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or
Is seeking to use **biodiversity offsets**; or
Is located on land containing **biosecurity risks**; or
Is located on or is in proximity to land that contains **koala habitat**.

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



B1 Tree Management

Application

This Part applies to 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) (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
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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 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 less than 10% foliage of a tree or other vegetation within a 12 month period when completed in accordance with Australian Standard (AS) 4373– Pruning of amenity trees.</p> <p>Note: an approved structure is development such as a dwelling, garage, pool or retaining wall that required development consent (that is not exempt or complying development).</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>

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 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 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 • retention value under the tree technical specification¹ • other relevant circumstances, as per the tree technical specification¹

Development controls

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 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
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B1.C Supporting information

Objective

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

Development controls

B1.5	<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
B1.6	<p>A request to remove 10 or more trees requires a vegetation management plan prepared by a suitably qualified professional.</p> <p>Note: An application to remove 10 or more trees, where tree height exceeds 3m or 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>
B1.7	<p>Compensatory planting consistent with the tree technical specification¹ may be required when council approval to remove trees is provided</p>
B1.8	<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 tree technical specification¹ • Salvaged hollows are preferred over nest boxes, which are consistent with the 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 **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 **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 **tree technical specification¹**

Note: This is consistent with B1.8 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 **tree technical specification¹**
 - in a secure tenure ownership
 - located on land to which this Plan applies

B2.C Biosecurity risks (weeds)

Objective

To reduce the negative impact of **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 **weeds**, will seek to prevent, eliminate or restrict the spread of **weeds** in accordance with the **biosecurity technical specification²**

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:

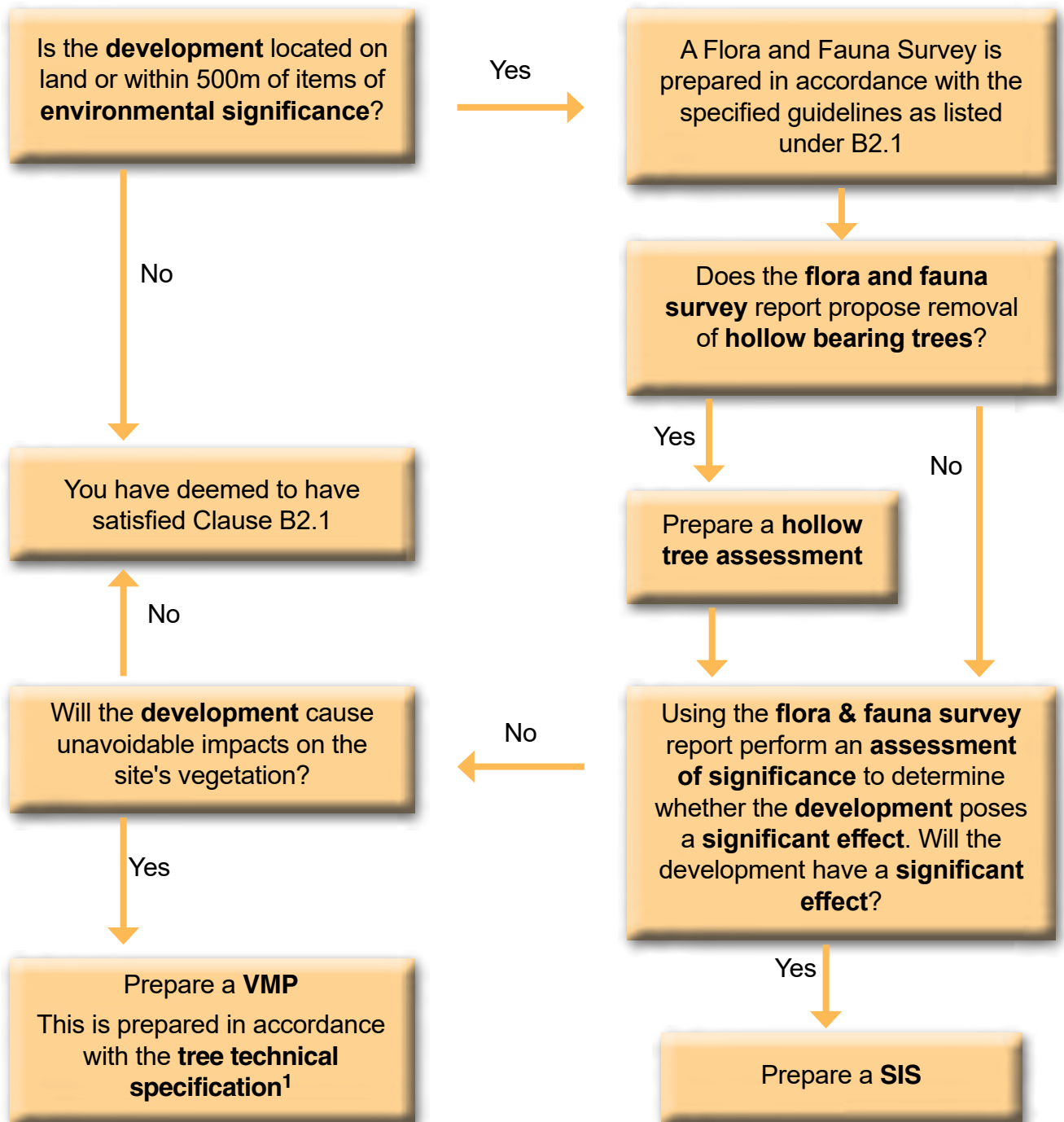
- Minimising the removal or degradation of **native vegetation** within **preferred koala habitat** or **supplementary koala habitat**
- Maximising the retention and minimising degradation of **native vegetation** within **supplementary habitat**, habitat buffers and habitat linking areas
- Minimising 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

- **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*¹¹ applies through the application of the **SEPP (Biodiversity and Conservation) 2021**

Figure BB : Flora & fauna survey flow-chart



B3 Environmental Management

Application

This Part applies to **development** that:

- 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 Air quality

Objective

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

Development controls

- B3.1
- An **air quality impact assessment** is required where **development** has potential to **adversely impact** surrounding areas in terms of air quality
 - An **air quality impact assessment** is to be generally provided for the following **development types**:
 - Rural industries
 - Heavy Industry
 - Sewerage systems
 - Waste or resource management facilities
 - Extractive industry
 - Other **development types** identified by Council
 - An **air quality impact assessment** is to:
 - address construction, operation and occupational impacts
 - identify emissions and measures to mitigate against impact on any nearby residences, especially on **sensitive receivers**
 - be prepared in accordance with the NSW Department of Environment and Conservation, 2001. 'Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales'⁶

B3.B Noise

Objective

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

Development controls

B3.2	<p>An acoustic report is required for development that has the potential to produce offensive noise, meaning:</p> <ul style="list-style-type: none"> • that, by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances: <ul style="list-style-type: none"> - is harmful to (or is likely to be harmful) to a person who is outside the premises from which it is emitted, or - interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted • that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations, such as the Environmental Protection Authority. 2000, 'NSW Industrial Noise Policy'¹⁴ <p>Note: Development that is likely to require compliance with this requirements includes:</p> <ul style="list-style-type: none"> • clubs, hotels and pubs with outdoor smoking, dining and gaming areas, mechanical plant, carparks; • function centres that host outdoor weddings; • childcare centres with outdoor and indoor play areas, air-conditioning plant, carparks; • residential developments with ventilation and air-conditioning plant, carparks; and • commercial developments with workshops, mechanical and ventilation plant such as air exhaust and supply fans, chillers, cooling towers, truck and freight train movements, loading docks etc.
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B3.C Earth-works

Objective

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

Development controls

B3.3	<p>Development may need to provide a bulk earthworks plan in order to adequately address the above matters when:</p> <ul style="list-style-type: none"> • cut exceeds 2m in depth • fill has a total area of 100m² or more • is within 40m of the top bank of a riparian corridor as defined under the <i>Water Management Act 2000</i>
B3.4	<p>Fill must consist of virgin excavated natural material (VENM) as defined under the Protection of <i>Environment Operations Act 1997</i> or any other waste-derived material the subject of a resource recovery exemption under clause 91 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> that is permitted to be used as fill material.</p>

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. 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
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

Figure BC: Maximum impervious surface table

Land use zone	Maximum impervious surface area (%)
C4, R5, RU1, RU2 & RU3	Refer to Figure BD (below)
C1, C2, C3, RE1, RE2, SP1, SP2, W1, W2 & W4	merit-based approach
R1, R2 & RU5	60
R3	75
E3 & E4	90
E1, E2 & MU1	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 C4, 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 how the water quality targets have been achieved (eg SSSQM Certificate, MUSIC or MUSIC-Link report).</p>

Development controls	
B4.8	Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent
B4.9	<p>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.</p> <p>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.</p>

Figure BE: Water quality table

Site area	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	
B4.10	<p>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></p> <p>Note: Council can advise on the location and order of waterfront land</p>

Development controls

B4.11	<p>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:</p> <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
B4.12	<p>Riparian corridors are dedicated as public open space when Council agrees to take ownership of that land</p>

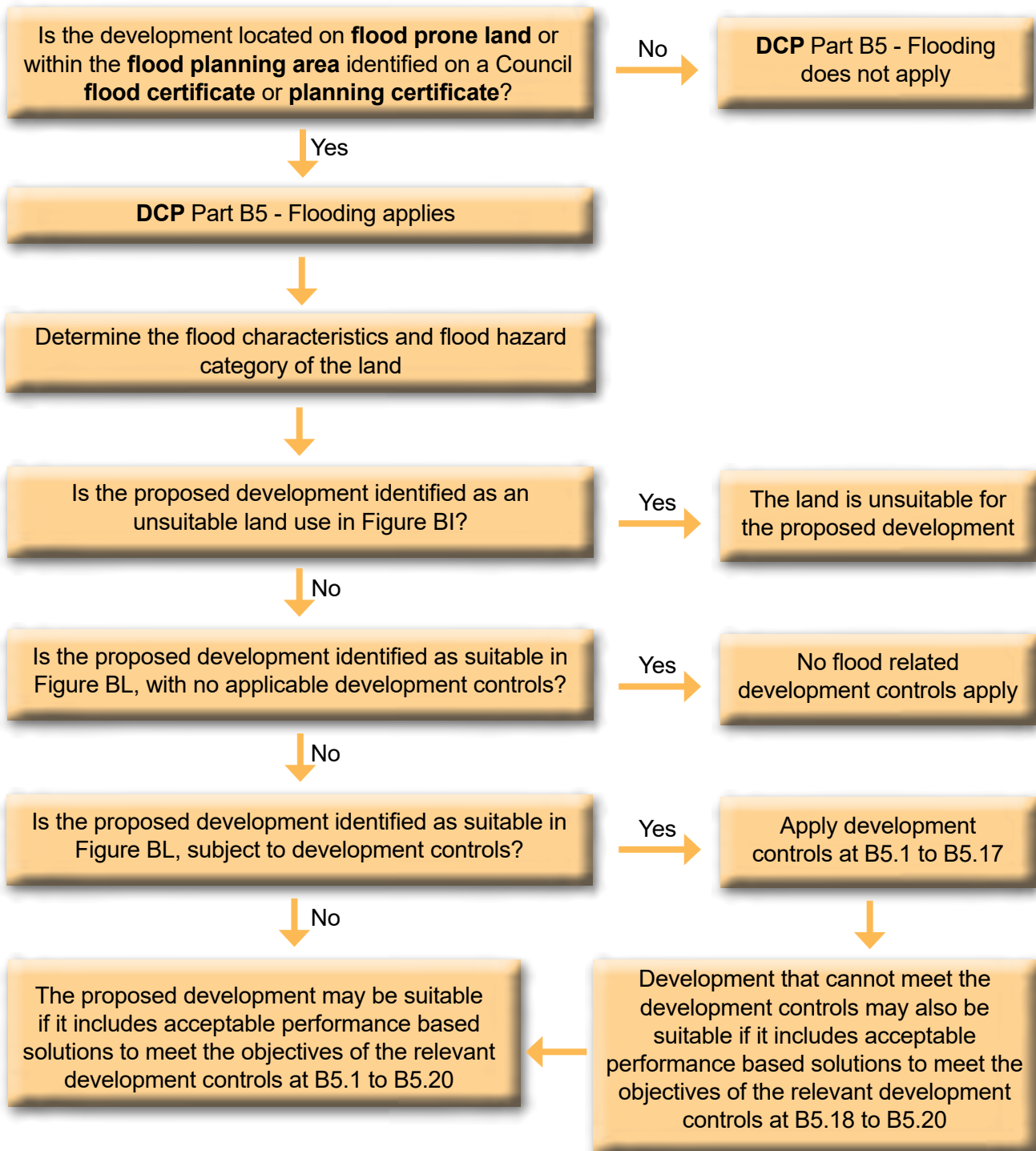
B5 Flooding

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.

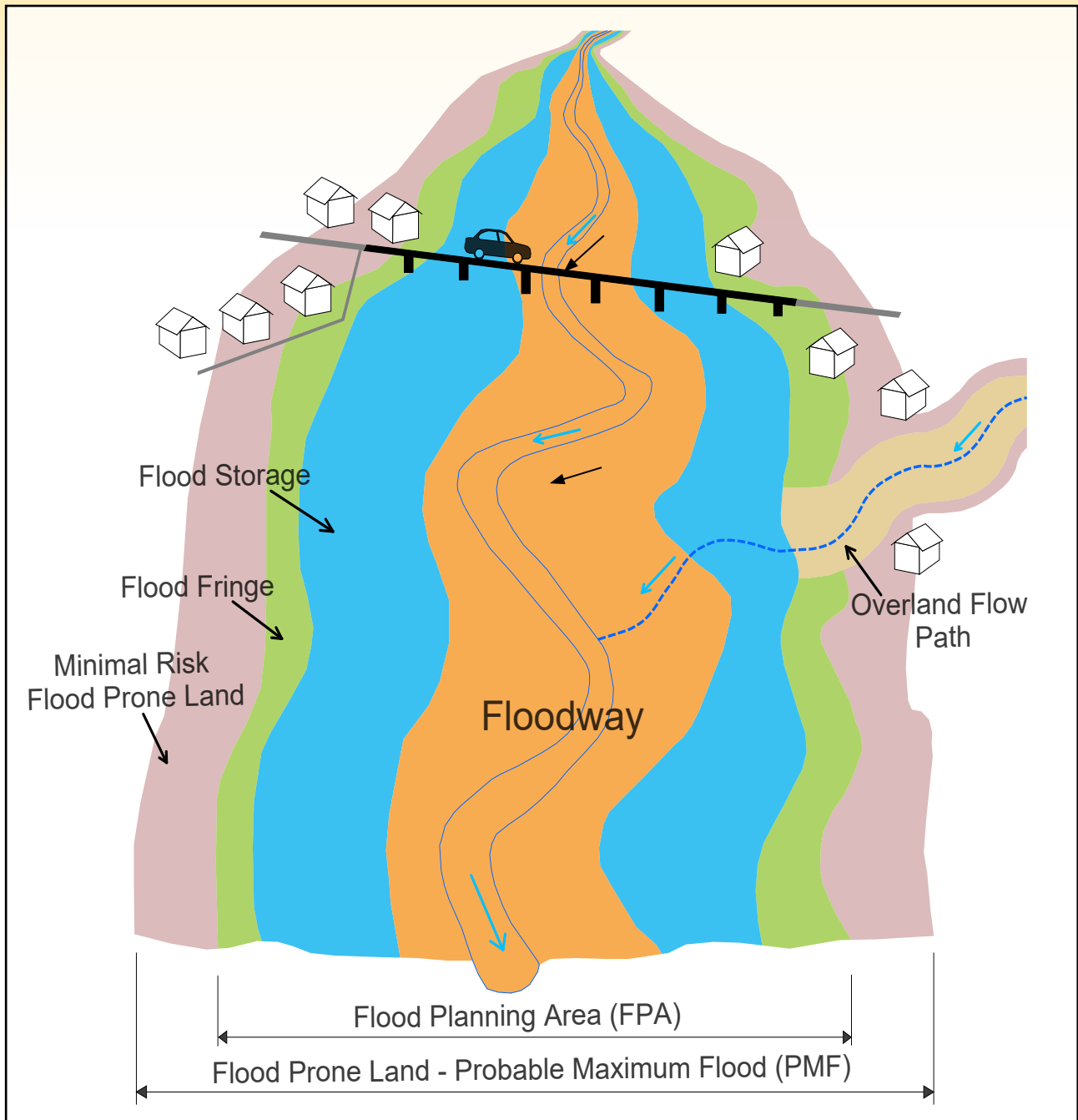
Land in the hydraulic categories **flood fringe**, **flood storage** and **floodway** will generally make up the visible **floodplain**, whilst **overland flow paths** feed into the **floodplain**. Consequently, the characteristics of **overland flow paths** are considered separately from other flood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

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

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

Development suitability										
	Flood Hazard Categories (as identified on a flood certificate)	Minimal Risk Flood Prone Land	Low Hazard Flood Fringe	High Hazard Flood Fringe	Low Hazard Flood Storage	High Hazard Flood Storage	Low Hazard Overland Flow Path	High Hazard Overland Flow Path	Low Hazard Floodway	High hazard Floodway
Development vulnerable to emergency response and critical infrastructure		S	U	U	U	U	U	U	U	U
Residential accommodation (other than a dwelling house)		NA	S	S	S	S	S	S	U	U
Residential subdivision		NA	S	S	S	S	S	S	U	U
Dwelling house		NA	S	S	S	S	S	S	PB	PB
Farm buildings		NA	S	S	S	S	S	S	S	S
Fill		NA	S	S	S	S	S	S	S	S
Non-residential subdivision		NA	S	S	S	S	S	S	PB	PB
All other development		NA	S	S	S	S	S	S	PB	PB
Key										
U	Unsuitable land use on flood prone land									
NA	Suitable, no applicable development controls									
S	Suitable, subject to development controls									
PB	A performance based solution may be provided to demonstrate that the proposed land use is suitable									

B5.A Development on all flood prone land

Objectives

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

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

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

Figure BJ: Finished floor level

Development type	Required FFL
Development vulnerable to emergency response, and critical infrastructure	Probable maximum flood (PMF) level
Residential accommodation (including dwelling houses)	<ul style="list-style-type: none"> Habitable rooms – flood planning level Non-habitable rooms – adaptable minimum floor level Flood refuge – probable maximum flood Level (see B5.14 to determine if a flood refuge is required)
Subdivision	Flood planning level
Farm buildings	Onsite waster water level
Commercial premises	<ul style="list-style-type: none"> Habitable rooms - flood planning level Non-habitable rooms - onsite waster water level
Industrial premises	<ul style="list-style-type: none"> Habitable rooms - flood planning level Non-habitable rooms - onsite waster water level
Garages, open car parking spaces and carports	Current day 1% AEP flood level
Driveways and access	Current day 1% AEP flood level, or the flood immunity of the connecting public road

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

Development controls

Fencing

B5.4 Fencing on **flood prone land** should be stable in events up to the current day **1% AEP flood event** and not obstruct the flow of floodwater.

Electrical features

B5.5 All incoming main power service equipment, including all metering equipment, and all electrical fixtures, such as power points, light fittings, switches, heating, ventilation and other service facilities must be located above the **FPL**, or where possible above the **PMF**.

Where the above cannot be achieved, the following features shall be used:

- Electrical cabling is not to be installed within walls, or chased into walls; and
- Any circuit containing switches, power points or any other electrical fitting that are located below the **FPL**, shall connect to the power supply through an individual Residual Current Device (**RCD**), located in the meter box.

Potentially hazardous and/or polluting material

B5.6 The storage of hazardous or potentially hazardous materials, potentially polluting material or material that could be washed from site and cause harm downstream must be stored above the **FPL** with appropriate bunding.

B5.7 Items that may wash away during flood events (e.g. rainwater tanks, hot water tanks, gas cylinders, shipping containers) must be elevated above the **1% AEP flood event** level in the year 2100 (without **freeboard**) or anchored to resist buoyancy and impact forces.

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

Objectives

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

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

Development controls

Flood impact and risk assessment

B5.8 A **flood impact and risk assessment** is required for:

- Any **fill** on land identified as **floodway**.
- Any **fill** located in a **flood storage area**, unless:
 - The net volume of **fill** does not exceed the lesser of 20% or 2000m³ of the **flood volume** of the lot in the **1% AEP flood event** in the year 2100 (this includes consideration of previous **fill** volumes); and
 - It is demonstrated that the **fill** does not adversely affect local drainage patterns of all events up to the **1% AEP flood event** in the year 2100.

Development controls

Note: Fill in **flood storage areas** greater than the abovementioned volume can be offset by **flood storage**. Offsetting can be achieved through consolidation of lots and/or assigning an 'easement to flood land' on the compensatory lot/s. Compensatory lots must be located within the zone of influence of the proposed **fill** (as demonstrated by the **flood impact and risk assessment**) or adjacent to the proposed **fill** and be of the same hazard category of the subject site.

- Any **fill** for the purposes of a **livestock flood refuge mound**, unless the **livestock flood refuge mound** is located in an identified **flood fringe area**:
 - The volume/size and location of the **livestock flood refuge mound** meets the criteria in Figure BK; and
 - The size of the mound must have regard to the agricultural capacity of the land. The design and size of the mound shall be determined by reference to the *NSW Department of Primary Industries –Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'*; and
- Where the proposed development could change flood behaviour, affect existing flood risk, or expose people to flood risks that require management or;
- If Council determines a **flood impact and risk assessment** is necessary for any other reason.

Figure BK: Livestock flood refuge mound

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

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

Development controls

Ongoing flood adaptation

B5.9 For residential accommodation, subdivision, commercial premises, industrial premises, garages, open car parking spaces and carports, a reduced **planning horizon** of 50 years from the date of determination will be accepted where the design facilitates ongoing flood adaptation (ie the future raising of the building).

Minor alterations and additions to existing residential accommodation

B5.10 Where proposed alterations and additions to existing **residential accommodation** is less than 40% of the **gross floor area** of the existing **residential accommodation**, and does not involve a net increase in the number of bedrooms, Council will consider a **FFL** lower than the **flood planning level (FPL)**, but not

Development controls

lower than the existing floor level. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.

Driveways and access

B5.11 Access from the building envelope to the public road is to have a minimum **finished access level** of:

- The **flood immunity** of the connecting public road; or
- The current day **1% AEP flood event** level for the site.

B5.12 Earthworks for driveways and access must satisfy the objectives of B3.C of the **DCP** and **LEP**.

Note: Impacts on local drainage and localised flooding should be considered and addressed. Driveways should be designed and constructed in accordance with Councils standard design drawings.

Subdivision

B5.13 Subdivision that creates the ability to erect additional dwellings is to indicate building envelopes above the **FPL** and comply with the requirements of B5.11, B5.12 and B5.14 of this Part.

Emergency onsite flood refuge

B5.14 If evacuation egress from residential accommodation, a commercial premises, an industrial premises, fill or development vulnerable to emergency response and critical infrastructure to flood free areas cannot be achieved via a route that is flood free in the current day **1% AEP flood event** or is a **low hazard flood area**, an onsite **flood refuge** must be provided meeting the following criteria:

- Is located above the **PMF** level;
- Is intrinsically accessible to all people on the site, plainly evident and self-directing;
- Is accessible in sufficient time for all occupants with fail safe access and no reliance on elevators;
- Has unobstructed external access for emergency boats during flooding;
- Caters for the number of persons that could reasonably be expected on-site at any one time (approx. 2m² per person);
- Provides adequate shelter from the storm and has natural lighting and ventilation; and
- Contains sufficient clean water, a first aid kit, portable radio with spare batteries and a torch with spare batteries.

Note: If a **flood refuge** is required, the DA must be accompanied by **structural certification**.

Development on land identified as **overland flow path**

B5.15 A **site based overland flow report** must be submitted for development located within a designated **overland flow path**. The purpose of this report is to demonstrate that the development:

- Will not result in material increase in flood level or flood hazard upstream, downstream or surrounding properties; and

Development controls

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

B5.C Development on land identified as floodway

Objectives

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

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

Development controls

Appropriate development

B5.16 Development other than farm buildings and/or **fill** is not supported on land identified as either low hazard floodway or high hazard floodway.

Fencing

B5.17 Fencing in a **floodway** should not include non-permeable materials or fencing types that could restrict or redirect flood waters.

B5.D Application of performance based solutions

Objectives

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

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

Performance based solutions

Risk to life

B5.18 The proposed land use is consistent with Figure BI, which shows suitable land uses by flood hazard category (as identified on a **flood certificate**) and the proposed development incorporates adequate measures to manage risk to human life from flooding, including:

- Evacuation access from an area affected by flooding to an **area free of risk from flooding**, taking into account any potential access restrictions;
- Warning times and procedures to make people aware of the need to evacuate;
- Consideration of the current and potential future occupants; and
- Consistency with the most recent Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

Performance based solutions

Risk to property

- B5.19 The proposed development will not increase the potential individual or cumulative flood impacts on other development or properties that are likely to occur in the same **floodplain**. In determining any potential increase in flood impacts, Council will consider:
- Future (in the year 2100) flood levels and/or velocities including, but not limited to the **5% AEP flood event**, **1% AEP flood event** and **probable maximum flood (PMF)** events;
 - Loss of **flood storage** in the immediate **floodplain**; and
 - Consistency with the most recent, Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

Flood hazard compatibility

- B5.20 The proposed development must be compatible with the flood hazard category of the land (as identified on a **flood certificate**) or include mitigation measures or offsets to reduce the **flood risk**. In determining compatibility, Council will consider:
- Whether there is other land on the site with lower flood risks where the development could be located;
 - Depth of flood inundation on the site and the adjacent land;
 - Flow velocity on the site as well as upstream and downstream from the site;
 - Suitability of design so that the development does not become isolated by high hazard floodwaters; and
 - Consistency with the most recent, Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

B6 Williamtown RAAF Base - Aircraft Noise and Safety

Application

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

B6.A Site acceptability

Objectives

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

Development controls

- B6.1 When **development** is located within the **2025 ANEF**, which is identified by Figure BP, it is classified into one of the following classifications through referencing Figure BL:
- Acceptable – no design measures required to reduce aircraft noise, or
 - Conditionally acceptable – design measures required, or
 - An **acoustic report** is required for the following:
 - to support **development** that is classified as conditionally acceptable
 - to support **subdivision** of land and subsequent permissible **development types** by referencing Figure BL and Figure BM
 - Unacceptable – **development** is generally unacceptable. However, details submitted with a **development application** that demonstrate the following will be considered on a **merit-based approach**:
 - **Development** on a vacant pre-existing lot within the **ANEF** 25-30 noise contours that satisfies AS 2021 - Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements²⁰
 - Replacement of a pre-existing **dwelling** in any of the ANEF noise contours satisfies the AS 2021 - Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements²⁰
 - **Development** on land zoned B7 Business Park and adjacent to the Williamtown (Newcastle) Airport

Note: Part D15 - Defence or Airport Related Employment Zone (**DAREZ**) provides site specific requirements for land zoned B7 Business Park and adjacent to the Williamtown Airport

Figure BL: Building site acceptability based on ANEF Zone

Development type	Acceptable	Conditionally acceptable	Unacceptable
	ANEF Zone		
<ul style="list-style-type: none"> residential accommodation caravan parks 	<20	20-25	>25
<ul style="list-style-type: none"> tourist & visitor accommodation educational establishments 	<25	25-30	>30
<ul style="list-style-type: none"> respite day care centres health services facilities 	<20	20-25	>25
<ul style="list-style-type: none"> places of public worship entertainment facility information and education facility 	<20	20-30	>30
<ul style="list-style-type: none"> commercial premises 	<25	25-35	>35
<ul style="list-style-type: none"> general industry light industry 	<30	30-40	>40
<ul style="list-style-type: none"> heavy industry 	Acceptable in any ANEF Zone		

Figure BM: Indoor design sound levels

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

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

B6.B Indoor noise

Objective

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

Development controls	
B6.2	Development must satisfy the maximum internal sound levels specified in Figure BM by providing an acoustic report

B6.C Alterations & additions

Objective

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

Development controls	
B6.3	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
B6.4	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

Development controls	
B6.5	When development types listed in column 1 are proposed in the bird strike zone , which is identified by Figure BN, the development application must be prepared in accordance with the provisions of column 2.

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

Development type	Column 2		
	Group A (8km-13km radius from airport runway)	Group B (3km-8km radius from airport runway)	Group C (≤3km radius from airport runway)
Agriculture			
Intensive plant agriculture (turf farm)	Mo	Mi	A
Horticulture (fruit tree farm)	Mo	Mi	A
Livestock produce industry (fish processing / packing plant)	Mo	Mi	A
Intensive livestock agriculture (piggery)	Mo	Mi	A
Intensive livestock agriculture (cattle, dairy or poultry farm)	Mo	Mi	Mi
Conservation			
Environmental protection works (wildlife sanctuary - wetland)	Mo	Mi	A
Environmental protection works (wildlife sanctuary - dryland)	Mo	Mi	Mi
Recreation			
Recreation facility - major (showground)	Mo	Mi	A
Recreation facility - major (racecourse, sports stadium, theme park)	Mo	Mi	Mi
Recreation facility – outdoor (golf course, park, playground, sports)	Mo	Mi	Mi
Camping Ground	Mo	Mi	Mi
Commercial			
Agricultural produce industry (food processing plant)	Mo	Mi	A
Utilities			
Waste or resource management facility (food / organic waste facility)	Mo	Mi	A
Waste disposal facility (putrescible waste facility – landfill / transfer station)	Mo	Mi	A
Waste disposal facility (Non-putrescible waste – landfill / transfer station)	Mo	Mi	Mi
Sewage treatment plant (Sewage / waste water treatment facility)	Mo	Mi	Mi
Avoid (A)	Development not supported		
Mitigate (Mi)	Waste management report is required which demonstrates that the development will not increase the risk of bird strike to aircraft		
Monitor (Mo)	Demonstrate compliance with B6.6		

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

Development controls

- B6.6 Any **development** located within the **bird strike zone** is to limit, cover and/or enclose any organic waste and/or the storage of bins on site.
- B6.7 Outdoor lighting installed as part of **development** in the area identified in Figure BS and/or Figure BT is to comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (**CASA**) Manual of Standards (MOS-139) Aerodromes.

Note: **Development** on land identified on the RAAF Base Williamtown Obstacle Limitation map, as shown in Figure BM, is subject to Section 7.4 (Airspace operations) of the **LEP**.

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

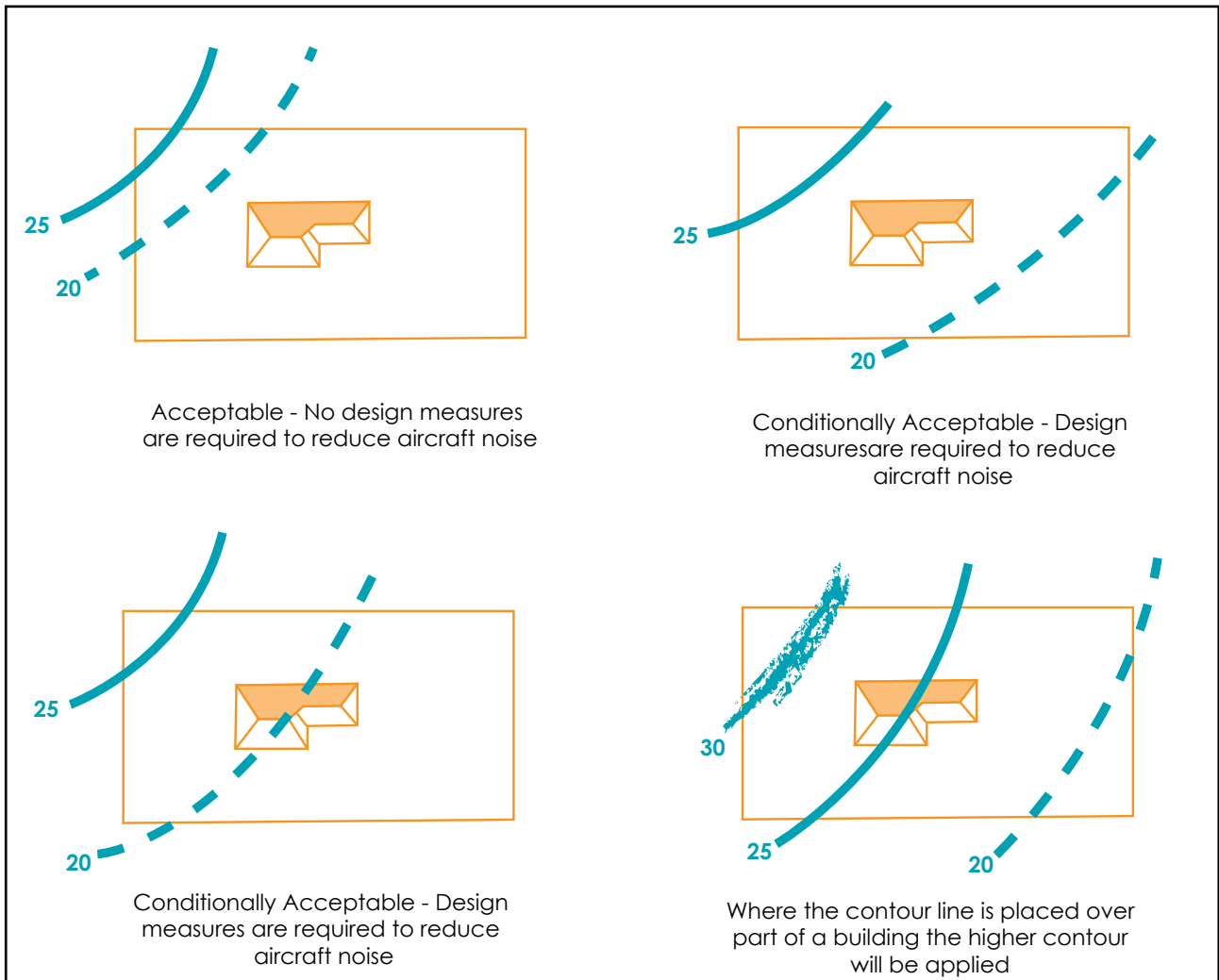


Figure BP: 2025 ANEF shown on the RAAF Base Williamstown & Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map

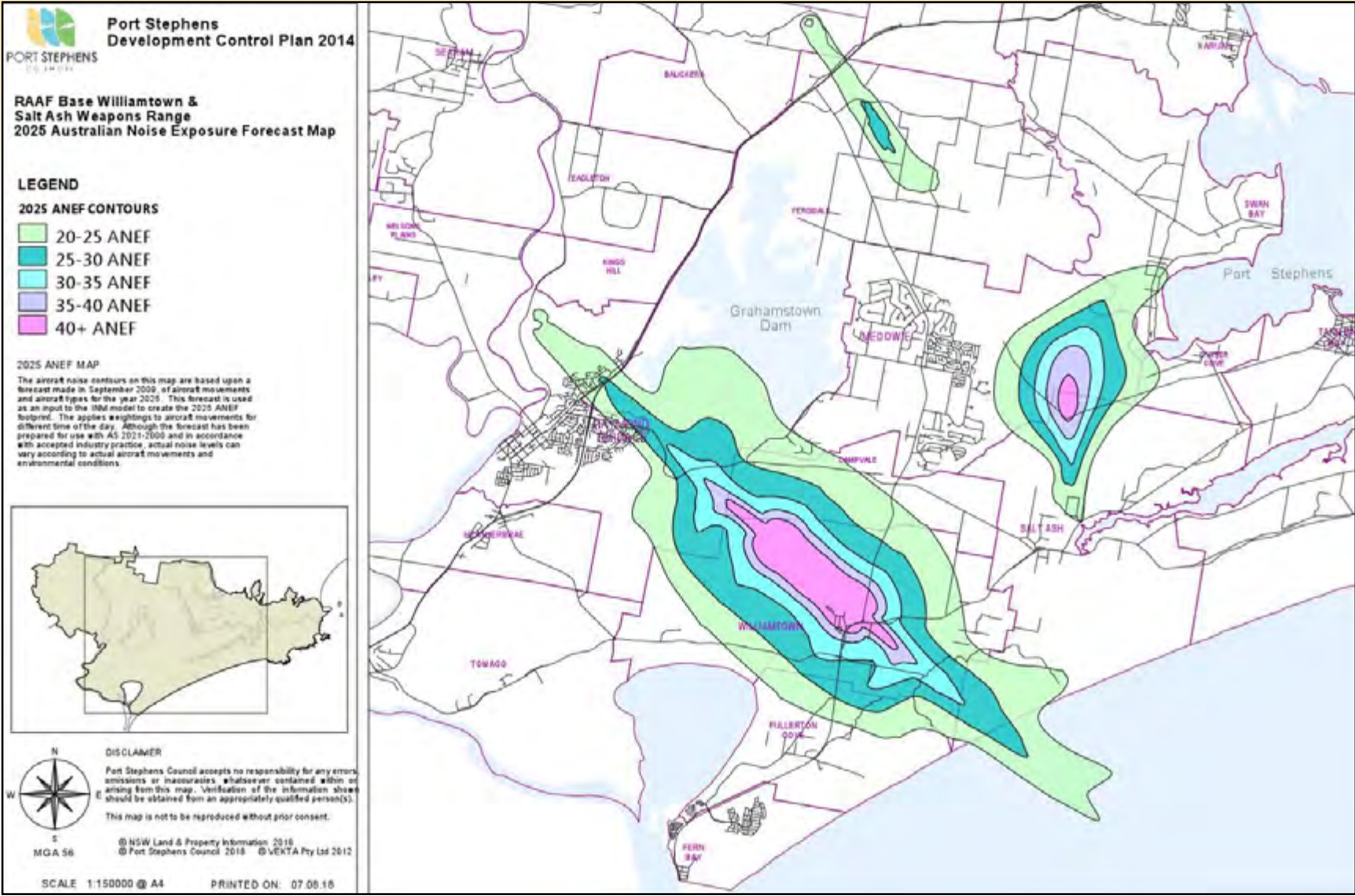


Figure BQ: Bird Strike Zone

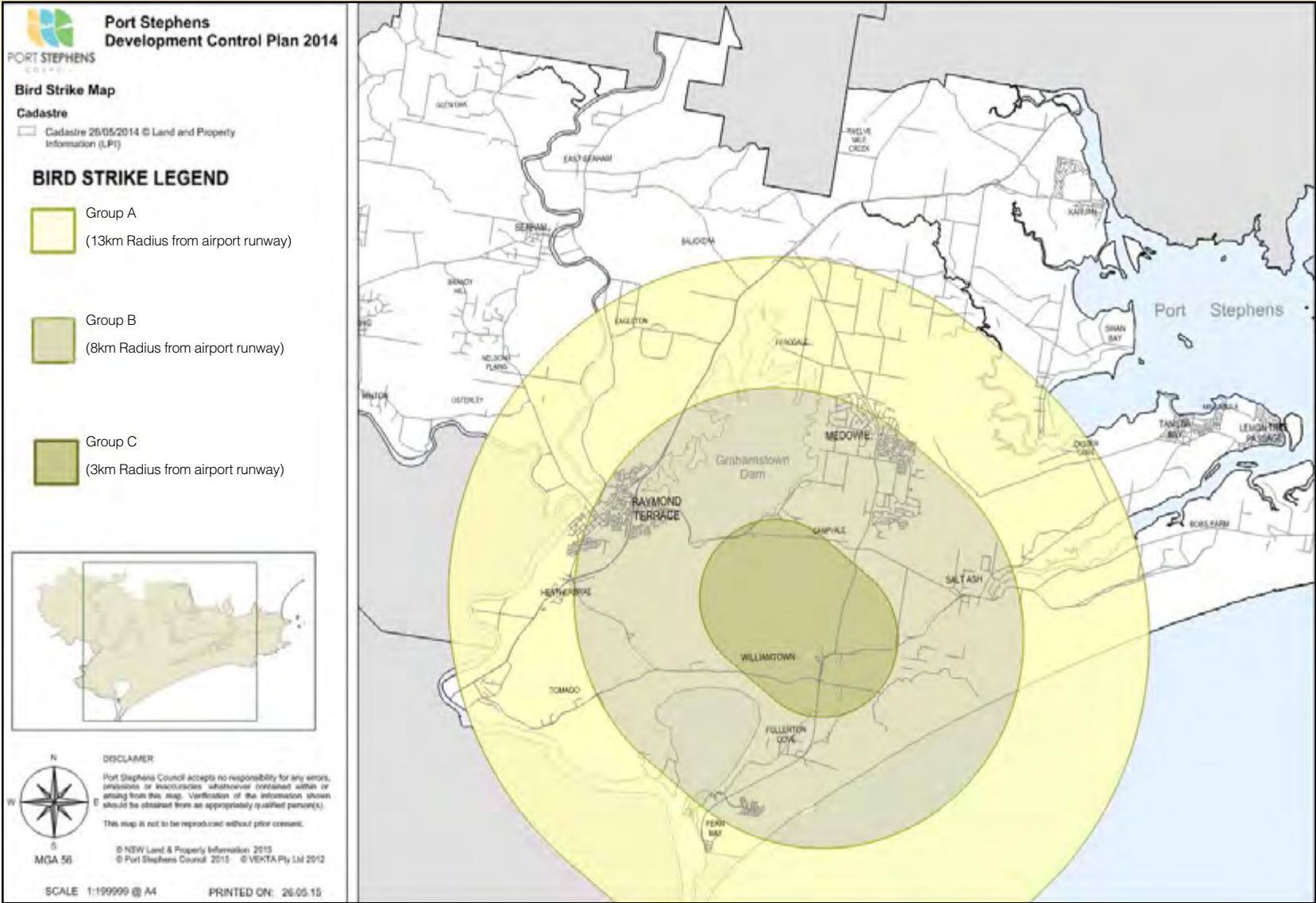


Figure BR: RAAF Base Williamtown Obstacle Limitation Map

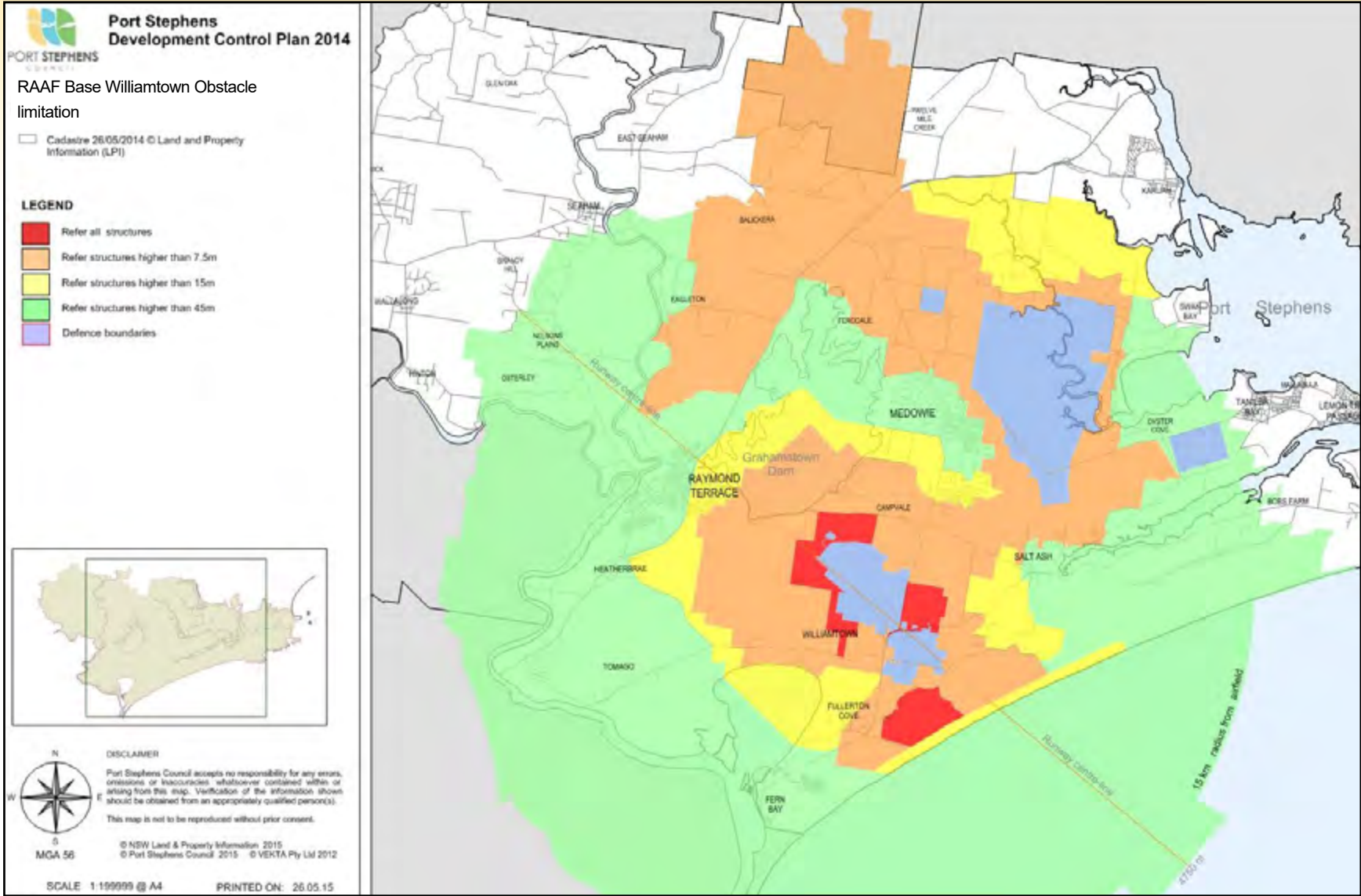


Figure BS: Extraneous Lighting Map 1

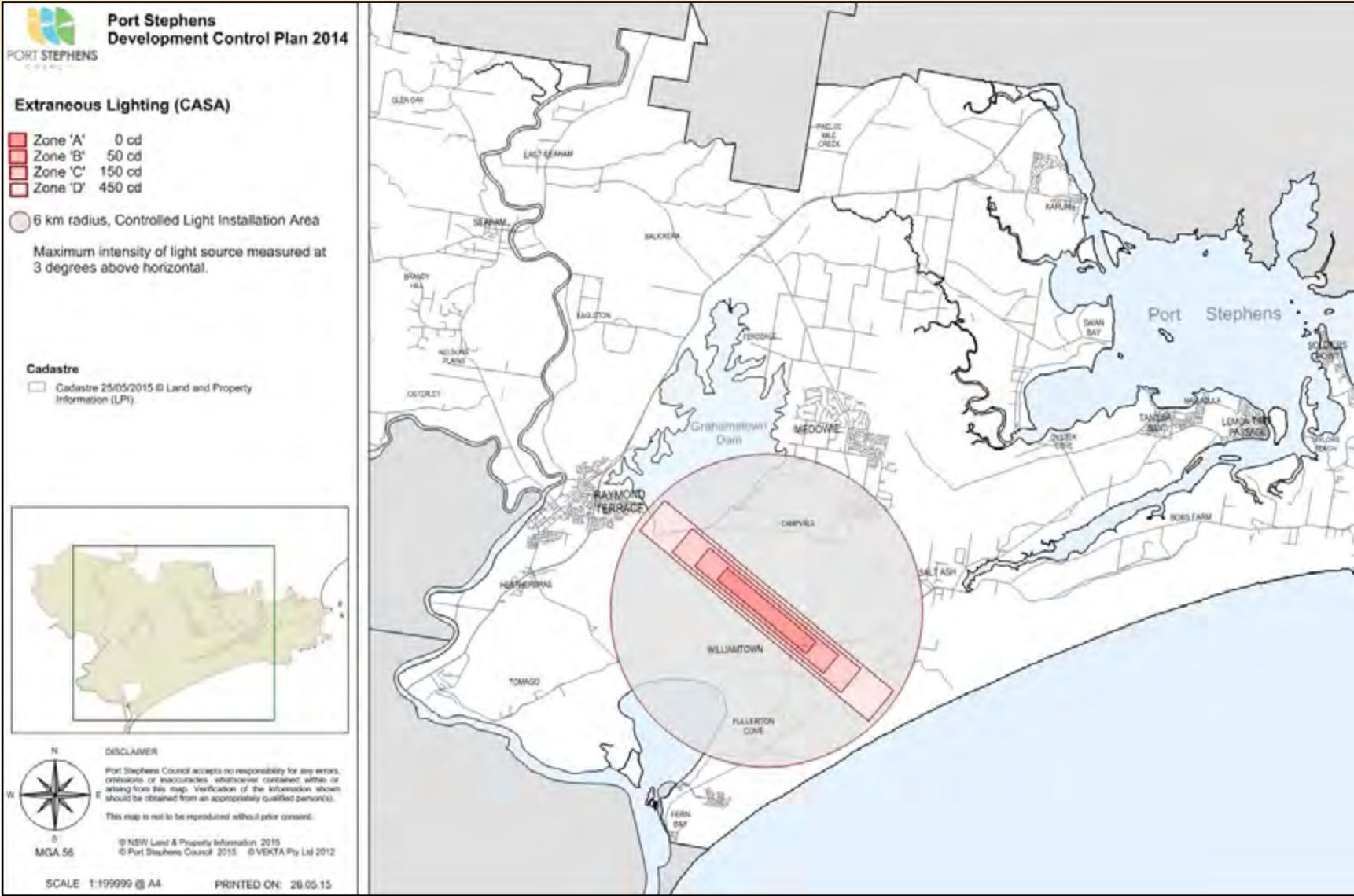
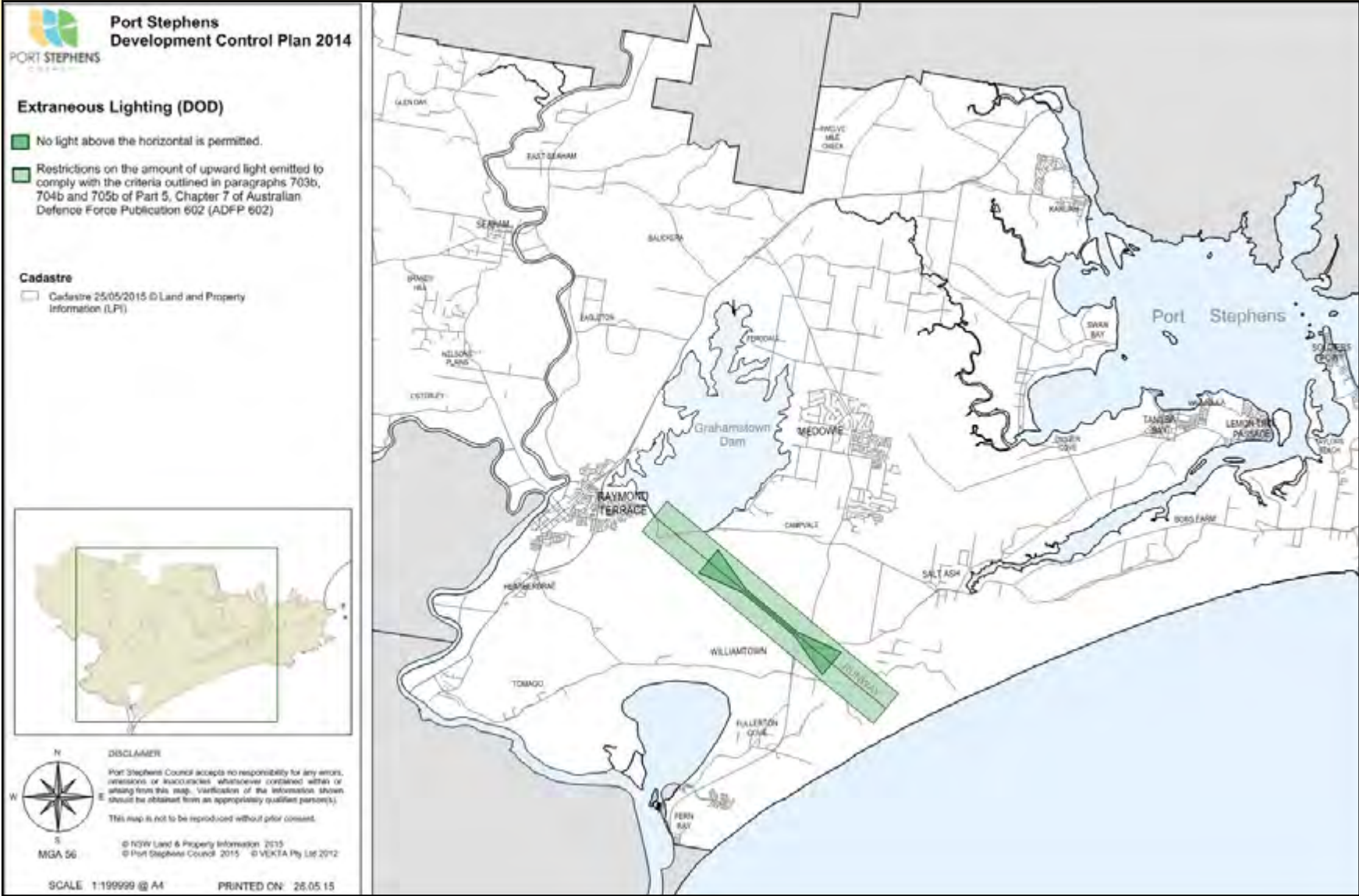


Figure BT: Extraneous Lighting map 2



B7 Heritage

Application

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

B7.A Heritage impact

Objective

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

Development controls

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

Development controls

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

B7.B Minor nature - maintenance

Objective

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

Development controls

B7.3 A **development application** is required under **LEP** clause 5.10(2), if the proposed **development** does not, in the opinion of Council satisfy the requirements of **LEP** clause 5.10(3)

- The following types of **development** are considered to be works of a minor nature or maintenance which would not adversely affect the heritage significance of the **heritage item** or property within a **heritage conservation area** for the purposes of Clause 5.10(3)
 - Maintenance or repairs, including painting of a **heritage item** or item located in the **heritage conservation area** that is consistent with the statement of heritage significance of the existing building or the heritage character of surrounding areas
 - Prior to undertaking these works the applicant is to complete the **PSC**. 2014, 'Notification – Heritage Minor Works or Maintenance'²⁴

Note: **SEPP** (*Exempt and Complying Development Codes*) 2008 – Subdivision 25A Maintenance of buildings in draft heritage conservation areas allows for **development** to be defined as **exempt development**

B7.C Demolition

Objective

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

Development controls

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

B7.D Aboriginal heritage

Objective

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

Development controls

- B7.5 Where **development** involves ground disturbing works, being greater than 2m, under B3.3 of the **SEE** addresses the following matters:
- A statement indicating the results of the Aboriginal heritage information management system (**AHIMS**) database search and any other sources of information
 - A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects
 - A statement indicating whether the proposed **development** is likely to harm Aboriginal objects
 - A statement indicating whether an **Aboriginal heritage impact permit (AHIP)** is required. When required:
 - Prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed **development** on Aboriginal cultural heritage consistent with the Office of Environment & Heritage. N/A, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW'²⁵

Note: Section 90 of the *National Parks and Wildlife Act 1974* requires an **AHIP** where harm to an Aboriginal object or Aboriginal place cannot be avoided. An **AHIP** can be issued under Part 6 of the *National Parks and Wildlife Act 1974*

B8 Road Network and Parking

Application

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

B8.A Traffic impacts

Objective

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

Development controls	
B8.1	The statement of environmental effects (SEE) details: <ul style="list-style-type: none"> • car parking location, number and dimensions; • access arrangements; • traffic implications on the existing road network and junctions; • street features, such as trees, footpaths and pipes; and • pedestrian impacts and access for disabled persons.
B8.2	A traffic impact assessment (TIA) is required for: <ul style="list-style-type: none"> • development for 20 or more dwellings; • development defined as traffic generating development; or • development deemed in Council's opinion to impact on the existing road network.
B8.3	A construction management plan is provided prior to the issuing of a construction certificate or subdivision works certificate when development will impact on traffic movements during the construction phase.

B8.B On-site parking provisions

Objectives

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

Development controls

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

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		
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 20m² floor area (where no seating is provided) 12 car spaces per 100m² floor area or 1 car space per 4 seats (whichever is greater) 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 10m² of public or licenced floor area 1 car space per accommodation unit 1 bicycle space per 20 accommodation units 	<ul style="list-style-type: none"> 1 car space per 20 parking spaces
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

Development Type	Parking Requirements	Accessible Parking
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
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 employees 	<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 per employee (whichever is greater) 1 bicycle space per 20 employees 	No requirement
rural industries	<ul style="list-style-type: none"> 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
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
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 	No requirement
<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>		

Development type	Parking requirements	Accessible parking
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
place of public worship	<ul style="list-style-type: none"> 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 bicycle 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 SEPP (Housing) 2021 1 car space per 20 rooms 	Refer to SEPP (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 per employee 	No requirement
hostels	<ul style="list-style-type: none"> 1 car space per 10 beds 1 car space per 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) 2021	Refer to SEPP (Housing) 2021
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 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

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.
B8.7	<p>A reduction in the number of spaces required in accordance with Figure BU may be considered for commercial premises on land zoned E1 Local Centre or E2 Commercial Centre when dedicated car sharing service spaces equipped with electric vehicle charging provisions are provided. The maximum reduction is not to exceed:</p> <ul style="list-style-type: none"> • For development requiring up to 5 spaces – no reduction • For development requiring more than 5 and up to 20 spaces – 1 space • For development requiring more than 20 spaces – 5% <p>Note: dedicated car sharing service spaces are included as a car parking space for the purposes of calculating the total number of spaces provided.</p>
B8.8	All internal driveways and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt
B8.9	Walking routes through large car parks are to be delineated by markings, signage , grade separation and pedestrian crossings in accordance with AS 2890 - Parking facilities
B8.10	<p>Parking for people with a disability is designed and constructed:</p> <ul style="list-style-type: none"> • in accordance with AS 2890 - Parking facilities and AS 1428 - Design for access and mobility • to be located as close to wheelchair accessible entrances/lifts and linked by an accessible/ continuous path
B8.11	<p>On-site parking is located behind the building line or setback by 1m</p> <p>Note: C4.6 requires a minimum garage setback of 1m behind the building line or setback</p>

B8.C On-site parking access

Objectives

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

Development controls

B8.12	<p>The entry, exit and driveway separation widths of access points from a site to a street frontage is provided in accordance with Figure BV and the following steps:</p> <ol style="list-style-type: none"> 1. Determine the class of parking, either being A, B or C 2. Determine the ingress/egress category by identifying whether that class is located on either an arterial road or local street and by referencing the number of parking spaces that are required, which is determined by B8.4 3. Determine entry, exit and driveway separation widths by using the ingress/egress category
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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

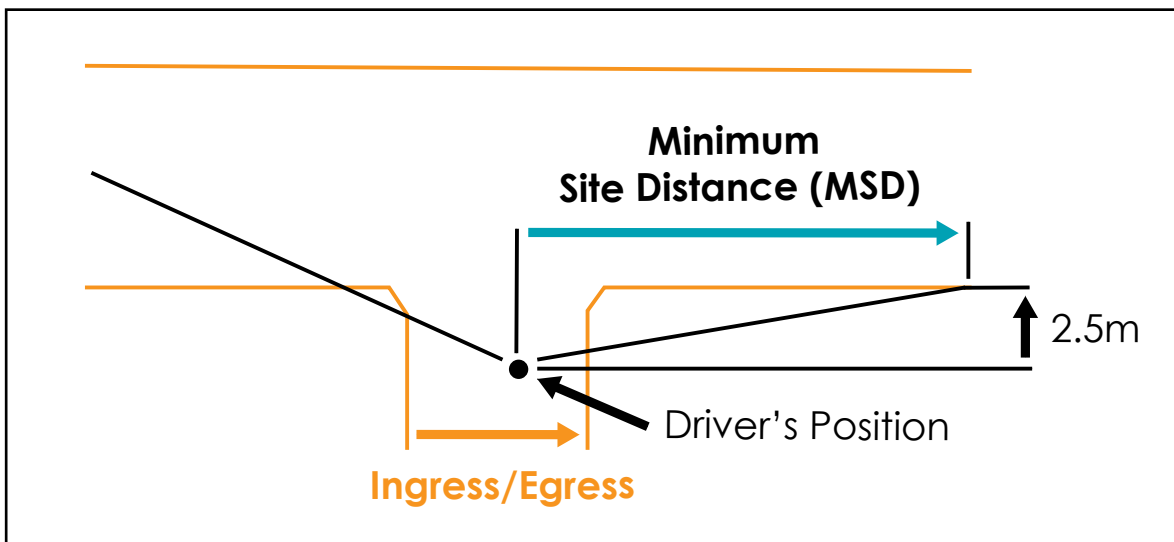
Step 3. Determine entry, exit and driveway separation widths			
Ingress / Egress Category	Entry width	Exit width	Driveway separation
1	Single maximum: 3m Double maximum: 4m	Combined	-
2	6-9m	Combined	-
3	6m	4-6m	1-3m
4	6-8m	6-8m	1-3m
5	Direct connection from a dedicated public road via controlled intersection		

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 BW: Illustration of ingress and egress minimum site distances



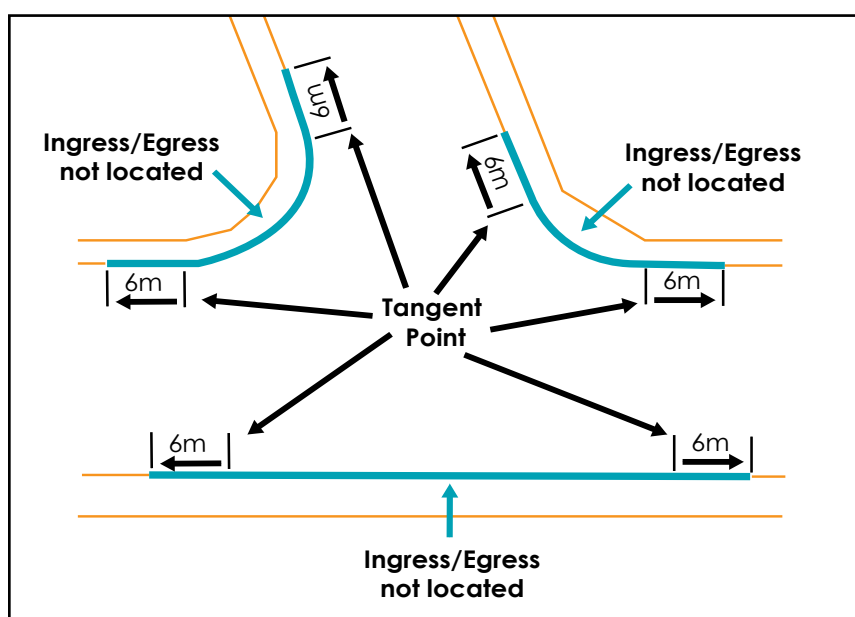
Development controls

- B8.13 Ingress and egress to parking areas is:
- not located in proximity to intersections or where queuing and sight distances are restricted
 - not located opposite other **traffic generating developments**, unless separated by a median strip
 - not located within the sections of kerb illustrated by Figure BY
 - to provide a minimum of 0.5m from the **side boundary** at the **front property line** and minimum 0.5m clearance from the edge of existing street furniture
 - intersect with the road between 70 to 90 degrees
 - to provide a **driveway cross-fall** for the first 3 metres, which is to match the longitudinal gradient of the kerb/road pavement
 - to ensure vehicles can enter and leave in a forward direction
 - to provide the minimum sight distances (**MSD**) required by Figure BW in accordance with Figure BX

Figure BX: Minimum sight distances

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

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



B8.D Visitor parking & loading facilities

Objectives

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

Development controls	
B8.14	Visitor parking is clearly marked, signposted and located in proximity to the main building of the development
B8.15	Service areas, car parking and loading bays are provided: <ul style="list-style-type: none"> • At the basement or ground level at rear • Away from pedestrian public spaces • Away from residential areas • Separately to staff and customer parking
B8.16	Parking layouts provide direct pedestrian paths to building entries and street frontage and is screened from the street

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

Objective

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

Development controls	
B8.17	A development application for 20 or more dwellings shall demonstrate that bus stops and shelters are: <ul style="list-style-type: none"> • Existing and fully accessible to current standards within a 400m walking catchment or bus stops within a 400m catchment are able to be upgraded (at the proponents cost). • Located as close as possible to the common destination, being the development site, and are connected to the entry of the development by a continuous accessible footpath
B8.18	Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas for significant scale developments , such as educational establishments or commercial premises
B8.19	Ensure clear crossing points adjacent to public transport stops that are designed for pedestrian desire lines <ul style="list-style-type: none"> • Development unable to demonstrate the above is required to liaise with the public transport providers and Transport for NSW to meet the requirements