residential Accommodation		
boarding houses, secondary dwellings , supported accommodation and group homes	<ul style="list-style-type: none"> Refer to State SEPP (Affordable Housing) 2009 (Housing) 2021 1 car space per 20 rooms 	Refer to SEPP (Affordable Housing) 2009 (Housing) 2021
dwelling house, dual occupancy and semi-detached dwellings	<ul style="list-style-type: none"> 1 car space for one and two bedroom dwellings 2 car spaces for three > bedroom dwellings 	No requirement
home business or home industry	<ul style="list-style-type: none"> 1 car space, plus 1 car space for each per employee 	No requirement
hostels	<ul style="list-style-type: none"> 1 car space per 10 beds 1 car space per 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	<ul style="list-style-type: none"> 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 (Housing) 2021	

Development type	Parking requirements	Accessible parking
Tourist and Visitor Accommodation		
backpackers accommodation	<ul style="list-style-type: none"> 1 car space per 10 beds or 1 space per 5 rooms 1 car space per 2 employees 	<ul style="list-style-type: none"> 1 space per 20 parking spaces
bed and breakfast establishment and farm stay	<ul style="list-style-type: none"> 1 car space per guest room 	No requirement
camping ground and caravan park	<ul style="list-style-type: none"> 1 car space per site 1 visitor space for every 10 sites 	No requirement
hotel or motel accommodation, serviced apartments and eco-tourist facilities	<ul style="list-style-type: none"> 1 car space for each per accommodation unit 1 car space per 2 employees 1 bicycle space per 20 accommodation units 	<ul style="list-style-type: none"> 1 space per 20 parking spaces
serviced apartments	Refer to LEP 7.13 Serviced apartments SEPP 65 Design Quality of Residential Apartment Development (2002)	

Note: Accessible parking can be provided within the total parking requirements.

Development controls	
B8.5	Where the parking requirements for B8.4 cannot be provided for on-site 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 or providing a courtesy bus for patrons.
B8.6	<p>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:</p> <ul style="list-style-type: none"> 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.

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, **or**
- sight distance in accordance with Figure BW cannot reasonably be achieved, **or**
- **development** provides direct access to an **arterial road**

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 or less	6.5m	200m	-	Max 3 ²
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 specification¹**
 - Tree Planting Guidelines of the **tree technical specifcaiton¹** provides guidance to the application of the **vegetation technical specification²**-**tree technical specification¹** 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 specification¹**

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	Maximum height limit of 15m or a merit-based approach is taken where no height limit is specified under the Local Environmental Plan clause 4.3 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: <ul style="list-style-type: none"> • 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
------	---

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** should refer to **SEPP No 65 – Design Quality of Residential Apartment Development** and the **Apartment Design Guide***

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 250m² 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 250m² 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

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** (whichever is less) 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

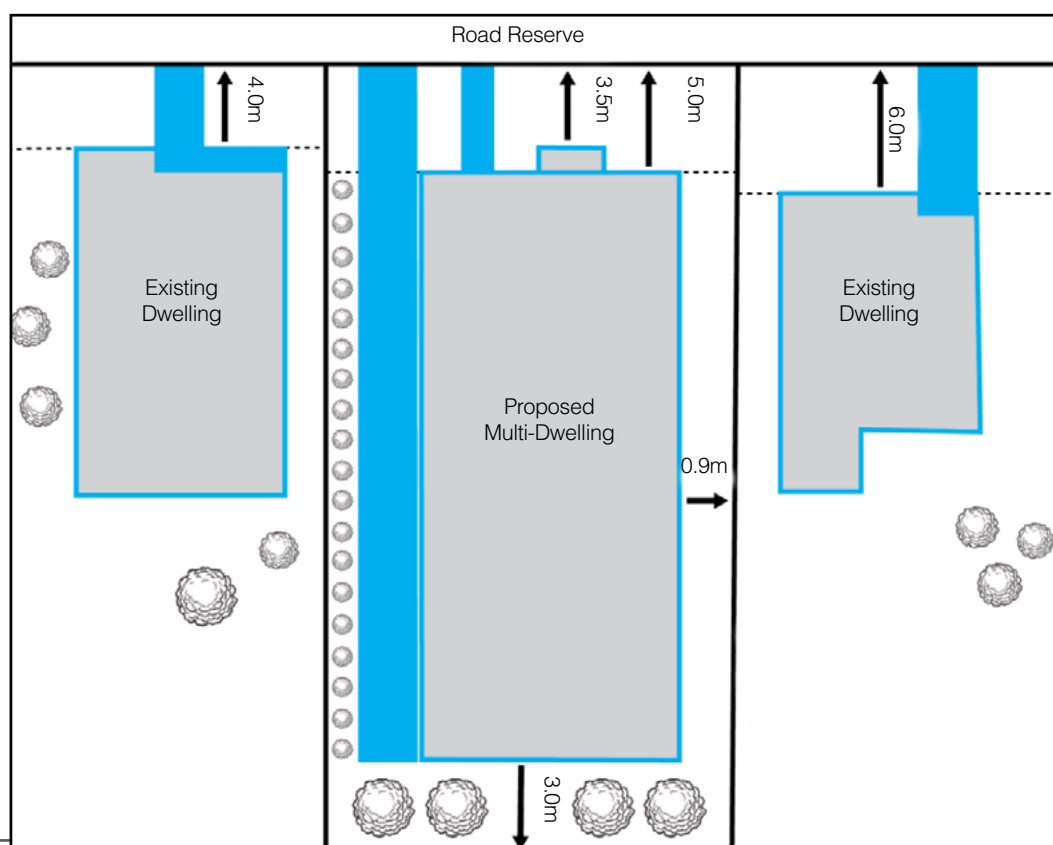
C5.8 Setback areas are not to be used for at grade parking.

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.

Front setback encroachment

C5.10 Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck

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



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, **carports**, 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	<p>Except as provided for in C8.2, development in a residential zone (except R5 Large Lot Residential) adheres to a:</p> <ul style="list-style-type: none"> • maximum gross floor area of 72m²; • maximum height of 3.6m; • minimum side and rear setback of 0.9m; and • minimum 1m behind the building line or setback <p>Note: SEPP (<i>Exempt and Complying Development Codes</i>) 2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 20m² in a residential zone to be exempt development</p>
Exceptions for residential sheds (except on land zoned R5 Large Lot Residential)	
C8.2	<p>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:</p> <ul style="list-style-type: none"> • 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 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 50m² in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be **exempt development**

Carports

C8.6 Except as provided for in C8.12, carports should be located a minimum of 1m behind the **building line**

C8.7 Minimum side and rear **setback** of 0.9m

Note: Carports may be located within 0.9m of the boundary where they do not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale or overshadowing

C8.8 Maximum height of 3.6m, or if attached to a single storey **dwelling**, be no higher than the roof gutter line

C8.9 If the carport fronts the street, the opening must not exceed more than 6m or 50% of the building frontage, whichever is less

C8.10 The design of carport must be integrated with the existing **dwelling**

C8.11 Carports are to have at least two open sides and not less than one-third of its perimeter open

C8.12 Carports may be located in the front **setback** where the following can be demonstrated:

The carport cannot be reasonably located behind the building line

The carport is set back 2m from the front boundary

The design of carport is consistent with the existing **dwelling**

The carport is connected to a driveway

The carport does not impact sight lines for pedestrians or other vehicles, does not obscure any view from a habitable room to the street, and has at least 3 open sides

Swimming pools

C8.13 The water edge must be setback at least 1m from the side and rear boundaries

C8.14 Maximum decking height of 1.4m in height if the pool is located more than 600mm above the **ground level (finished)**

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 Guidelines³⁷

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 to the **flood planning level**. Flood data is available via Council's online **flood certificate** application process. 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 Report³⁸

D10.C Setbacks

Objectives

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

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 Planning Area

- | | |
|--------|---|
| D11.22 | Development is to be constructed to 5.3m AHD The habitable floor level of any dwelling is constructed to the flood planning level . Flood data is available via Council's online flood certificate application process. |
|--------|---|

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 |
|--------|---|

D12 Richardson Road - Raymond Terrace

Application

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

D12.BA 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.
- To ensure the street layout limits access to the Pacific Highway and Richardson Road.

Development controls

Street layout

D12.13 Street layout is generally consistent with the locality controls map at Figure DW.

D12.2 No additional direct **driveway** access to and from Richardson Road is permitted.

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
- Upgrade Halloran Way as required

Note: C1.12 requires streets to comply with Infrastructure Specification – Design¹⁴

Connectivity

D12.3 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.

D12.4 **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.

Development controls

Transport movement hierarchy

D12.5 Local roads connecting to Richardson Road, Halloran Way and Baluster Street are constructed as bus routes in accordance with Council's Infrastructure specification.

D12.6 Pedestrian and shared paths are provided in accordance with Council's Infrastructure specification.

Road connections to Richardson Road

D12.7 Access to Richardson Road must be provided in accordance with Figure DW.

Street trees along Richardson Road

D12.8 **Landscaping plans** for **subdivisions** along Richardson 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.

D12.AB Staging

Objective

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

Development controls

Staging~~1~~

D12.9~~1~~ Stage 1 is completed prior to stage 2 commencing.

Stage~~2~~

D12.10 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

D12.11 Stage 3 must:

- provide continuous road construction to Baluster Street; and
- demonstrate the Halloran Way and Richardson Road intersection has adequate capacity to support traffic generated by the **development**.

Note: **Development** that exceeds the intersection capacity must provide a continuous road connection to Stage 4 and can only be completed once the eastern intersection at Benjamin Lee Drive and Richardson Road identified in Figure DW is operational.

D12.12 Stage 4 must provide continuous road construction to the eastern intersection of Benjamin Lee Drive and Richardson Road in accordance with Figure DW.

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

D12.13 ~~Note:~~ Richardson Road is located within the 20-25 and 25-30 **ANEF** contour.

~~Note:~~ 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.

D12.D 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

D12.14 **On-site detention / on-site infiltration** is required for all new development where impervious areas are proposed.

Development controls

D12.15 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**.

Note: Pre-development is prior to any development occurring on the land.

Drainage reserves

D12.16 **Drainage reserves** are located generally in accordance with the locality controls map at Figure DW.

D12.17 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

D12.18 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 Council's **water quality stripping targets** for the area.

Figure DV: Richardson Road - Raymond Terrace land application map

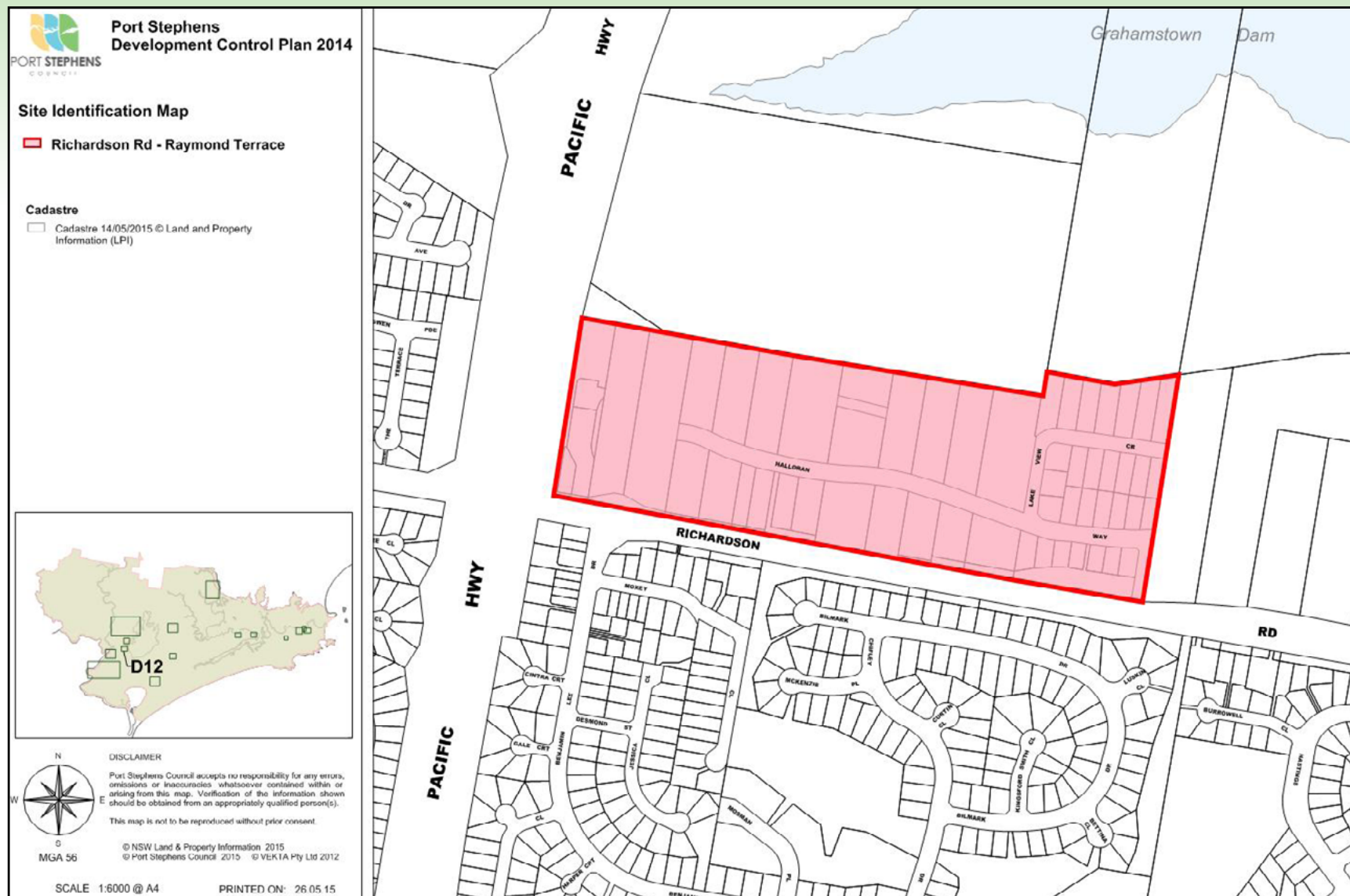


Figure DW: Richardson Road - Raymond Terrace locality controls map



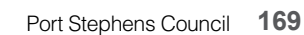


Figure DW: Richardson Road - Raymond Terrace locality controls map



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**.

Note: Pre-development is prior to any development occurring on the land.

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 Council's **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.

biosecurity impact has the same meaning as in the *Biosecurity Act 2015*

biosecurity risk means the risk of a biosecurity impact occurring

Note: **biosecurity risk** has the same meaning as in the *Biosecurity Act 2015*

habitable room as defined by the ~~NSW Floodplain Development Manual 2005~~ and the current Building Code of Australia means a room used for normal domestic activities, and -

- 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.~~ includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- 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.~~ excludes 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.

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.~~ the NSW Floodplain Development Manual 2005 provides the following definition for industrial and commercial situations: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

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 (Biodiversity and Conservation) 2021*:

- 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
- E2C2 Environmental Conservation
- E3C3 Environmental Management
- E4C4 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*

NSW Weedwise refers to the Department of Primary Industries database which provides key information to identify weeds

pest has the same meaning as in the *Biosecurity Act 2015*

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

undesirable species means the following:

- Tree of Heaven — *Ailanthus altissima*
- Camphor Laurel — *Cinnamomum camphora*
- Cotoneaster — *Cotoneaster spp.*
- Coral Tree — *Erythrina spp.*
- Rubber Tree — *Ficus elastica*
- Privet — *Ligustrum spp.*
- Oleander — *Nerium oleander*
- Slash pine — *Pinus elliotii*
- Radiata pine — *Pinus radiata*
- Willow — *Salix babylonica*, *Salix matsudana tortuosa* and *Salix spp*
- Umbrella Trees — *Schefflera spp*
- Cocos Palm — *Syagrus romanzoffianum*
- Rhus Tree — *Toxicodendron succedameum*

vegetation management plan (VMP) means a **vegetation management plan** as described under the Port Stephens Council **vegetation technical specification² tree technical specification¹**

vegetation technical specification means the Port Stephens Council Vegetation Technical Specification. The Specification is available from the Port Stephens Council Website.

weeds means a plant that is a pest

Note: **weeds** has the same meaning as in the *Biosecurity Act 2015*

E3 Reference List

1. PSC.2014, 'Tree Technical Specification'
2. PSC.2014, 'Vegetation Technical Specification'
3. PSC.N/A, 'Significant Tree Register'
4. PSC.2014, 'Landscape Technical Specification'
5. PSC.2022, 'Biosecurity Technical Specification'
6. PSC.2014, 'Nest Box Technical Specification'
7. PSC.2014, 'Noxious Weeds Technical Specification'
8. PSC.2013, 'Mosquito Management Technical Specification'
9. NSW Department of Environment and Conservation. 2004, 'Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities'
10. Hunter & Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter & Central Coast Regional Fauna & Flora Survey Guidelines'
11. PSC. 2002, 'Comprehensive Koala Plan of Management'
12. PSC N/A, 'Infrastructure Specification--Design'
13. NSW Government. 2003, 'Coastal Design Guidelines for NSW'
14. PSC.2011, 'Port Stephens Council On-site Sewage Development Assessment Framework'
15. Environment Protection Authority. 2000, 'NSW Industrial Noise Policy'
16. NSW Department of Primary Industries – Office of Water. 2012, 'Guidelines for riparian corridors on waterfront land'
17. PSC.2004, 'On-site Sewage Management Policy'
18. PSC.2011, 'On-site Sewage Management Technical Manual'
19. NSW Department of Water and Energy. 2008, 'NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises'
20. Office of Environment and Heritage. N/A, 'Statements of Heritage Impact'
21. Australian Standard. 2015, 'Acoustics – Aircraft noise intrusion – Building siting and construction'
22. Williamtown Aerospace Park Landscape Master Plan
23. PSC. 2004, 'Karuah Commercial Centre Landscape Plan'
24. Williamtown Aerospace Park Flood Assessment and Stormwater Strategy
25. PSC. 2017, 'Application for Maintenance and/or Minor Works Affecting a Heritage Item or Conservation Area'