PORT STEPHENS COUNCIL

Port Stephens Development Control Plan 2025

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Contents

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Quick Start Guide

If the Port Stephens Development Control Plan 2025 (DCP) applies, the steps listed below set out the process to be followed:

Step 1

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

Step 2

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

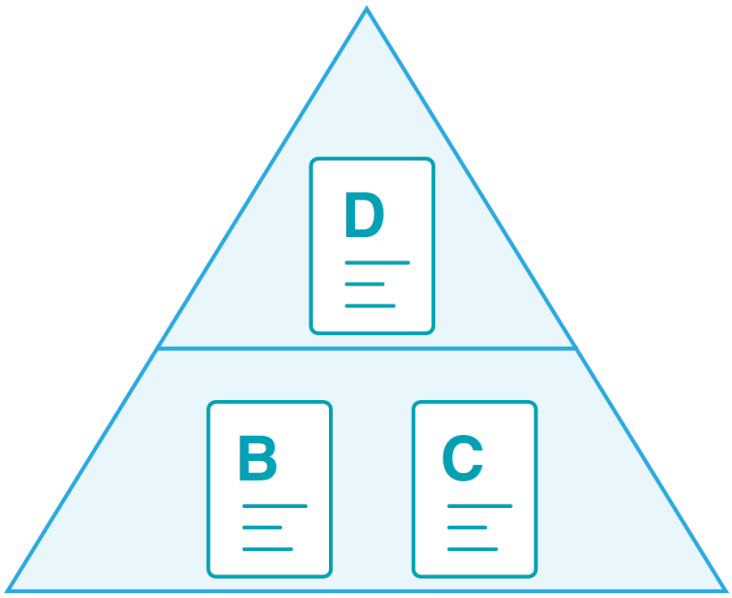
Step 3

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

The Development Application Supporting Handbook (DASH) sets out information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

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

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



Requirements of Section D are in addition to Sections B & C however in the event of any inconsistency, Section D prevails.

A
Introduction

A Introduction

A1 Name of this Plan

The name of this Plan is the Port Stephens Development Control Plan 2025 (DCP).

A2 Aim of this Plan

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

A3 Commencement of this Plan

This Plan was adopted by Council on 28 October 2025 and commenced on 30 October 2025.

A4 Savings

This Plan does not apply to any development application or tree permit lodged but not determined before its commencement.

A5 Land to which this Plan applies

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

A6 Development to which this Plan applies

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

In determining a development application, Council is to consider relevant provisions of this Plan under section 4.15 of the EP&A Act.

This Plan does not apply to development that is:

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

A7 Supporting documentation and information

A development application assessed under this Plan must be accompanied by the relevant supporting documentation prescribed in Council's Development Application Supporting Handbook (DASH).

A Tree Permit required under this Plan must be submitted with the information specified on the online Tree Removal and Pruning Form.

A8 Interpretation

This DCP adopts the terms and definitions of the planning legislation (*Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the *Standard Instrument—Principal Local Environmental Plan*), unless otherwise defined in the Glossary.

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

A9 Structure of this Plan

This Plan is divided into sections, chapters, sub-chapters, objectives and controls. The sections are as follows:

Quick Start Guide, Table of Contents and Checklists

Provides tools to increase the useability of the Plan

Section A - Introduction

Explains the purpose of this Plan and legislative requirements

Section B – General Provisions

Provides development objectives and requirements that relate to the site in all locations in which development is proposed. This section is to be referenced by all development applications.

Section C – Development Types

Provides development objectives and requirements that relate to specific development types. Development will generally fall within one or more of these specified development types. The requirements under this section are to be read in conjunction with the General Provisions, which relate to all development applications.

Section D – Specific Areas

Provides development objectives and requirements that relate to a specific locality in which development is proposed. The provisions of this section provide specific location requirements that apply in conjunction with other sections and prevail to the extent of any inconsistency.

Section E - Schedules

Provides definitions to important terms and references to assist in the accurate interpretation of the Plan.

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

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

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

A10 Explanation of development objectives and requirements

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

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

A11 Relationship to legislation, plans and policies

This Plan must be read in conjunction with the *Port Stephens Local Environmental Plan 2013*. This Plan:

- Was prepared in accordance with section 3.43 of the EP&A Act and Part 2 of the *Environmental Planning and Assessment Regulation 2021.*
- Identifies further detail of Council's requirements for local development requiring development consent.

- Is consistent with the provisions of the LEP and other applicable EPI, however, in the event of any inconsistency, the requirements of the EPI will prevail in accordance with section 3.28 Inconsistency between instruments of the EPA&A Act.
- Replaces the whole of the Port Stephens Development Control Plan 2014 (DCP 2014).
- Is to be applied in conjunction with other Council development guidelines, policy, specifications and technical manuals, where cited.

A12 Monitoring and review

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

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

B

General Provisions

B1 Tree Permits

Application

This chapter 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 Act 2013*.

If a Tree Permit is required, it is an offence under the planning legislation to remove or prune the trees or other vegetation without a Tree Permit.

Chapter Summary

- A Tree Permit is required to prune or remove the trees and vegetation prescribed in this chapter.
- There are some exceptions where a tree may be removed or pruned without a Tree Permit.
- Development consent may be needed if the tree is on a property with heritage significance (including Aboriginal cultural heritage).
- Complete the online Tree Removal and Pruning Form to determine what type of Council approval is required (if any) prior to tree removal or pruning.

B1.A Tree Permit for removal or pruning

Objective

To list the trees or other vegetation that requires a Tree Permit for removal or pruning.

Go to the online Tree Removal and Pruning Form to apply for a Tree Permit.

Control

B1.1 A Tree Permit is required for the removal or pruning of a tree or vegetation:

- Where the height exceeds 3m or trunk diameter exceeds 300mm (measured 1.3m from the ground);
- Listed on the Register of Significant Trees;
- Identified for retention, protection or planting under a development consent, previous tree permit, order, direction or notice, or restrictive covenant;
- That is part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied:

- is of a minor nature or is for the maintenance of that item, area, object or place; and will not adversely affect the significance of that item, area, object or place.

Heritage and Aboriginal Cultural Heritage

Development consent is required for the removal or pruning of a tree or other vegetation that is part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is not satisfied:

- is of a minor nature or is for the maintenance of that item, area, object or place; and
- will not adversely affect the significance of that item, area, object or place.

Go to the online Tree Removal and Pruning Form to find out if you need development consent.

- That is native vegetation less than 3m in height:
  - on a lot that is over 4,000m^2 in size, and
  - on a lot that is vacant or the combined footprint of any approved structures is less than 250m^2; and
  - the clearing exceeds 50m^2 (i.e. large scale under scrubbing) in any 12-month period.

Land with High Biodiversity Values

If the tree or vegetation removal involves clearing any native vegetation on land identified on the State government's Biodiversity Values Map, approval from the NSW Native Vegetation Panel is required instead of a Council permit.

Compensatory Planting

A Tree Permit may be issued with conditions, including conditions that require you to plant compensatory trees.

B1.B Exceptions

Complete the online Tree Removal and Pruning Form to find out if you do not need a Tree Permit and to notify Council if you are removing a tree or clearing vegetation.

Objective

- To prescribe when a Tree Permit is not required.

Control

B1.2 The requirement for a permit does not apply (and a Tree Permit is not required):

- If Council is satisfied the tree or vegetation is:
  - A risk to human life or property; or
  - Dead or dying and it is not required as the habitat of native animals; and
  - notice has been submitted through the online Tree Removal and Pruning Form at least 10 days before removal.

Urgent Removal

Go to the online Tree Removal and Pruning Form to find out when and how to remove a tree urgently.

- Where the height exceeds 3m or trunk diameter exceeds 300mm (measured 1.3m from the ground) and the tree or vegetation is:
  - Within 5m of the wall of an approved structure (excluding driveways), and is not identified for retention, protection or planting under a development consent, previous tree permit, order, direction or notice, or restrictive covenant; and
  - Notice has been submitted through the online Tree Removal and Pruning Form at least 10 days before removal.
- If the pruning is less than 10% of the foliage and the pruning is only carried out once in a 12-month period.
- If the removal or pruning:
  - Requires authorisation under other legislation;
  - Requires development consent;

    - Needs approval from the Native Vegetation Panel; or
    - Is carried out by Council on land under the care, control or management of Council, unless it is part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance.
- If the tree or vegetation is:
    - A tree species grown for fruit or nut production; or
    - A species listed in NSW Weedwise.
- If the removal or pruning is not otherwise listed in control B1.1 as requiring a Tree Permit.

Tree removal under other legislation

Go to the Trees page on Council's website to find out more about tree removal under other legislation (such as clearing for bushfire protection).

Neighbouring Trees

- Speak to your neighbor to get consent before you prune their trees.
- Pruning of less than 10% of the foliage and only carried out once in a 12-month period may not need a Tree Permit.
- Council does not mediate between neighbours in disputes about trees.

B2 Natural Environment

Application

This chapter applies to development that:

- Has the potential to impact the natural environment; or
- Is on land mapped as:
  - Wetland in the LEP;
  - Coastal Wetlands and Littoral Rainforests under the planning legislation; or
  - A riparian corridor

  and has the potential to impact these areas;
- Is on land mapped as Koala habitat identified by Council's Comprehensive Koala Plan of Management (CKPoM);
- Is on land containing biosecurity risks, such as priority weeds;
- Includes tree removal or pruning as part of the development; or
- Includes tree removal or pruning that requires development consent under the planning legislation. Complete the online Tree Removal and Pruning Form to find out if you need development consent for tree / vegetation removal or pruning.

Chapter Summary

- Development should contribute to an improved natural environment.
- Development should be planned and designed to avoid and minimise impacts on the natural environment.
- Compensatory plantings or other measures may be required to mitigate impacts.
- Development should not contribute to the spread of weeds.

Note: The DCP should be read in conjunction with the DA Supporting Handbook (DASH) which provides detailed direction on information needed to support a development application.

B2.A Ecological impact

Objectives

- To avoid and minimise impacts on the natural environment.
- To protect and enhance native flora and fauna, vegetation communities, riparian corridors and high value ecological features on the site.

Controls

B2.1 Development should be designed to avoid impacts on high value ecological features, minimise any unavoidable impacts, and where applicable implement compensatory measures in accordance with sub-chapter B2.B.

B2.2 Buffers should be provided between the development and areas containing high value ecological features.

Buffers to mitigate ecological impact

A buffer is a designated area intended to separate or mitigate potential conflicts or negative impacts between different land uses, activities or areas. These conflicts or negative impacts are often referred to as indirect impacts and include things like noise and light spill as well as weed incursion caused by edge effects.

It is important to note that buffer requirements are variable and the size of the buffer will depend on the likely extent of the potential indirect impacts a development may have, as well as specific requirements of the threatened entity that may be impacted. For example, under the NSW Biodiversity Assessment Method 2020, a 30m buffer is applied around threatened plants, whereas guidance for Powerful Owls require that a buffer of at least 200m is retained around known nesting sites.

B2.3 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':

- 30m buffer from 1st-2nd order water courses with a 20m vegetated riparian zone and 10m vegetated buffer.
- 50m buffer from 3rd order water courses or above with a 40m vegetated riparian zone and 10m vegetated buffer.

Riparian corridors

Riparian corridors can provide a range of valuable environmental functions such as:

- improving water quality and bank stability,
- providing habitat and connectivity for flora and fauna,
- providing a buffer between developments and waterways, and
- provide nutrient uptake opportunities prior to runoff entering waterways.

B2.4 Development should consider biodiversity corridors and not compromise the potential for safe movement of fauna (including Koala) across the site. This should include maximising tree retention generally and minimising the likelihood that the proposal would result in the creation of barriers to Koala movement. Reference should be made to any relevant guidelines.

Biodiversity corridors

The DASH provides specific information regarding planning for biodiversity corridors.

B2.5 Buildings and structures, roads, driveways, fences, dams, infrastructure, drainage and asset protection zones are located to avoid areas with significant flora and fauna or ecological communities, buffers, biodiversity or riparian corridors, environmentally sensitive land and land with high value ecological features.

B2.6 The width of any retained or proposed buffer, biodiversity corridor, or riparian corridor should be determined having regard to the function of the habitat or corridor and the type of development proposed. The width of the corridors or buffers may be narrowed in one part of the site if similarly widened in another. Depending on the function of the corridor or buffer and the type of development proposed, it may be possible to co-locate some infrastructure. Designs that result in improved environmental outcomes will be supported.

B2.7 A subdivision development application must include consideration of the total clearing that is required or likely to be required for the purpose for which the land is to be subdivided. If the purpose of the subdivision is urban residential development (i.e. land zoned R2 and R3), the assessment report should assume that lots will be entirely cleared.

B2.8 Where a development is adjacent to an area of threatened fauna habitat (including Koala and migratory shorebirds), any outdoor lighting (including street

lighting) must be prepared in accordance with Council's Biodiversity Technical Specification.

Consideration of total clearing

Consideration of total clearing for subdivision applications on land zoned other than R2 and R3 will include identifying building envelopes, bushfire asset protection zones, access roads, driveways, services, effluent disposal areas, ancillary buildings and new boundary fence lines.

B2.9 Where a development is adjacent to an area of threatened fauna habitat (including Koalas), perimeter fencing may be required that is either designed to exclude fauna (where a development poses a risk to fauna from vehicle strike, dog attack or similar) or is fauna-friendly (where connectivity through the site is important to maintain for habitat linkage), in accordance with Council's Biodiversity Technical Specification. Fauna escape or crossing structures may also be required.

B2.10 Where high value ecological features are required to be retained on site, they must be protected and managed.

B2.B Compensatory requirements

Objective

Compensatory habitat replacements are provided for specific features which cannot be avoided and are proposed to be removed, including Koala feed trees, any native tree over a certain size, hollows and hollow bearing trees.

Controls

B2.11 Removal of any Koala feed tree species must be replaced in accordance with the compensatory planting ratios detailed in Figure 1, unless Council imposes an amended requirement in consideration of specific and unique site factors. Koala feed tree species in Port Stephens include:

- Forest Red Gum (*Eucalyptus tereticornis*),
- Swamp Mahogany (*Eucalyptus robusta*)
- Parramatta Red Gum (*Eucalyptus parramattensis*)
- Grey Gum (*Eucalyptus canaliculata*)
- Tallowood (*Eucalyptus microcorys*)
- Grey Box (*Eucalyptus moluccana*)
- Small Fruited Grey Gum (*Eucalyptus propinqua*)
- Grey Gum (*Eucalyptus punctata*)
- White Stringybark (*Eucalyptus globoidea*)

- Flooded Gum (*Eucalyptus grandis*)
- Sydney Peppermint (*Eucalyptus piperita*)
- Scribbly Gum (*Eucalyptus racemosa*)
- Red Mahogany (*Eucalyptus resinifera*)
- Sydney Blue Gum (*Eucalyptus saligna*)
- Scribbly Gum (*Eucalyptus haemastoma*)

Koala feed trees

The tree species listed above in B2.11, are identified as important species to support the Koala population in Port Stephens.

Figure 1: Compensatory Koala feed tree planting ratios

Koala feed tree species size class (trunk diameter measured 1.3m from the ground)	Loss to gain replacement planting ratio for Koala feed tree species
<100mm	1:6
100 – 300mm	1:8
>300mm	1:10

B2.12 Any native tree (other than a Koala feed tree species) with a height of greater than 3m or a trunk diameter greater than 300mm (measured 1.3m from the ground) that is to be removed, is to be replaced at a ratio of 1:2, unless Council imposes an amended requirement in consideration of specific and unique site factors.

B2.13 Any street tree proposed to be removed is to be replaced at a ratio of 1:1 along the same street frontage and planted in accordance with Council's Biodiversity Technical Specification, unless Council imposes an amended requirement in consideration of specific and unique site factors.

B2.14 Compensatory trees are to be planted in accordance with Council's Biodiversity Technical Specification.

B2.15 Where the removal of a hollow or a hollow-bearing tree is required, compensatory hollows are to be provided in accordance with Council's Biodiversity Technical Specification. The number of compensatory arboreal hollows must meet the ratios identified in Figure 2, unless Council imposes an amended requirement in consideration of specific and unique site factors. A combination of nest boxes and salvaged hollows may be required.

Figure 2: Compensatory hollow ratios

Preference of use	Compensatory hollow type	Replacement Ratio (Loss:Gain)
1st	Natural hollow salvaged from felled hollow-bearing tree and installed within retained trees on site	1:1 hollow replacement
2nd	Artificial hollows	1:2 hollow replacement
3rd	Nest boxes	1:2 hollow replacement

B2.C Weeds

Objective

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

Control

B2.16 Development on land that contains priority weeds, must prevent, eliminate or restrict the spread of weeds in accordance with Council's Biodiversity Technical Specification.

Note: NSW Weedwise is an online tool to identify priority weeds.

B3 Stormwater Management

Application

This chapter applies to development that:

- Increases impervious surfaces and/or impacts on water quality; and
- Drains to the public drainage system.

This chapter should be read in conjunction with clause 7.8 Drinking water catchments and clause 7.10 Williams River catchment of the *Port Stephens Local Environmental Plan 2013*.

Site-specific DCP chapters with additional stormwater management objectives and controls may apply. Development may require buffers to riparian corridors consistent with the relevant objectives and controls in Chapter B2 Natural Environment of this DCP.

Development involving a controlled activity within waterfront land must meet the requirements of the *Water Management Act 2000 (NSW)*.

Chapter Summary

- Development has the potential to create stormwater quantity and quality impacts and an application needs to demonstrate how these impacts will be appropriately managed.
- The requirements for managing stormwater vary depending on location. Sites located within areas with an approved regional stormwater treatment system (as identified in Water Sensitive Urban Design Strategies - WSUDS) or in a Stormwater Control Area will have additional requirements. These controls must be addressed together with the general requirements.
- Some sites are located within a drinking water catchment. Development in these areas may have additional requirements to improve or maintain drinking water quality.
- Design specification 0074 Stormwater Drainage Design provides detailed technical guidance on stormwater drainage design requirements to assist in the implementation of this DCP chapter.
- Development should consider infiltration and soil type. Further information is available at Soil Infiltration Technical Information Sheet and Hydrologic Soil Mapping.

B3.A Stormwater quantity

Objectives

- To minimise impacts on water balance, surface water and groundwater flow and volume regimes and flooding.
- To ensure development considers and manages stormwater quantity impacts within a site and on the surrounding area.
- To ensure development takes into account local constraints and manages stormwater to minimise risk and nuisance caused by localised drainage issues.
- To ensure development provides a legal and physical point of stormwater discharge.
- To encourage the provision of stormwater detention on a lot and regional scale.
- To ensure stormwater quantity is managed during construction to avoid environmental impacts.

The controls below set out requirements for development to meet the above objectives. If a development application can meet the objectives by an alternative solution, Council will be flexible in applying these provisions of the DCP (See section 4.15(3A) of the EP&A Act).

Controls

B3.1 General requirements for all development:

- Development is designed to ensure stormwater is managed and controlled to minimise risk and nuisance to neighbouring properties, public roadways, public spaces, and the environment.
- Development ensures stormwater leaves the site via a legal and physical point of discharge.
- Development is designed to align with Council's design specification 0074 Stormwater Drainage Design including the Future effective percent impervious table.
- Development is designed to align with Council's Soil Infiltration Technical Information Sheet and Hydrologic Soil Mapping.
- Development for subdivision of more than 5 lots requires the provision of regional stormwater treatment measures and the preparation of a Water Sensitive Urban Design Strategy, unless it can demonstrate access to a regional stormwater treatment system with sufficient stormwater quantity and quality management capacity.
- Development ensures erosion and scour is managed on-site and avoids the discharge of concentrated surface flow during construction.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

B3.2 General requirements for all development with on-site infiltration / detention:

- On-site infiltration / on-site detention design is to be provided by either underground chambers, surface storage or a combination of the two and are generally positioned:
  - under grassed areas for any cellular system (which can be easily maintained).
  - under hardstand areas such as driveways for any concrete tank structures.

B3.3 General requirements for all rear sloping lots:

- Rear sloping lots that naturally drain away from the road frontage and are not serviced by an existing drainage easement or inter-allotment drainage system must provide a legal point of discharge and apply the following:
  - The provision of a drainage easement may be required through adjoining private land if a legal point of discharge is not available.
  - A charged drainage system to the street may be considered for roof drainage if it is demonstrated to be functional.
  - It must be demonstrated that neighbouring properties are not adversely impacted for all design storm events up to and including the 1% AEP events.

B3.4 General requirements for lots that naturally drain directly to a public reserve or waterbody:

- If a public drainage connection is not available, on-site detention or infiltration is not required provided the following is achieved:
  - Stormwater discharges up to the 1% AEP event are managed and controlled within the site to avoid offsite scour and erosion.
  - Flows must not cause nuisance to the downstream environment.

B3.5 Additional requirements for development in areas with a regional stormwater treatment system (Water Sensitive Urban Design Strategy or WSUD Strategy):

- If the total impervious site coverage (both existing and proposed impervious areas) is below the allowance identified in the applicable WSUD Strategy, requirements in control B3.1 do not apply.
- If the total impervious surface site coverage exceeds the requirements of the applicable WSUD Strategy, additional treatment is required for the excess impervious area as per the requirements in Figure 3: Stormwater control area requirements.

Some areas have regional stormwater management treatment systems with an accompanying WSUD Strategy including requirements for managing stormwater. To find out if a WSUD Strategy applies go to Council's website.

B3.6 Additional requirements for development in stormwater control areas:

- Development is to satisfy the requirements set out in Figure 3: Stormwater control area requirements, below.
- If on-site infiltration is demonstrated to not be appropriate due to the site conditions the requirements for clay soils apply.
- Pre-developed flow rates are to be calculated for the current day assuming that the site is greenfield and hence 100% pervious.

Stormwater control areas are areas that are zoned for urban development but do not have an approved WSUD strategy and are identified on Council's mapping.

Figure 3: Stormwater control area requirements

Development	Stormwater quantity control area requirements	
	Sandy Soils (Types A & B)	**Clay Soils (Types C & D)**
Small-scale residential development including: • Alterations and additions • Dwelling house • Secondary dwellings • Attached and semi-detached dwellings • Dual occupancies • Two-lot subdivision • Ancillary structures	1. A Deemed to Comply solution can be used **OR** 2. Provide a stormwater management plan that includes stormwater mitigation (as per the requirements for the development type "All other development").	
All other development	<u>Infiltration requirements</u> For on-site infiltration: • The rainfall depth for the 10% AEP event is to be infiltrated within the site without runoff, and • The post-developed peak flow rate is to be less than the pre-developed flow rate for all flood events up to the 1% AEP. For a regional stormwater quantity management system:	<u>Detention requirements</u> For an on-site and regional stormwater quantity management system: • The post-developed peak flow rate is to be less than the pre-developed flow rate for all flood events up to the 1% AEP.

	• The post-developed peak flow rate is to be less than the pre-developed flow rate for all flood events up to the 1% AEP.	

B3.B Stormwater quality

Objectives

- To ensure development does not detrimentally impact on water quality.
- To safeguard water quality within drinking water catchments.
- To safeguard the natural environment.
- To ensure water quality is protected and maintained during construction and operation of the development.

Development in a drinking water catchment

Development that has the potential to affect water quality in a drinking water catchment will be referred to Hunter Water Corporation under section 51 of the *Hunter Water Act 1991 (NSW)*. Refer to Hunter Water Corporation's Protecting our drinking water catchments - Guidelines for developments in drinking water catchments for development types that will likely require referral to Hunter Water Corporation. Hunter Water Corporation requires that all development in a drinking water catchment achieves a Neutral or Beneficial Effect.

Controls

B3.7 Requirements for development **within a drinking water catchment**:

- Before water is released into public drainage, the development must achieve a Neutral or Beneficial Effect (NorBE) on water quality, and the following water quality stripping targets (testing of both criteria is required to achieve the better water quality outcome):
  - Total nitrogen retention post-development load: 45%
  - Total phosphorous retention post-development load: 65%
  - Total suspended solids post-development load: 85%
  - Gross pollutants post-development load: 90%
- Water quality modelling (such as MUSIC modelling or SSSQM certification) must be used to demonstrate the achievement of water quality outcomes and targets.

Control B3.7 does not apply to:

- Development on lots less than 250m^2.
- Development that, in the opinion of Council, will not impact water quality; or
- Development where a WSUD strategy applies and supporting information is provided demonstrating that the water quality requirements in the WSUD strategy have been incorporated into the development.

NorBE

In demonstrating the achievement of water quality outcomes, NorBE assessment may require an additional risk assessment depending on the development type.

B3.8 Requirements for development **outside a drinking water catchment**:

- The following water quality stripping targets must be achieved before water is released into public drainage:
    - Total nitrogen retention post-development load: 45%
    - Total phosphorous retention post-development load: 65%
    - Total suspended solids post-development load: 85%
    - Gross pollutants post-development load: 90%
- Water quality modelling (such as MUSIC modelling or SSSQM certification) must be used to demonstrate the achievement of water quality outcomes and targets.

Control B3.8 does not apply to:

- Development that is a dwelling house, semi-detached dwelling, secondary dwelling, dual occupancy, two-lot subdivision, and/or ancillary structure to residential development;
- Alterations and additions to a dwelling house, semi-detached dwelling, secondary dwelling, and/or ancillary structure to residential development;
- All minor alterations and additions;
- Development that, in the opinion of Council, will not impact water quality; or
- Development where a WSUD strategy applies and supporting information is provided demonstrating that the water quality requirements in the WSUD strategy have been incorporated into the development.

B3.9 Requirements for stormwater quality improvement devices:

- Devices must be sited and designed to be taken offline from stormwater quantity drainage systems; and
- Devices must be maintained during the ongoing operation of the development.

B3.10 Erosion and sediment control measures consistent with the construction specification 1102 Control of Erosion and Sedimentation (Construction) must be maintained during construction.

B4 Flooding

Application

This chapter applies to all development on flood prone land. Refer to the flow chart at Figure 4 to determine the assessment pathway for new development.

This chapter should be read in conjunction with Sections 5.21 and 5.22 of the *Port Stephens Local Environment Plan 2013*.

Chapter Summary

- Mapping of flood prone land and the flood planning area is shown on Council's online mapping portal.
- Development on flood prone land is assessed in accordance with the NSW Government Flood Risk Management Manual (as updated from time to time), Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board Standard) and Council's Floodplain Risk Management Policy and flood maps as identified within Figure 4.
- Risks to human life caused by flooding are reduced by controlling development on flood prone land.
- The controls ensure the economic and social costs which may occur from damage to property due to flooding is minimised and can be reasonably managed by property owners, occupiers and the general community.

Figure 4: Determine the assessment pathway

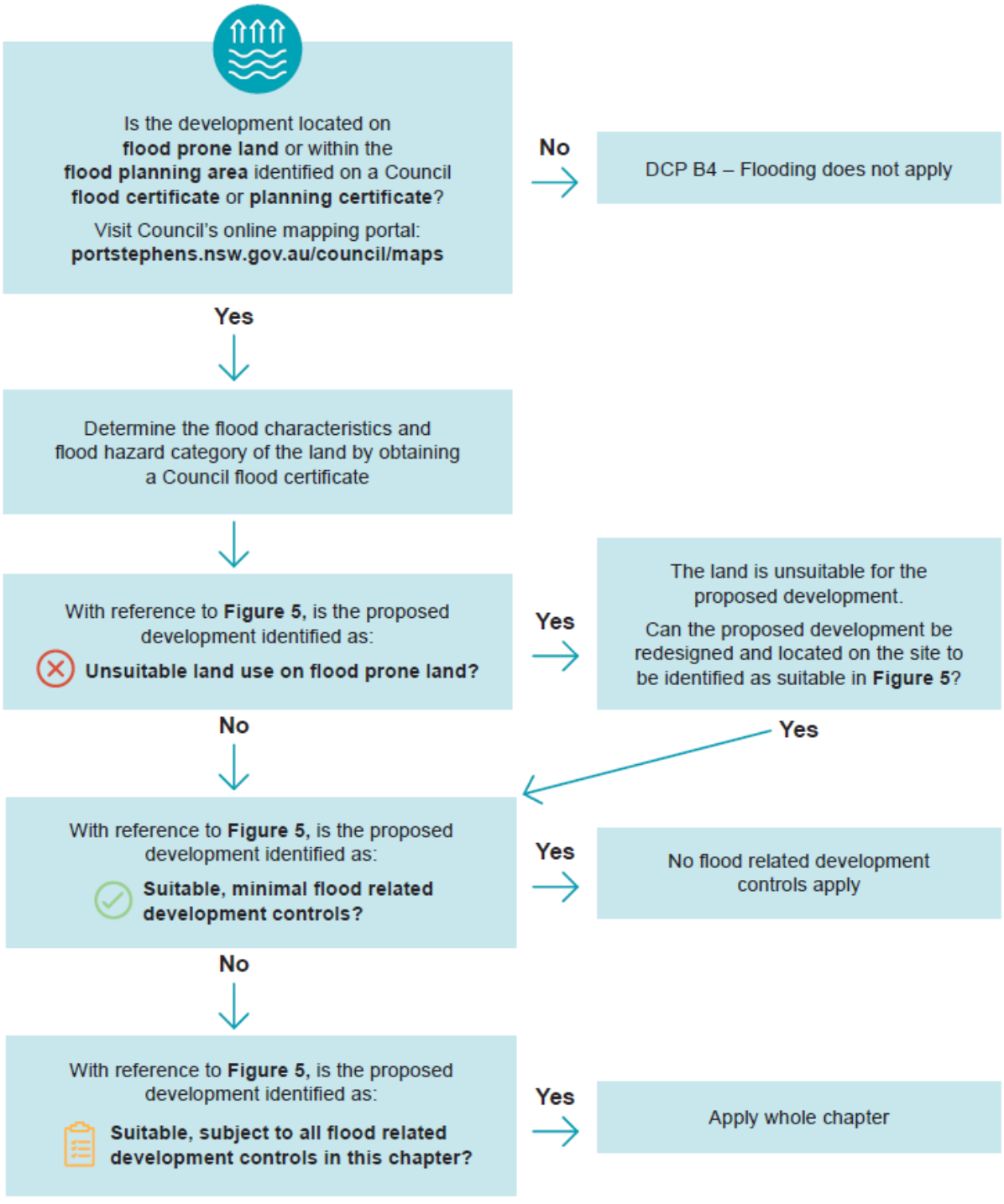
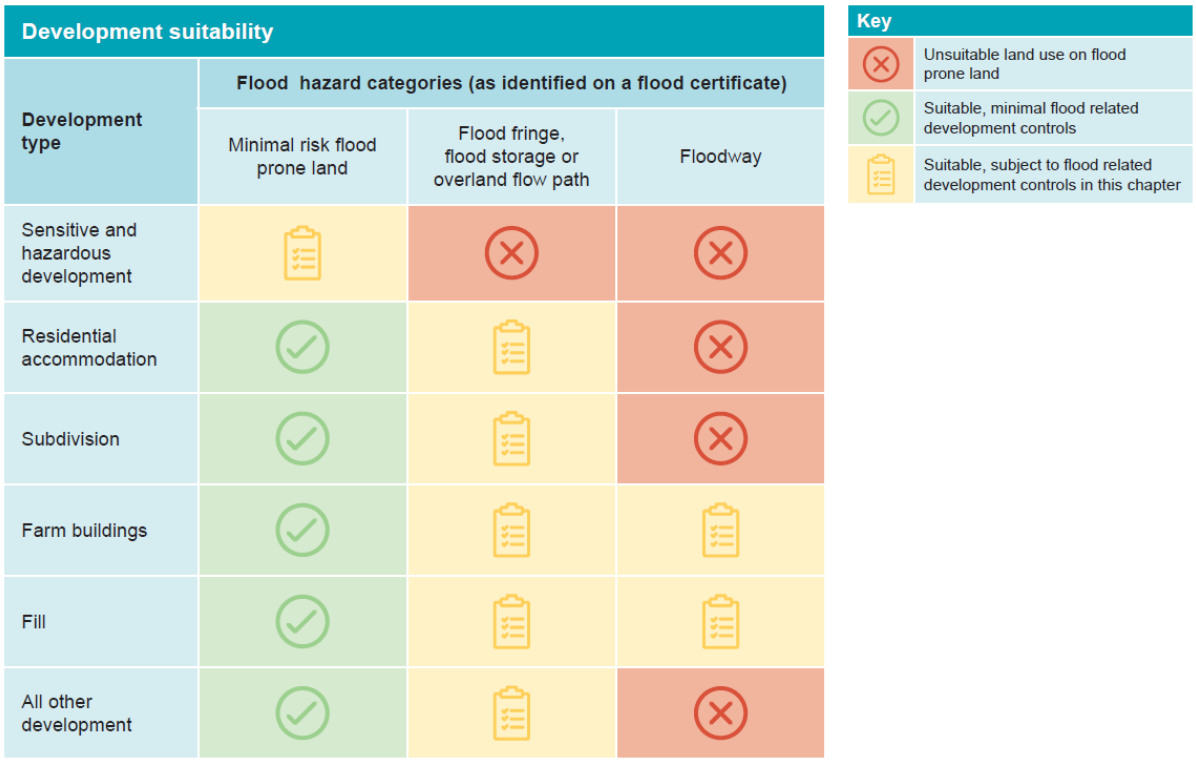


Figure 5: Suitable land uses by flood hazard category (as identified on a flood certificate)



Flood impacts are assessed using flood certificates

Flood impacts are assessed based on the flood category and flooding characteristics of the land. This information is identified on a flood certificate.

A flood certificate may be useful for you if you are considering development or redevelopment on a lot, if you are considering purchasing the lot, or if you wish to be informed about the flood risks on a lot. Flood information will 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 6 shows the possible flood categories and Figure 7 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.

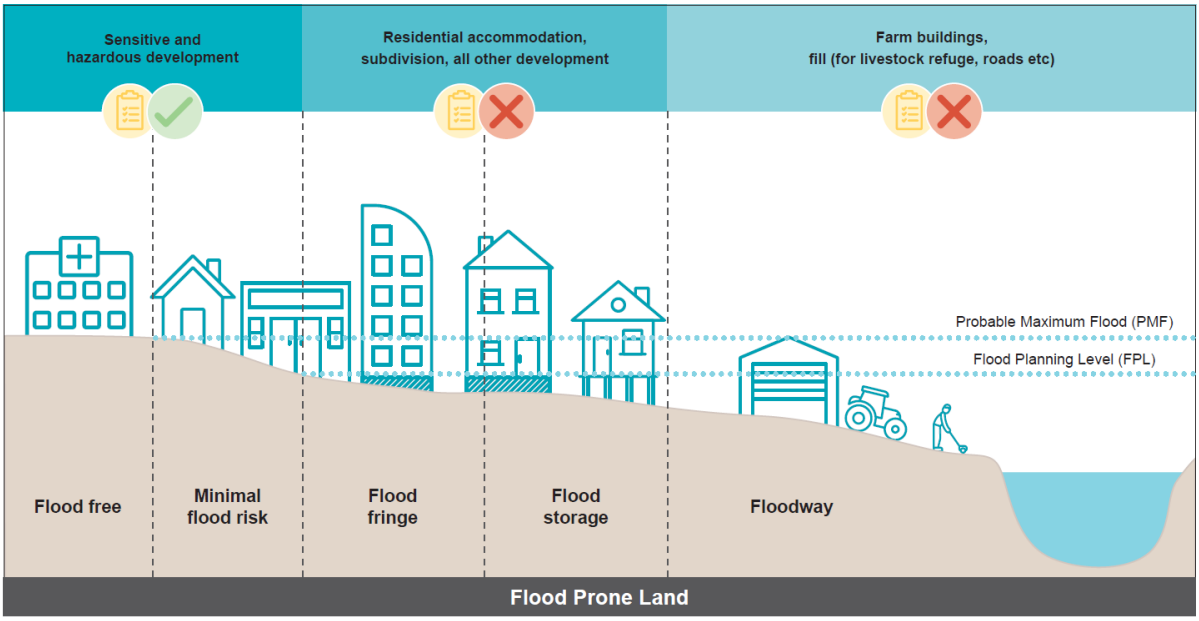
A flood certificate may also identify land as 'minimal risk flood prone land' where only minimal impacts are anticipated. The requirements that apply to these categories are detailed in this chapter.

Apply for a flood certificate to find out more about your land here.

Figure 6: Flood hazard categories

Hydraulic category	Flood hazard category	
	Low flood hazard	High flood 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 7: Flood hazard categories and development type suitability



Determining if new development on flood prone land is suitable

Figure 5 above 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).

New development proposed on flood prone land will need to address the development controls in this chapter to mitigate risks and be considered suitable (refer to Figure 5, above).

In some instances, the risks of new development are substantially high and the land will be unsuitable for particular types of development because they are incompatible with the flood hazard category in terms of risk and land use compatibility. In these instances, the development will not be supported by Council. Development should be designed and located to avoid the parts of the site that have incompatible flood hazards.

B4.A Flood compatibility

Objectives

- Development is compatible with the flood hazard category of the land.
- Development mitigates risks to life and property.
- Development avoids adverse cumulative impacts that increase risks for surrounding properties.

Controls

B4.1 Development is in accordance with Figure 5, having regard for the flood hazard category of the land (see Figure 6).

Note: Development deemed unsuitable in accordance with Figure 5 is not supported.

B4.2 The proposed development must be located on the land with the lowest flood risk.

B4.3 Development must meet the minimum finished floor level (FFL), as specified in Figure 8.

B4.4 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.

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.

Figure 8: Finished floor level (FFL)

Development type	Required FFL
Residential accommodation	• Habitable rooms – **flood planning level** • Non-habitable rooms – **adaptable minimum floor level** • Flood refuge – **probable maximum flood** level
Subdivision	Flood planning level
Farm buildings (non-habitable/ancillary to agricultural use)	On-site waste water level
Commercial and industrial premises	• **Habitable rooms - flood planning level** • Non-habitable rooms – on-site waste 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

B4.5 Development for a building (and/or an associated driveway or access) must be of a flood compatible design and construction and shall meet the relevant requirements in the *Construction of Buildings in Flood Hazard Areas* (Australian Building Codes Board). Council may also require structural certification for development proposed on land which becomes a floodway in the PMF.

B4.6 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.

B4.7 For development proposed on land defined as floodway:

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

B4.8 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.

B4.9 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 mitigation measures, such as bunding.

B4.10 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 (installed) to resist buoyancy and impact forces.

B4.11 A flood impact and risk assessment is required for development on all flood prone land (other than minimal risk flood prone land) that includes:

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

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 9; 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

Note: '*NSW Department of Primary Industries – Agriculture 2009, 'Primefacts: Livestock flood refuge mounds'* provides guidance for flood mound design, however the Primefact guidelines do not override other DCP and LEP flood impact considerations such as adverse impacts to adjoining properties.

- 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.

Campvale Drain Inundation Area

The Medowie Floodplain Risk Management Study and Plan 2016 must be referred to for guidance on adding fill in the Campvale Drain Inundation Area.

Figure 9: 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.

NSW's Flood Risk Management Guideline Lu01 provides flood impact and risk assessment (FIRA) requirements to support development.

B4.12 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
- Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people.

B4.13 Subdivision that creates the ability to erect additional dwellings is to indicate building envelopes above the FPL and demonstrate how future development can comply with the requirements of B4.B of this chapter.

B4.B Occupation and evacuation

Objective

New development provides appropriate and safe evacuation methods and mitigates risks to life and property.

Controls

B4.14 Vehicular access to the development, from the public road, will not be inundated by water to a level of more than 0.3m during the current 1% AEP event.

Note: Where the flood immunity of the connecting public road is lower than the target flood immunity, Council may consider a reduced flood immunity of the vehicular access to the level of the adjoining public road.

B4.15 Earthworks for driveways and access must consider impacts on local drainage and localised flooding. Driveways should be designed and constructed in accordance with Councils standard design drawings.

Note: Earthworks for driveways and access must satisfy the objectives of the LEP.

B4.16 The application must demonstrate occupants can evacuate offsite. Evacuation is only considered safe where there is a clear egress path from the site to a safe area with adequate services that is either low hazard or not inundated by a water level of more than 0.3m during the current 1% AEP design flood event.

B4.17 Emergency on-site flood refuges are only supported if all other design and siting options to facilitate development have been assessed and demonstrated as unsuitable.

Evacuation involves moving people threatened by a flood to a safer location and, typically, their eventual safe and timely return. Evacuation is the primary emergency management strategy for flooding in NSW. Flooding may displace individuals, require people to relocate or disrupt essential services to communities for hours, days or even weeks.

Before a flood, getting people to evacuate offsite to an area not affected by flooding is considered the best way to keep people safe and reduce the impacts of an emergency on a community.

Shelter in place (SIP) may only be considered if safe evacuation has been investigated and determined to be unachievable. Where SIP is proposed, the FIRA must provide detailed advice on the suitability of SIP including detailed assessment of the on-site flood behaviour within the context of emergency management. Further information required in the FIRA is detailed in the DASH.

B4.C Risk to life and property

Objective

New development mitigates risks to life and property.

Controls

B4.18 Where proposed alterations and additions to the ground floor of existing residential accommodation are less than 40% of the gross floor area of the existing residential accommodation, and do not involve a net increase in the number of bedrooms, Council will consider a FFL lower than the flood planning level (FPL), but not lower than the existing floor level. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.

B4.19 Where proposed alterations and additions to the ground floor of existing commercial and industrial development are less than 60% of the gross floor area of the existing development, Council will consider a FFL lower than the FPL, but not lower than the existing floor level. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.

B4.D Flood adaptation and climate change

Objective

Development does not contribute to adverse changes to flood behaviour as a result of climate change.

Control

B4.20 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 (i.e. the future raising of the building).

B5 Road Network and Parking

Application

This chapter applies to development with the potential to impact on the existing road network or create demand for on-site parking.

This chapter lists general road network and parking requirements. More specific requirements relating to development types may be provided in Section C Development Types.

Chapter Summary

- This chapter provides controls for on-site parking for all development, including loading bays, accessible parking, electric vehicle (EV) charging and public transport accessibility requirements.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

B5.A Traffic impacts

Objective

To ensure that the impacts of traffic generating development are considered.

Control

B5.1 Development must maintain or improve the existing level of service of the road network.

B5.B On-site parking and access - General

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.

Controls

B5.2 Off-street parking is to be provided in accordance with Figure 10: On-site parking requirements, below. Where a development proposes ancillary uses, additional parking is to be provided in accordance with that development type as required.

Accessible parking can be provided within the total parking requirements.

Figure 10: On-site parking requirements

Development type	Parking requirements
Residential accommodation	
Boarding houses, supportive accommodation and group homes	Refer to SEPP (Housing) 2021
Dwelling houses, dual occupancy, residential flat buildings, attached dwellings, multi dwelling housing, and shop-top housing.	1 space for one and two-bedroom dwellings 2 spaces for three or more-bedroom dwellings 1 visitor space for every five dwellings 1 accessible space per 20 visitor spaces
Hostels	1 space per 10 beds 1 space per 2 employees 1 space for deliveries and services
Seniors housing	Refer to SEPP (Housing) 2021
Tourist and Visitor Accommodation	
Back packer accommodation	Whichever is the greater of: • 1 space per 10 beds or • 1 space per 5 rooms 1 space per 2 employees 1 accessible space per 20 spaces
Bed and breakfast establishment and farm stay	1 space per guest room
Camping ground and caravan parks	1 space per site 1 visitor space per 10 sites 1 accessible space per 20 spaces

Hotel accommodation and serviced apartments	Comparisons should be drawn with regard to similar developments.
Motel accommodation and eco-tourist facilities	1 space per accommodation unit 1 space per 2 employees 1 accessible space per 20 spaces 1 bicycle space per 20 accommodation units
Commercial, industrial and retail premises	
Business premises	1 space per 40 m^2 GFA 1 bicycle space per 200 m^2 1 accessible space per 20 spaces
Car tyre retail outlets	Whichever is the greater of: • 3 spaces per 100m^2 GFA or • 3 spaces per work bay 1 bicycle space per 20 employees 1 accessible space per 20 spaces
Garden centre and plant nursery	Whichever is greater: • 15 spaces or • 0.5 spaces per 100m^2 of the site area 1 bicycle space per 20 employees 1 accessible space per 20 spaces
Hardware, building supplies and industrial retail outlets	Comparisons should be drawn with regard to similar developments.
Heavy industry, heavy industrial storage establishments and general industry	Whichever is the greater of: • 1 space per 100m^2 or • 4 spaces per work bay 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Highly-automated industrial	0.2 spaces per 100m^2 GFA 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Homes business/industry	1 space 1 additional space per employee

Light industry	Whichever is the greater of: • 1 space per 100m^2 or • 1 space per employee 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Market	2.5 car spaces per stall
Office premises and business parks	1.5 spaces per 100m^2 GFA 1 accessible space per 20 spaces 1 bicycle space per 200m^2 GFA
Pubs and registered clubs	Comparisons should be drawn with regard to similar developments.
Restaurants and cafes	Whichever is greater of: • 15 spaces per 100m^2 GFA or • 1 space per 3 seats 1 accessible space per 20 spaces 1 bicycle space per 200m^2 GFA
Roadside stalls	4 spaces
Rural industries	1.3 spaces per 100m^2 GFA 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Rural supplies, timber yards, landscaping material supplies and wholesale supplies	Comparisons should be drawn with regard to similar developments.

Service stations and convenience stores	Additive recommendation of:
	• 6 spaces per work bay
	• 5 spaces per 100m^2 GFA of convenience store
	• If restaurant present, then the greater of:
	  ○ 15 spaces per 100m^2 GFA, or
	  ○ 1 space per 3 seats
	1 accessible space per 20 spaces
	1 bicycle space per 15 employees

Sex service premises	2 spaces per room
Shop	1 car space per 20m^2 GLFA 1 accessible space per 20 spaces

	1 bicycle space per 200m^2 GFA
Shopping centre	**Requirements are based on GLFA:** • 0-10,000m^2 GLFA – 6.1 spaces per 100m2 GLFA • 10,000-20,000m^2 GLFA – 5.6 spaces per 100m^2 GLFA • 20,000-30,000m^2 GLFA – 4.3 spaces per 100m^2 GLFA • Over 30,000m^2 GLFA – 4.1 spaces per 100m^2 GLFA **All development:** 1 accessible space per 20 spaces 1 bicycle space per 200m^2 GLFA
Specialised retail premises	Comparisons should be drawn with regard to similar developments.
Take-away food outlets	**Development with no on-site seating:** 12 spaces per 100m^2 GFA **Development with on-site seating:** 12 spaces per 100m^2 GFA or greater of: 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal) **Development with on-site seating and drive through facilities:** Whichever is greater of: • 1 space per 2 seats (internal) or • 1 space per 3 seats (internal or external) plus queuing area for 5 to 12 cars. **All development:** 1 accessible space per 20 spaces 1 bicycle space per 200m^2 GFA
Vehicle body repair workshops and vehicle repair stations	4 spaces per work bay 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Vehicle sales or hire premise	0.75 spaces per 100m^2 site area

	6 spaces per work bay (for vehicle servicing facilities) 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Warehouse or distribution centres, storage premises and depots	1 space per 300m^2 GFA 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Health and community services	
Centre-based child care facility	1 space for every 4 children in attendance 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Educational establishment	1 space per employee 1 space per 8 senior high school students 1 accessible space per 10 spaces 1 bicycle space per 10 employees/students
Extended hours medical centre	4 spaces per 100m^2 GFA 1 accessible space per 10 spaces 1 bicycle space per 20 employees
Place of public worship	Whichever is greater of: • 1 space per 5m^2 GFA or • 1 space per 5 seats 1 accessible space per 20 spaces 1 bicycle space per 10 employees/visitor
Veterinary premises and health consulting rooms	3 spaces per practitioner/consulting room 1 accessible space per 10 spaces 1 bicycle spaces per 20 employees
Recreational and tourist facilities	
Charter and tourism boating facilities	Whichever is greater of: • 4.5 spaces per 100m^2 GFA or • 1 space per 10 passengers 1 accessible space per 20 spaces 1 bicycle space per 20 employees

Entertainment facilities and function centres	A traffic impact assessment is required. 1 bicycle space per 20 employees/visitors
Golf course	3 to 5.7 spaces per hole 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Gymnasiums	3 spaces per 100m^2 GFA 1 accessible space per 20 spaces 1 bicycle space per 20 employees
Marinas	If a survey of a similar existing development has not been undertaken, the following figures may serve as a general guide: • 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 1 accessible space per 20 spaces Additional car parking is to be provided for the uses carried out as a part of, or ancillary to a marina (as stated in this table).
Recreational facilities	**Bowling alley:** 3 spaces per bowling land 1 bicycle space per 15 employees **Bowling green:** 30 spaces for first bowling green, 15 spaces for each additional green 1 bicycle space per 15 employees **Indoor sporting facilities:** 15 spaces per court/field/pitch 1 bicycle space per 15 employees **Squash/tennis court:** 3 spaces per court **All development:** 1 accessible space per 20 spaces 1 bicycle space per 15 employees

B5.3 Parking design is to be in accordance with Australian Standard 2890 (Parking facilities).

B5.4 All internal driveways and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt and clearly marked and signposted.

B5.5 Driveway width and grades, vehicle circulation, passing bays and vehicular ramp width and grades are to be in accordance with Australian Standard 2890 (Parking facilities).

B5.6 Vehicles must be able to enter and leave the site in a forward direction.

B5.7 Driveway crossovers are to:

a) be designed in accordance with the Port Stephens standard drawings; and
b) be located a minimum of 0.5m from the side boundary at the front property line; and
c) be located to take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees and furniture; and
d) be located clear of intersections as specified in Australian Standard 2890 (Parking facilities); and
e) be located to minimise amenity impacts to adjacent properties; and
f) be located to avoid adverse impacts on traffic safety; and
g) intersect with the road between 70 to 90 degrees; and
h) provide the minimum sight distances as required in Australian Standard 2890 (Parking facilities).

B5.8 The minimum vertical clearance for parking areas is to comply with Australian Standard 2890 (Parking facilities).

B5.9 Parking areas are to be incorporated into the building or provided at, or behind, the front setback of the building whichever is practical. Where development is required to provide active street frontages, above ground parking is not to be located on the primary road frontage.

B5.C On-site accessible parking

Objective

To ensure accessible parking is adequate and conveniently located.

Controls

B5.10 Accessible parking spaces are to be provided in accordance with the *Disability (Access to Premises – Buildings) Standards 2010* and the Australian Standard 1428 (Design for access and mobility).

B5.11 Accessible parking spaces are to be located as close as possible to the principal pedestrian entrance and should have regard to the use and function of the building.

B5.D Visitor parking & loading - Non-residential development

Objectives

- To ensure visitor parking is conveniently located and easily identifiable.
- To ensure loading facilities do not adversely impact the road network and, where possible, are visually concealed.

Controls

B5.12 Visitor parking is clearly marked, signposted and located in proximity to the main building of the development.

B5.13 Service areas and loading bays are provided:

- At the basement or ground level at rear;
- Away from pedestrian public spaces;
- Away from residential areas; and
- Separately to staff and customer parking.

B5.14 Parking layouts should provide direct pedestrian paths to building entries and street frontage and should be screened from the street.

B5.15 Loading bays are to be provided in accordance with Figure 11, below.

Figure 11: Loading bay requirements

Development type	Loading bay requirements
Heavy industrial storage establishments, heavy industry and general industry	1 loading bay per unit at a minimum to accommodate a Heavy Rigid Vehicle (HRV). Loading bays must be external and away from other required car parking to avoid conflicts.
Light industry	1 loading bay per unit at a minimum to accommodate a Medium Rigid Vehicle (MRV). Loading bays should be external to the building and adjacent or in front of the unit. If internal unloading is proposed it must demonstrate the continued useability of the unit.
Warehouse or distribution centres and depots	1 loading bay per unit at a minimum to accommodate a Heavy Rigid Vehicle (HRV). Loading bays must be external and away from other required car parking to avoid conflicts.
Storage premises	Comparisons should be drawn with regard to similar developments.
Other development such as commercial developments and rural industries	Comparisons should be drawn with regard to similar developments.

B5.E Public transport circulation

Objective

- To ensure that urban release areas and major commercial and public use developments incorporate appropriate circulation for public transport.

Controls

B5.16 Development along an existing or planned bus route may require bus stops and shelters if none currently exist within 400m.

B5.17 Bus stops should be located as close as possible to the development site and be connected to the development entrance by a continuous accessible footpath.

B5.18 Educational establishments, commercial premises, and other developments of significant scale may be required to provide taxi, private vehicle and bus/coach drop off/set down areas.

B5.19 Clear pedestrian crossing points are be provided adjacent to public transport stops and be designed with consideration for pedestrian desire lines.

Where development is unable to demonstrate the above, consultation with the public transport providers and Transport for NSW is required.

B5.F Electric vehicle infrastructure

Objectives

- To recognise the increasing use and demand for electric vehicles and ensure new development is designed to be adaptable and accommodate trends in electric vehicle ownership.
- To ensure development includes adequate infrastructure to provide for the charging of electric vehicles.

Controls

B5.20 Garages for new dwelling houses, dual occupancies and semi-detached dwellings are to be designed to include the provision of electrical circuitry with capacity to provide charging facilities for an electric vehicle.

B5.21 Car parking for residential flat buildings is to be designed to include the provision of electrical circuitry with capacity to provide charging facilities for an electric vehicle to each car parking space.

B5.22 Car parking for non-residential development, where 10 or more parking spaces are provided, is to include the provision of electrical circuitry with capacity to provide charging facilities for shared electric vehicle charging points for at least 5% of the total parking spaces.

B6 Aircraft Noise and Safety

Application

This chapter applies to development on land identified on the RAAF Base Williamtown and Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map (2025 ANEF), Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024 Map and any subsequent updates published by Department of Defence, on land identified on the Bird Strike Zone Map, and Extraneous Lighting Area Maps.

This chapter should be read in conjunction with clause 7.4 Airspace operations and clause 7.5 Development in areas subject to aircraft noise of the *Port Stephens Local Environmental Plan 2013*, the Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024 and the National Airports Safeguarding Framework (NASF) principles and guidelines.

Chapter Summary

- Development should take into consideration aircraft noise and safety matters associated with the operation of RAAF Base Williamtown – Newcastle Airport and the Salt Ash Air Weapons Range.
- Aircraft noise is a key consideration for the development of land within the 2025 ANEF. Development within the 2025 ANEF must satisfy Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements (AS 2021:2015).
- Other key considerations for development and aircraft safety include the obstacle limitation surface (building height), bird strike, extraneous lighting, building generated wind shear and turbulence, plumes (turbulent emissions), and interference to communications, navigation and surveillance equipment.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

B6.A Aircraft noise and safety

Objectives

- To ensure that the operational needs of the RAAF Base Williamtown – Newcastle Airport and the Salt Ash Air Weapons Range are considered.
- To assist applicants in identifying suitable development siting, design and noise attenuation, bird strike, extraneous lighting and obstacle limitations measures in areas affected by the operation of RAAF Base Williamtown – Newcastle Airport and the Salt Ash Air Weapons Range.

Controls

B6.1 When development is located within Figure 12: 2025 ANEF, it is classified into one of the following site acceptability classifications through referencing Figure 13: Site acceptability based on ANEF contour:

- **Acceptable**: no design measures required to reduce aircraft noise.
- **Conditionally acceptable**: design measures are required to reduce aircraft noise. 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.
- **Unacceptable**: development is generally unacceptable. The following will be considered on a merit-based approach, and an acoustic report is required:
    - Development on a vacant pre-existing lot within the 2025 ANEF 25-30 noise contours that satisfies AS 2021:2015 indoor design sound levels.
    - Replacement of a pre-existing dwelling in any of the 2025 ANEF noise contours that satisfies AS 2021:2015 indoor design sound levels.
    - Development within the Newcastle Airport Master Plan area.
    - High technology industries.

Figure 12: 2025 ANEF

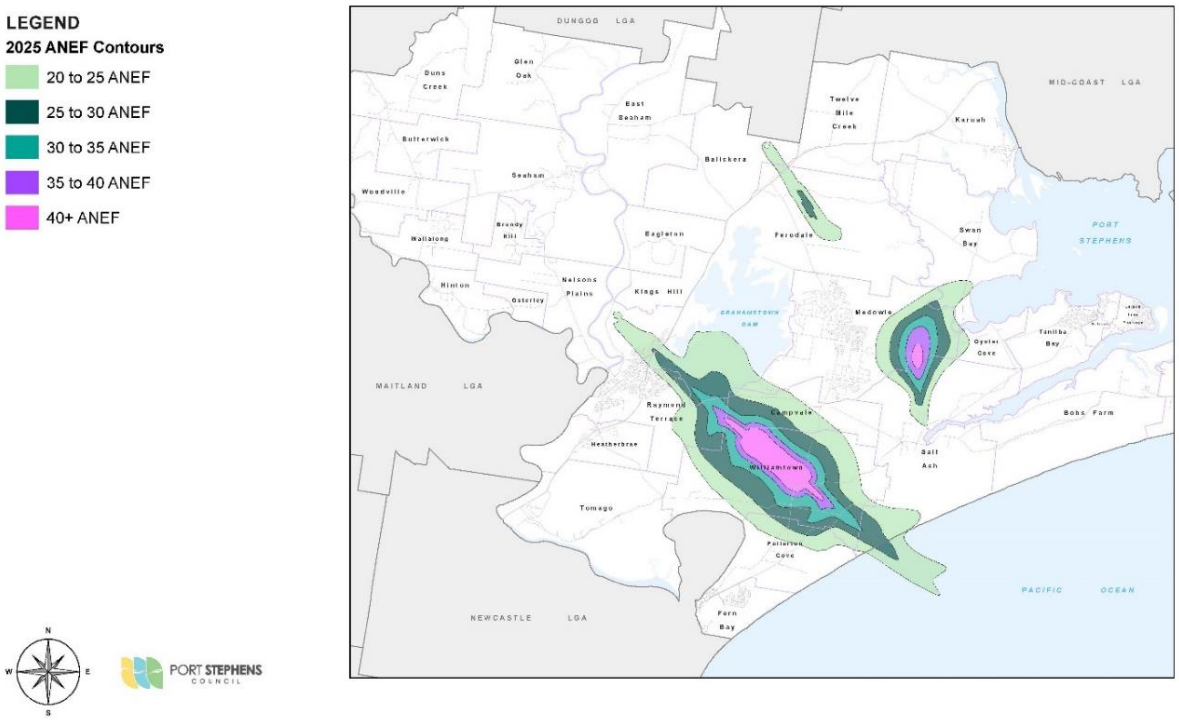


Figure 13: Site acceptability based on ANEF contour

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

B6.2 Development must demonstrate how attenuation measures will achieve the indoor design sound levels shown in Figure 14: Indoor design sound levels by providing an acoustic report.

B6.3 Alterations and additions less than 40% of the gross floor area of an existing building must be constructed to the same indoor design sound levels as the existing building.

B6.4 Alterations and additions greater than 40% of the gross floor area of an existing building require noise attenuation measures to meet the indoor design sound levels shown in Figure 14: Indoor design sound levels.

Mapping

The 2025 ANEF, bird strike zone, extraneous lighting area, and obstacle limitation maps are available on the Port Stephens Council online mapping portal.

Figure 14: Indoor design sound levels

Development type	Indoor design maximum sound level (dB(A))
residential accommodation & caravan parks	
sleeping areas, dedicated lounges	50
other habitable spaces	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
workshops, gymnasia	75
respite day care centres & health facilities	
wards, theatres, treatment & consulting rooms	50
laboratories	65
service areas	75
public buildings	
places of public worship	50
entertainment facility	40
information & education facility	50
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

B6.5 Development within the bird strike zone shown in Figure 15: Bird Strike Zone Map and listed in column 1 of Figure 16: Development within the Bird Strike Zone must satisfy the provisions of column 2.

Figure 15: Bird Strike Zone Map

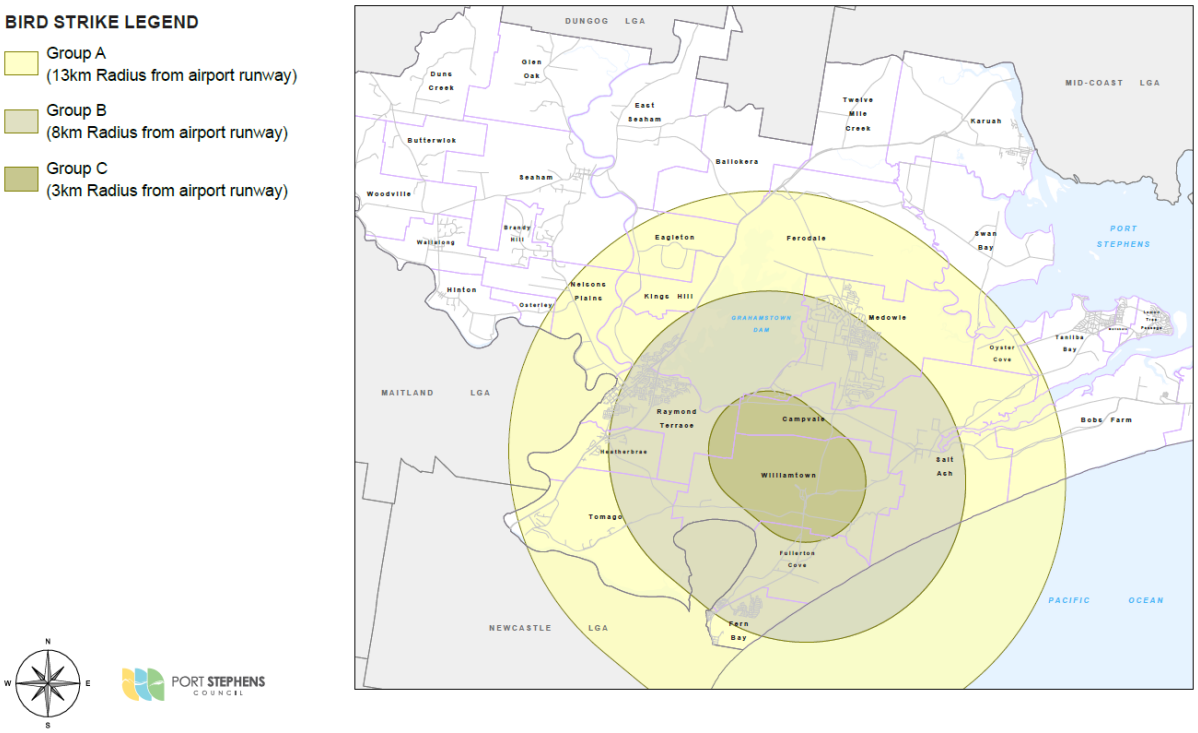


Figure 16: Development within the Bird Strike Zone

Column 1	Column 2		
Development type	**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

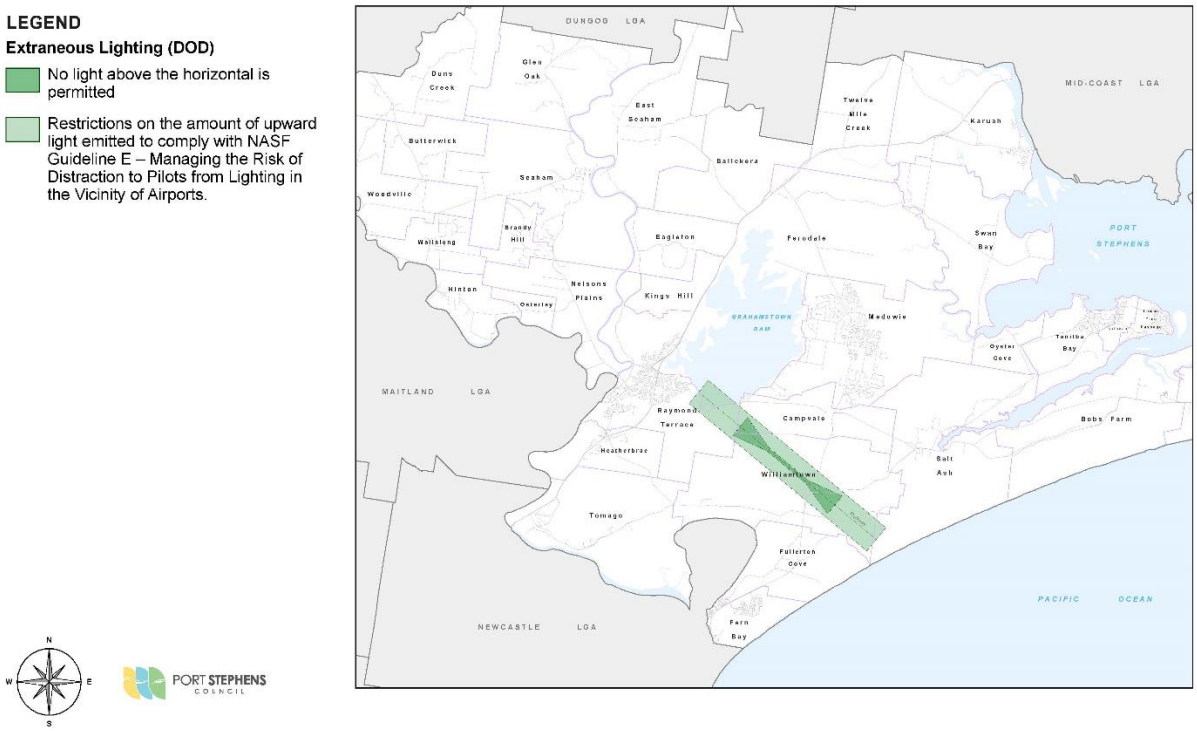
Avoid (A)	Development not supported
Mitigate (Mi)	Waste management report is required which demonstrates that the development will not increase the risk of bird strike to aircraft
Monitor (Mo)	Demonstrate compliance with B6.6

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. Consideration should be given to the bird strike risk from proposed detention basins and the design should minimise bird habitat opportunities.

B6.7 Outdoor lighting installed as part of development in the area shown in Figure 17: Extraneous Lighting Map 1 and Figure 18: Extraneous Lighting Map 2 is to comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes.

Figure 17: Extraneous Lighting Map 1

Figure 18: Extraneous Lightning Map 2



B6.8 Development with the potential to compromise aircraft and community safety through the creation of gas plumes, particulate emissions, building generated wind shear and turbulence, and electromagnetic radiation, should demonstrate consistency with the applicable NASF principles and guidelines.

Development may be subject to a concurrence requirement identified in Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024.

B7 Heritage

Application

This chapter applies to development situated on land that contains a heritage item, is within a heritage conservation area or could potentially contain an Aboriginal object. The LEP identifies sites that contain a heritage item or are within a heritage conservation area.

Chapter Summary

This chapter provides controls for:

- Development that impacts a heritage item, heritage conservation area or Aboriginal object.
- Development in the King Street Heritage Precinct in Raymond Terrace to acknowledge the heritage significance of the precinct.

The DASH provides detailed direction on the information needed to support a development application.

Aboriginal heritage

Certain landscape features can indicate Aboriginal objects may be on or in proximity to a site. These features include being:

- within 20m of rock shelters, caves or a cave mouth,
- within 200m below or above a cliff face,
- within a sand dune system,
- within 200m of waterways, waterholes and wetlands, or
- located on ridge tops, ridge lines or headlands.

The DASH has information to help determine if an application needs to consider Aboriginal heritage.

B7.A Heritage impact

Objectives

- To protect and conserve items and places with heritage significance in the Port Stephens Local Government Area; and
- To ensure due diligence is followed before carrying out development that may harm Aboriginal objects.

Controls

B7.1 Development under LEP clause 5.10 that impacts a heritage item is consistent with the required heritage impact statement.

B7.2 Development under LEP clause 5.10 that is likely to impact on the heritage significance of a heritage conservation area is consistent with the heritage impact statement for the heritage conservation area.

B7.3 Development that proposes the partial or total demolition of a heritage item or a building within a heritage conservation area for reasons of structural integrity is consistent with a structural engineering assessment. An archival record may be required in accordance with Heritage NSW How to prepare archival records of heritage items.

Works of a minor nature

Under clause 5.10(3) of the LEP, if Council is satisfied a development is of a minor nature or maintenance which would not adversely impact the heritage significance of the item or property within a heritage conservation area, development consent is not required. Prior to undertaking minor works, an Application for maintenance and/or minor works affecting a heritage item or conservation area form must be submitted.

B7.4 A development application must consider the potential to harm Aboriginal objects where it involves the following works:

- where cut exceeds 2m in depth; or
- when fill has a total area of 100m^2 or more; or
- is within 40m of the top bank of a riparian corridor as defined under the *Water Management Act 2000*.

The DASH details how a development application is to address potential impacts on Aboriginal objects.

Requirements under *National Parks and Wildlife Act 1974*

Section 90 of the *National Parks and Wildlife Act 1974* requires an Aboriginal Heritage Impact Permit (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.*

It is an offence to destroy an Aboriginal object without the consent of the Director of National Parks and Wildlife. Even where studies have been undertaken, if a place or relic is discovered during construction, all work in that area must cease until such consent is obtained.

B7.B King Street, Raymond Terrace

The following controls apply to land within the King Street Heritage Precinct (Figure 19: Raymond Terrace – King Street Heritage Precinct).

Figure 19: Raymond Terrace – King Street Heritage Precinct

Objectives

- To ensure that development is in keeping with the existing heritage character of King Street.
- To provide incentives for the retention and redevelopment of heritage listed items in King Street.

Controls

B7.5 Development that fronts King Street and is located within the King Street Heritage Precinct, is in accordance with the following key design principles:

- The character of the precinct is established through the retention / reinstatement of heritage / character items.
- Vehicular entry points along King Street are minimised in order to maintain the integrity of streetscape. Development incentives can be considered for integrated solutions such as common entry/egress points.
- Existing post verandahs and cantilevered awnings are retained and integrated into new additions where possible.
- Light weight construction materials are incorporated that are consistent with existing buildings.

- Finishes are earth colours or light tones.
- Roofs are to be light grey/galvanized.
- Development of riverside lots on the northern side of King Street provides access to waterfront land.

B7.6 Development within the King Street Precinct receives a 100% reduction in the total parking required by B5.2.

B7.7 On-site car parking is to be screened from King Street frontage and not provided above the flood planning level.

C

Development Types

C1 Subdivision

Application

This chapter applies to development that is defined as subdivision.

Chapter Summary

- This chapter sets out controls to inform the design of new subdivisions for residential, commercial and industrial development.

NOTE: Infrastructure must comply with Council's Infrastructure Specifications.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

C1.A Lot size and dimensions

The LEP provides information about minimum lot sizes for subdivision that apply in Port Stephens.

Objective

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

Controls

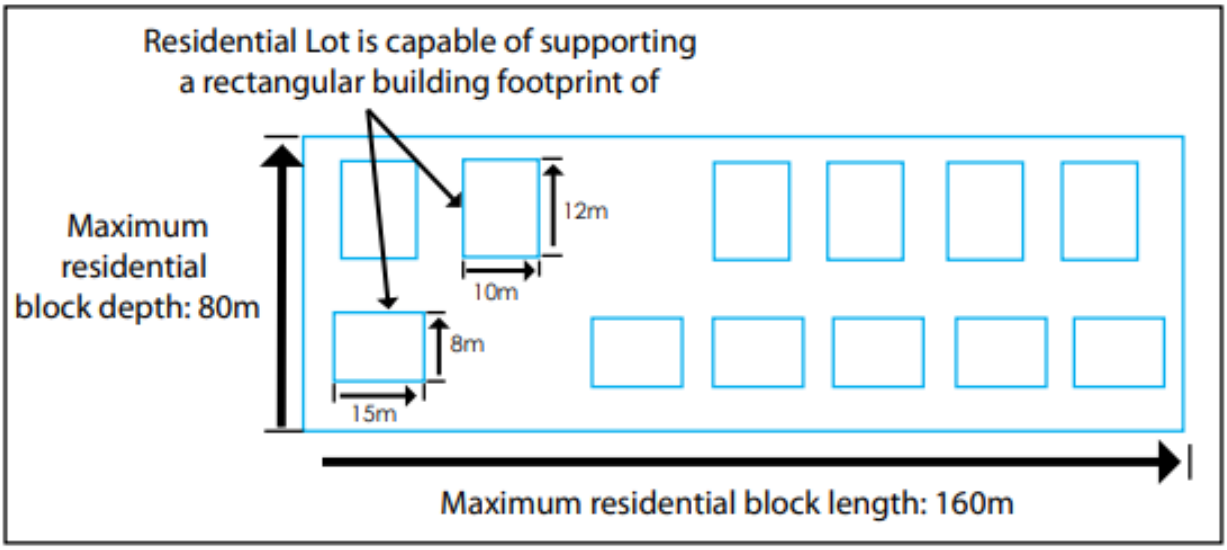
C1.1 Residential subdivision block layouts should be capable of supporting lots that can fit a rectangular building footprint of 15m x 8m or 10m x 12m, as illustrated by Figure 30: Residential block dimensions and rectangular building footprint, below.

C1.2 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

C1.3 All lots in the subdivision must have direct street frontage. Battle-axe lots are only considered when there is no practical way to provide direct street frontage.

Figure 30: Residential block dimensions and rectangular building footprint



C1.4 Where subdivision requires an access handle, the following access handle requirements apply:

- Dwelling house and dual occupancy (residential zone):
  - Minimum entry width of 3.6m; and
  - Maximum length of 30m; and
  - Maximum of 3 Torrens Title lots.
- Multi dwelling housing and residential flat buildings:
  - Minimum entry width of 6m; and
  - Maximum length of 50m.
- Commercial and industrial developments:
  - Minimum entry width of 10m; and
  - Maximum of 3 Torrens Title lots.
- Rural subdivision:
  - Minimum entry width of 6.5m for a 2-lot subdivision; or
  - Minimum entry width of 10m for a 3-lot subdivision.

Where subdivisions require an access handle and/or right of carriageway, it must be constructed prior to the issuing of a subdivision certificate.

C1.B Block and street layout

Objectives

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

Controls

C1.5 Block dimensions should be:

- Residential development (refer to Figure 30, above):
    - a maximum depth of 80m
    - a maximum length of 160m
- Commercial development:
    - A maximum depth of 50m
    - A maximum length of 80m
- Industrial development:
    - A maximum depth of 120m
    - A maximum length of 200m

C1.6 The street layout should:

- Comply with the road network specifications and integrate all components of the required infrastructure in Council's Infrastructure Specification.
- Provide a perimeter road between residential dwellings and:
    - bushfire prone land,
    - public open space defined as a regional park, district park or local park.
- Respond to the topographical features of the site, such as:
    - where land slopes at a grade of 6% or more, the predominant street alignment is perpendicular to the contours
    - be gently curved or straight to frame vistas.
- Be interconnected to provide a grid-like structure.
- Be informed by street connections for future subdivisions on adjacent properties.
- Enable each lot to front a street, and for corner lots to front both streets.
- Have footpaths and shared paths that follow desire lines.
- Ensure public access to public open space is maintained and encouraged.
- Include road widths that accommodate the movements of service and emergency vehicles.

C1.7 Development should be designed to have consideration for the Port Stephens Pathways Plan.

C1.8 Cul-de-sacs will only be supported when the existing street layout does not permit a through street or connectivity to an adjoining street is not required.

Where cul-de-sacs are proposed, each cul-de-sac must meet the following requirements:

- Have a maximum length of 75m; and
- Provides access to no more than 10 allotments; and
- Have a clear line of sight from the nearest intersection.

C1.C Infrastructure

Objective

To ensure detailed consideration is provided for the provision of integrated and quality public infrastructure.

Controls

C1.9 Subdivisions must provide public infrastructure within the adjoining road or public land, including kerb/gutter, stormwater drainage, footpaths, street lighting, street trees and bus stops.

C1.10 Public utilities, such as water and electricity, are kept within private lot boundaries and are not located within the road reserve.

Note:

- Infrastructure should comply with the Port Stephens Council Infrastructure Specification. The DASH provides detailed information on requirements.
- Lifecycle and maintenance costs are a key determinant when considering alternative methods, products and manufacturers in Council's Infrastructure Specification.

C1.D Street trees

Objective

To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's Biodiversity Technical Specification.

Controls

C1.11 Street trees are required to be planted in the road reserve for:

- residential subdivisions
- commercial subdivisions
- industrial subdivisions creating 10 or more lots.

Note: Council's Biodiversity Technical Specification provides guidance on the number of trees to be provided.

Avoidance of street tree removal during development is preferred, however, where street trees are required to be removed to facilitate new development, they must be replaced in a practical location, in accordance with Council's Biodiversity Technical Specification.

C1.E Solar access

Objective

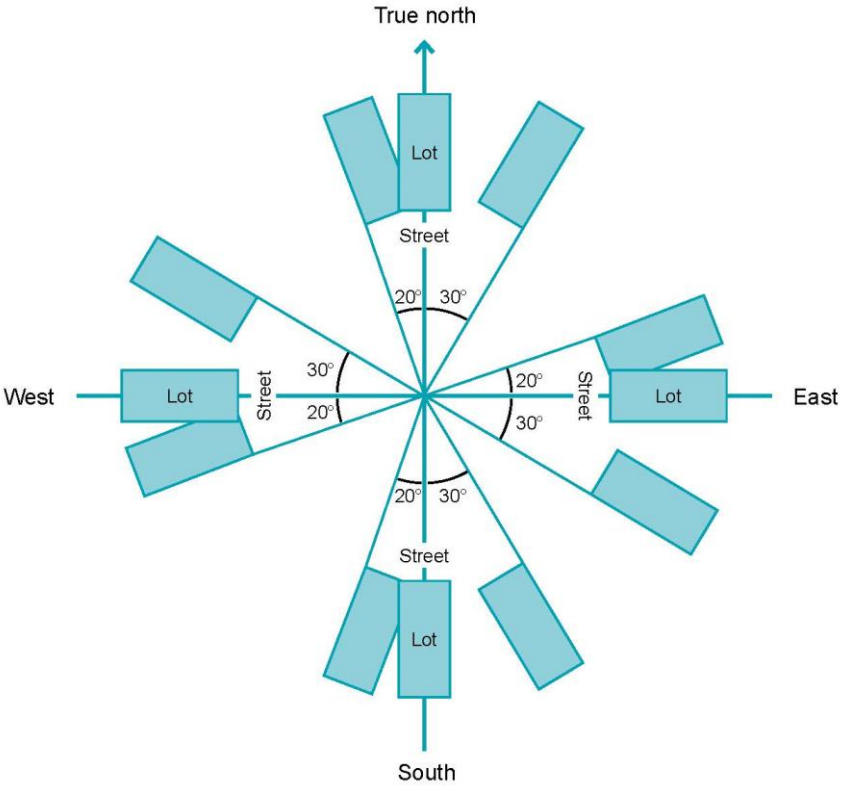
To maximise solar access for residential lots.

Controls

C1.12 Subdivision layout should be informed by topography and landform to maximize solar access.

C1.13 Lots should be oriented, where possible, to provide one axis within 30 degrees east and 20 degrees west of true solar north, as shown in Figure 31.

Figure 31: Lot orientation for solar access



C1.14 Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side.

C1.F Public open space

Objectives

- To ensure public open space is provided to support the growing local community.
- To provide public open space that is multi-functional and encourages usability.
- To ensure parks are centrally located near transport nodes, public buildings, waterfronts, libraries or places of public worship.

Controls

C1. 15 Public open space for the purpose of a local park, district park or regional park must:

- be of regular shape (rectangle/square) to maximise recreation opportunities;

Note: Long narrow open spaces are not acceptable unless used for linkages.

- be generally flat and centrally located near transport nodes, public buildings, waterfronts, libraries or places of public worship to maximise accessibility for all members of the public;
- provide for safe and convenient access by being located on pedestrian and cycle routes;
- clearly demonstrate that it is a public space and be bounded by a street and faced by lots zoned or used for residential or commercial purposes;
- be designed with consideration to crime prevention through environmental design (CPTED) principles; and
- include access for services (e.g. garbage collection, maintenance, water, sewerage and electricity).

Note:

- The requirement to provide public open space is determined through a merit-based assessment that considers existing facilities, population and proximity to facilities.
- Land that may be deemed unsuitable as public open space for the purposes of a local park, district park or regional park includes:
    - contaminated land;
    - land primarily used for stormwater management or drainage control purposes;
    - land containing sites or items of cultural significance; or
    - land identified as an asset protection zone (APZ).

C2 Commercial

Application

This chapter applies to commercial development.

Chapter Summary

- This chapter provides controls for commercial development to ensure it complements existing development, contributes to an active street frontage and has a positive impact on the public domain.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

C2.A Building form and massing

Objectives

- To ensure that floor to ceiling height allows for flexible uses over time.
- To ensure development reinforces, complements and enhances the visual character of the street.

Controls

C2.1 Minimum ground floor to ceiling height for all new development within an employment zone is 3.5m.

C2.2 Minimum first floor and above floor to ceiling height for commercial premises is 3m.

C2.3 Minimum first floor and above floor to ceiling height for residential accommodation is 2.7m.

C2.4 Ground level (finished) must be between 100-500mm above adjacent footpath levels.

C2.B Site frontage and setbacks

Objective

To ensure development provides a consistent frontage to the public domain.

Unless otherwise noted, setbacks for development are measured from the subject property boundary.

Controls

C2.5 A minimum 20m site frontage is required where development is proposed to be more than 10.5m in height.

C2.6 Development within established areas is to have a front setback built to the existing average building line of the adjoining properties.

C2.7 Development adjoining vacant properties is to have a minimum 3m front setback.

C2.8 Specialised retail premises, and other large format retail such as supermarkets, are to have a minimum 5m front setback or be in line with the existing average building line.

C2.9 Development is to have a minimum 3.5m front setback for the second floor and above.

C2.10 Side setbacks are to be consistent with the adjoining properties. Where there is an existing 0m side setback, development should be built to the side boundary to maximise continuous active street frontage, except where side access is provided.

C2.11 Development adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m, plus an additional 0.5m for each metre of the height of the building that exceeds 8m.

C2.12 Rear setback is to be assessed using a merit-based approach where the development does not adjoin a residential zone or land used for residential purposes.

C2.C Streetscape

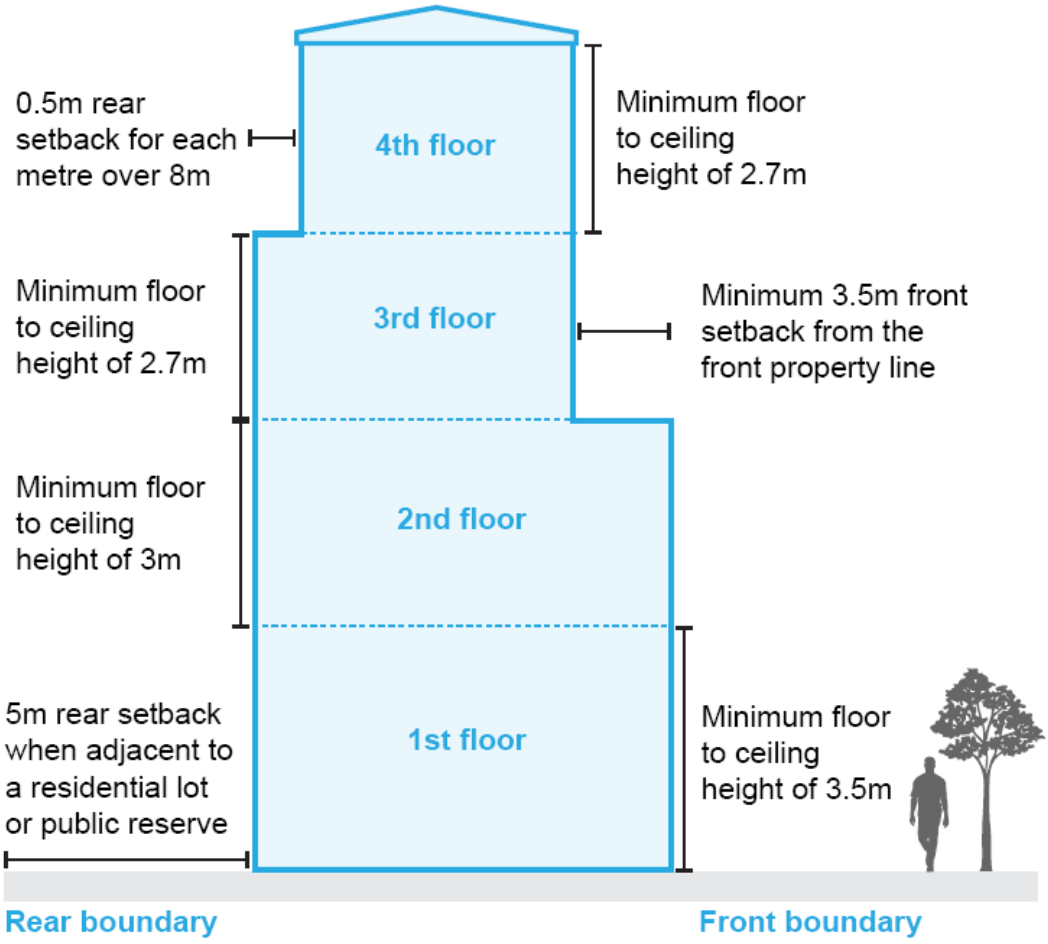
Objectives

- To ensure street activation and passive surveillance through active street frontages.
- To provide clear access and direction to entry points.
- To ensure continuous awnings along footpaths to provide shelter where most pedestrian activity occurs.
- To ensure awning design is integrated with the building facade and integrated with adjoining buildings.

Controls

C2.13 Building facades use materials, colours and architectural elements to reduce bulk and scale and that are complementary to existing built-form and natural setting.

Figure 32: Commercial building envelope



C2.14 Development provides a continuous active street frontage for localities where business premises or retail premises predominately face the street and have direct pedestrian access from the street, which may be identified in Section D Specific Areas.

C2.15 An active street frontage provides the following:

- Maximum unarticulated wall is 2m in length.
- Minimum 50% of ground floor front is windows, which does not include false windows.

C2.16 A big box development may achieve an active street frontage by providing a sleeve of smaller buildings that conceal its bulk to the street frontage.

C2.17 Blank walls are minimised by incorporating an opening or change in façade articulation. This could include a combination of a change in materials, setback variation, architectural details or landscaping.

C2.18 Development incorporates CPTED principles by providing passive surveillance to public spaces through building design and orientation.

C2.19 Development provides paving to the public footpath for the entire length of the development street frontage.

C2.20 Provide a recognisable entry from the primary street.

C2.21 Entries on corner sites address both streets by providing a splayed entry on that corner.

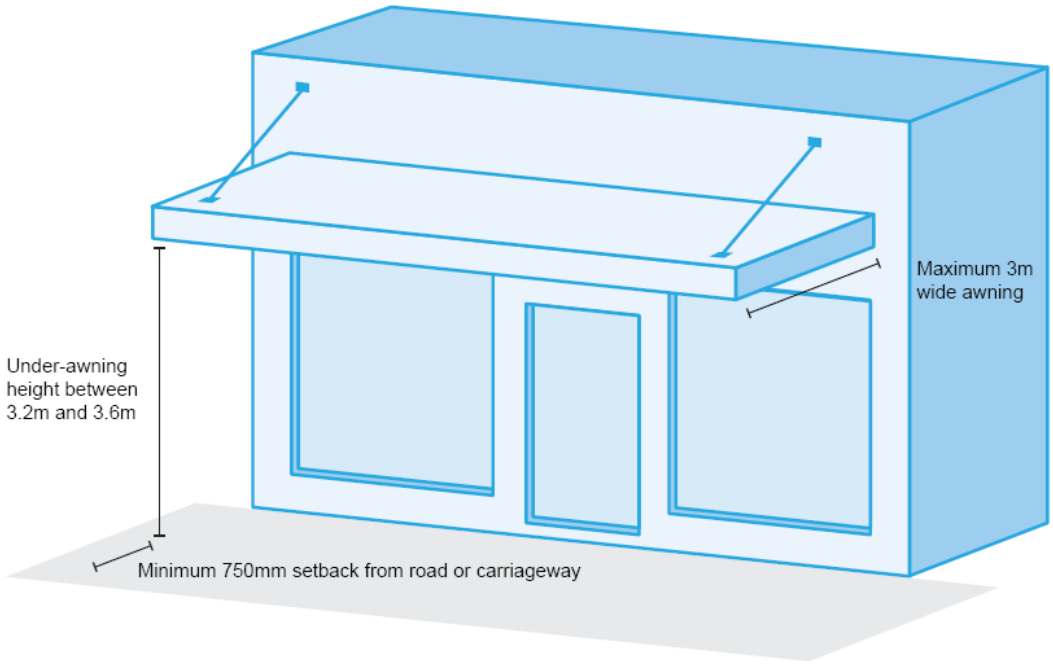
C2.22 A separate and secure access point that provides a clear sense of building address is provided for the residential component of mixed-use development.

C2.23 Entry structures, such as access ramps, are located within the site behind the property boundary so as not to obstruct pedestrian footpaths in the public domain.

C2.24 Awnings must be provided over pedestrian pathways.

C2.25 New awnings must maintain the same dimensions, alignment and materials of existing awnings along the street.

Figure 33: Commercial awning dimensions



C2.26 A continuous or stepped solid box awning should be provided for the full extent of the building frontage with awnings no more than 3m in width and setback 750mm from the curb, as shown in Figure 33, above.

C2.27 Under awning height will be between 3.2m and 3.6m.

C2.28 Awnings on sloping sites should be a cantilevered steel box section that steps with the street slope.

C2.29 Awnings are varied when there is a need to highlight the location of a major building entrance.

Waste and pollution management

The development is to minimise land use conflict and incorporate appropriate environmental mitigation measures to manage waste and minimise air, water and noise pollution. See the DASH for the information an application would need to include in relation to waste, air, water and noise pollution.

C2.D Building facilities and services

Objective

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

Controls

C2.30 Plant, equipment, storage areas, communication structures and servicing areas are located at the rear of a building and not visible from the street, parks and other public spaces, except for service lanes.

C2.31 Commercial development with a capital investment value over $5 million will provide toilets that are accessible to the public.

C2.E Landscaping

Objectives

- To enhance the appearance and amenity of development 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.

- To improve the aesthetics of commercial areas, especially major commercial road corridors, through landscape works and co-ordination of architectural and signage elements.
- To reduce hydrocarbon emissions by providing shading for parked vehicles.
- To reduce energy consumption through microclimate regulation.
- To reduce air borne pollution by reducing the heat island effect.
- To intercept stormwater to reduce stormwater runoff.

Controls

C2.32 Landscaping is provided as follows:

- 10% of the site area consisting of deep soil planting; and
- 30% shading over car park areas.

> **Note**: The canopy coverage of specimen trees can be used to calculate deep soil landscaping.

C2.33 Landscaping is in accordance with the following:

- Landscape works incorporate adequate screening from the street and adjacent neighbours.
- Corner lots provide landscaping to both street frontages.
- Tree and landscape planting will be of a scale and extent that reflects the scale of the proposed development.
- Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure.
- Street trees are to be within the footpath, verge or in the parking lane and be consistent with Council's Biodiversity Technical Specification.

C2.34 The rear setback area is to be a deep soil landscape planting area where the development adjoins a residential zone or land used for residential purposes.

C2.35 Landscape species are to be selected in accordance with Council's Landscape Technical Specification.

C2.F Public art

Objectives

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

- To enhance the sense of place through the provision of public art.
- To promote the inclusion and integration of public art that makes a positive contribution to the public domain.

Control

C2.36 Commercial development with a capital investment value over $5 million that provides frontage to the public domain will incorporate public art in accordance with the Port Stephens Council Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens.

> Public art could include, but is not limited to murals, light installations, pavement art, etc.

C2.G Shipping container stacks

Objective

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

Controls

C2.37 The scale and height of shipping container stacks will have regard to the scale and height of nearby buildings.

C2.38 Shipping container stacks will be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.

C3 Industrial

Application

This chapter applies to development defined as industry and development within the E3 Productivity Support and E4 General Industrial zones.

Chapter Summary

- This chapter provides controls for industrial development to ensure it is safe, functional and environmentally responsible.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

C3.A Building height and siting

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.
- To ensure development is situated within an appropriate building envelope.

Controls

C3.1 Maximum height limit of 15m or a merit-based approach is taken where no height limit is specified under the LEP clause 4.3.

C3.2 Development is to be setback 5m from the front property line or in line with the existing average building line**.**

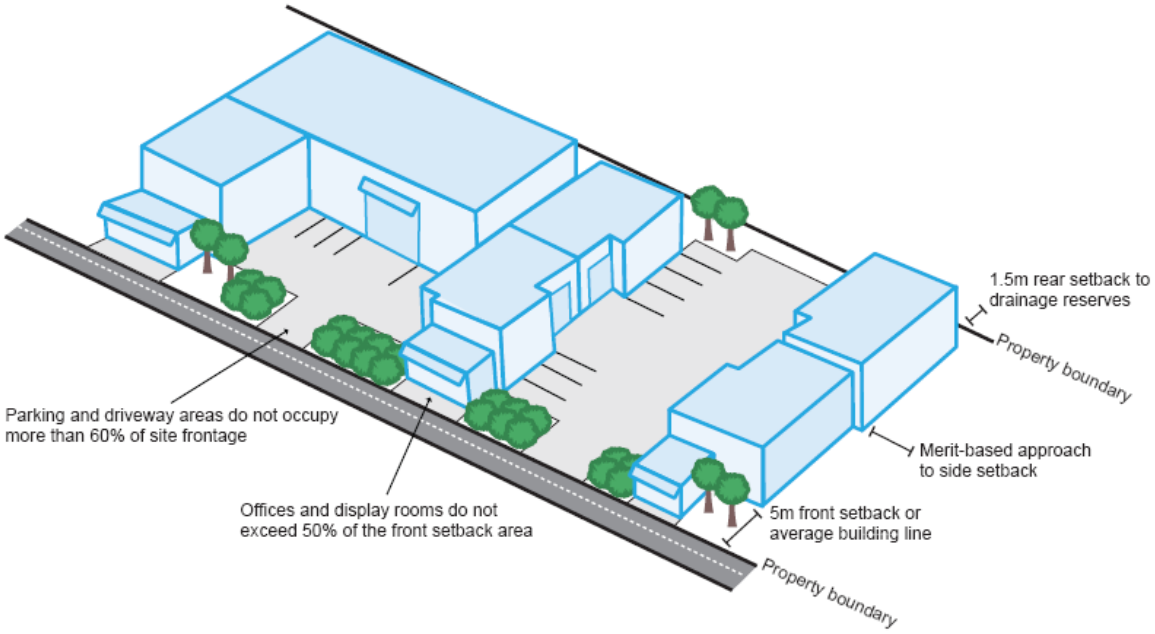
C3.3 Single storey offices and display rooms within the front setback must:

- not exceed 50% of the front setback area; and
- ensure sightlines are maintained for pedestrian and vehicle movement.

C3.4 Development adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m, plus an additional 0.5m for each metre of the height of the building that exceeds 8m.

C3.5 A 1.5m buffer from drainage reserves must be provided.

Figure 34: Industrial building principles



C3.B Streetscape

Objectives

- To promote enhanced amenity by requiring landscaping, and building design that contributes positively to the streetscape.
- To ensure weather protection is provided at building entrances.
- To reduce adverse impacts on surrounding land uses and residential amenity.

Controls

C3.6 Building colours and materials are sympathetic to the natural environment and existing site context.

C3.7 Weather protection awnings are provided for building entrances.

C3.8 The building access point provides a clear sense of building address for residents and their visitors.

C3.9 Offices, showrooms and customer service areas are located towards the front of the development**.**

C3.10 Parking and driveway areas do not occupy more than 60% of the site frontage.

C3.11 Buildings face the street and provide clear entry points.

C3.12 Blank walls are minimised by incorporating an opening or change in façade articulation. This could include a combination of a change in materials, setback variation, architectural details or landscaping.

C3.13 Development is to provide a positive contribution to the streetscape through building design and landscaping.

C3.14 Fencing forward of the building line is to be a maximum 1.8m high.

The development is to minimise land use conflict and operate under appropriate environmental mitigation measures to manage waste and minimise air, water and noise pollution. See the DASH for the information an application would need to include in relation to waste, air, water and noise pollution.

C3.C Landscaping

Objectives

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

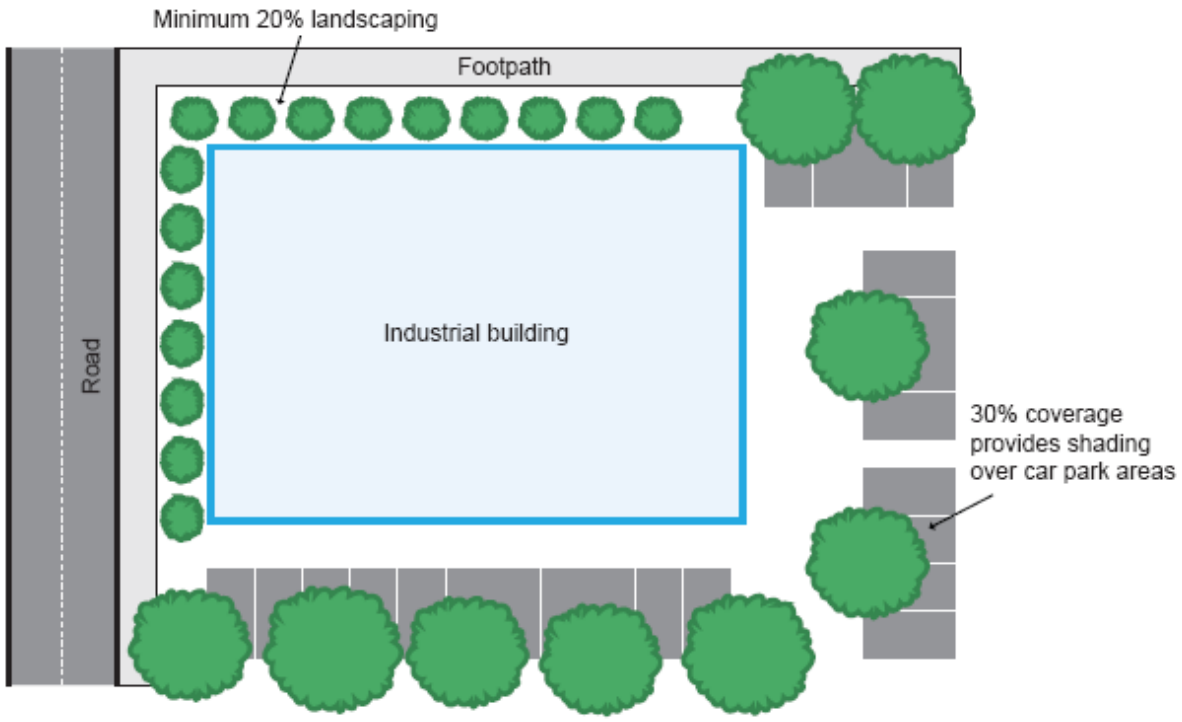
Controls

C3.15 Landscaping is provided as the following:

- 20% of the site area, of which
- 30% comprises of deep soil planting for shading over car park areas.

The canopy coverage of specimen trees can be used to calculate deep soil landscaping.

Figure 35: Landscape requirements for industrial development



C3.16 Landscaping is provided in accordance with the following:

- Landscaping should be provided in the front setback and incorporate adequate screening from the street and adjacent neighbours;
- Corner lots provide landscaping to both street frontages;
- Landscape planting must provide adequate shading to the eastern and western elevations of poorly insulated buildings.
- Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed buildings and pavement areas.
- Remnant trees are retained and protected where possible.
- Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure and give trees access to nutrient soil.
- Street trees are to be within the footpath, verge or in the parking lane and be consistent with Council's Biodiversity Technical Specification.

C3.17 Landscape species are to be selected in accordance with Council's Landscape Technical Specification.

C3.D Shipping container stacks

Objective

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

Controls

C3.18 The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.

C3.19 Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.

C4 Residential Development

Application

This chapter applies to the following forms of residential and ancillary development:

- Attached dwellings
- Boarding houses
- Co-living housing
- Dual occupancies
- Dwelling houses
- Group homes
- Hostels
- Multi-dwelling housing
- Rural workers' dwellings
- Secondary dwellings
- Semi-detached dwellings
- Ancillary development, including carports, sheds retaining walls and swimming pools.

Development defined as residential flat building should refer to the *State Environmental Planning Policy (Housing) 2021* and the Apartment Design Guide.

Chapter Summary

This chapter provides general controls that apply to all residential development and ancillary development, excluding residential flat buildings:

C4.A Residential Development - General applies mostly to residential land zoned R2 Low Density Residential and R3 Medium Density Residential.

C4.B Residential Development – Housing on large lots applies to land zoned R5 Large Lot Residential, RU1 Primary Production or RU2 Rural Landscape, and for sites in any other zone greater than 1000m^2. These controls should be reviewed along with sub-chapter C4.A Residential Development - General.

C4.C Residential Development – Multi-dwelling housing applies to a maximum of 8-dwelling development proposals. These controls should be reviewed along with sub-chapter C4.A Residential Development - General.

Subject to the location of the site and the proposed development, this chapter should also be reviewed together with any relevant site-specific chapters in this DCP.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

C4.A Residential Development - General

C4.A1 Building heights

Objectives

- To ensure the height of buildings is appropriate for the context and character of the area.
- To ensure building height reflects the hierarchy of centres and land uses.

Control

C4.1 A maximum height limit of 9m is permitted where no height limit is specified under the *Port Stephens Local Environmental Plan*.

C4.A2 Building setbacks

Unless otherwise noted, setbacks for development are measured from the subject property boundary.

Objectives

- To ensure development contributes to the streetscape and does not detract from the amenity of the area.
- To reduce the visual bulk of buildings from the street and provide for articulation in front facades.
- To ensure development is appropriately setback from the public domain.

Controls

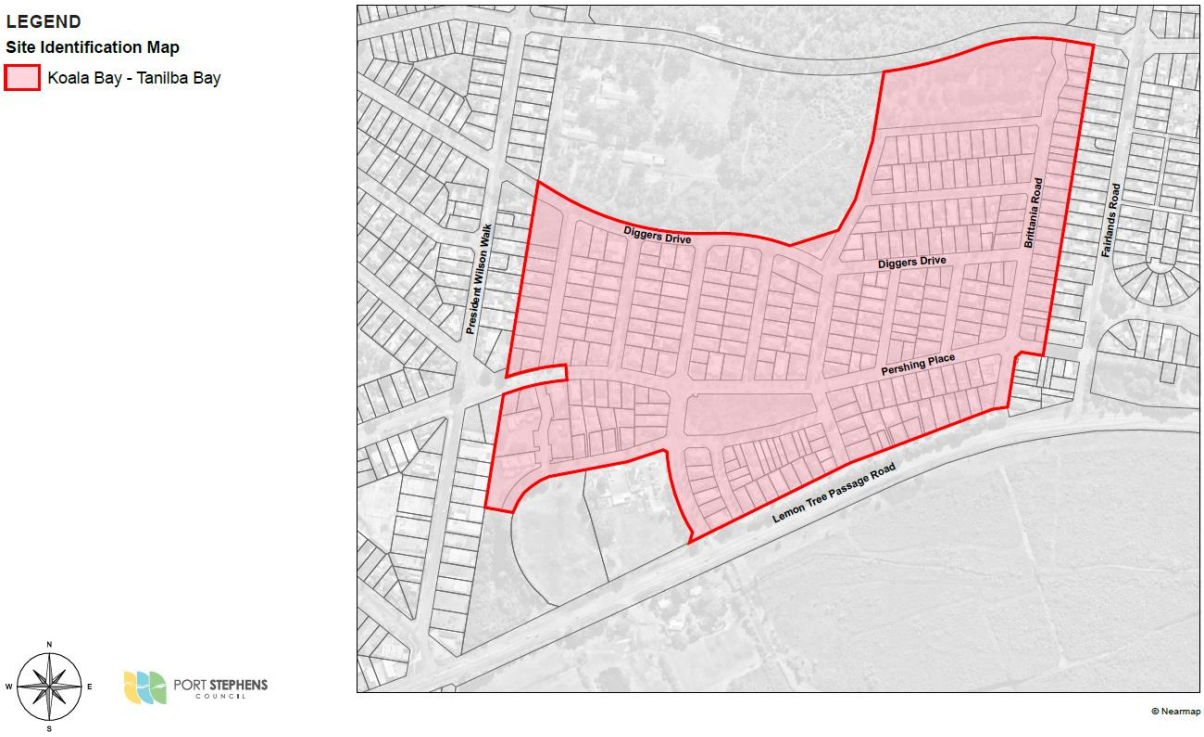
Development is to be setback in accordance with the following:

C4.2 Front setbacks:

- A minimum of 4.5m or the existing average building line of the adjoining properties (whichever is less).

  Exception: Development in the Koala Bay – Tanilba Bay area (applies to land as shown in Figure 36, below) is to provide a minimum front setback of 6m to allow for Koala movement.
- Architectural features such as an entry porch or deck may encroach on the front setback by up to 1.5m.

Figure 36: Koala Bay – Tanilba Bay land application map



C4.3 Side setbacks:

- Single-storey: 0.9m (up to 4.5m)
- Two-storey: 1.5m (above 4.5m)
- Three-storey (or above): 3m

C4.4 Secondary setbacks:

- A minimum of 3m from the secondary property boundary.
- Architectural features, such as an entry porch or deck, may encroach on the side setback up to 1m.

C4.5 Rear setbacks:

- Single-storey: 2m (up to 4.5m)
- Second-storey: 4m (above 4.5m)
- Three-storey (or above): 6m

C4.6 Setbacks from public land, including waterfront land

- Single-storey: 3m (up to 4.5m)
- Two-storey: 5.5m (above 4.5m)
- Three-storey (or above): 8m

C4.7 A secondary dwelling may be set back a minimum of 0.9m from the rear property boundary.

C4.8 On battle-axe sites, a minimum setback of 0.9m must be provided from a battle-axe lot handle, access corridor or access easement.

Exception: Development on battle-axe sites with rear lane access may be built to the rear of the property boundary.

C4.9 Garages must be setback a minimum of 5.5m from the front boundary or located 1m behind the building line, whichever is greater.

C4.A3 Streetscape and privacy

Objectives

- To ensure development contributes to the streetscape and does not detract from the amenity of the area.
- To ensure development provides passive surveillance and adequate visual privacy.

Controls

C4.10 Development is to address the street by having at least one habitable room, face the primary street.

C4.11 Development on corner lots is to address both street frontages by having habitable rooms face both streets.

C4.12 Dwellings should provide direct and legible pedestrian access from the street to the front entry.

C4.13 Balconies and windows are designed/located to minimise overlooking adjoining properties.

C4.14 Privacy screens, high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) that overlook adjoining properties.

C4.15 Privacy screens are required for balconies and patios which result in unreasonable privacy impacts on adjoining properties.

C4.A4 Site coverage and landscaping

This control does not apply to housing on land zoned R5 Large Lot Residential, RU1 Primary Production and RU2 Rural Landscape.

Objectives

- To provide landscape planting that improves visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a

development.

- To provide landscaping that complements the nature and scale of the development and contributes to the desired streetscape character.
- To mitigate the impacts of climate change and urban heat effect using landscaped areas and deep soil planting.

Control

C4.16 Landscaping is to be provided as the following:

- 25% of the site area should be 'soft' landscaping, excluding all hardstand areas.
- 5% of the site area should be suitable for deep soil planting.

C4.A5 Private open space

Objectives

- To ensure that dwellings are provided with functional, well located areas of private open space.
- To ensure that private open space is integrated with, and is directly accessible from, the living areas of a dwelling.

Controls

C4.17 A minimum area of 24m^2 of ground floor private open space for each dwelling:

- has minimum dimensions of 4m x 4m;
- has direct access from internal living areas;
- is not located in the front setback.

C4.18 Where development cannot provide private open space on the ground floor, provision should be made for a balcony of not less than 16m^2 with a minimum depth of 2.5m for use as private open space.

C4.19 Private open space must have a minimum of three hours direct sunlight between the hours of 9 am – 3 pm at midwinter (21 June).

C4.20 Direct sunlight must reach 50% of the principal area of private open space of any adjacent dwelling for at least three hours between 9 am and 3 pm at midwinter (21 June).

C4.A6 Natural ventilation

Objectives

- To ensure all habitable rooms are naturally ventilated.

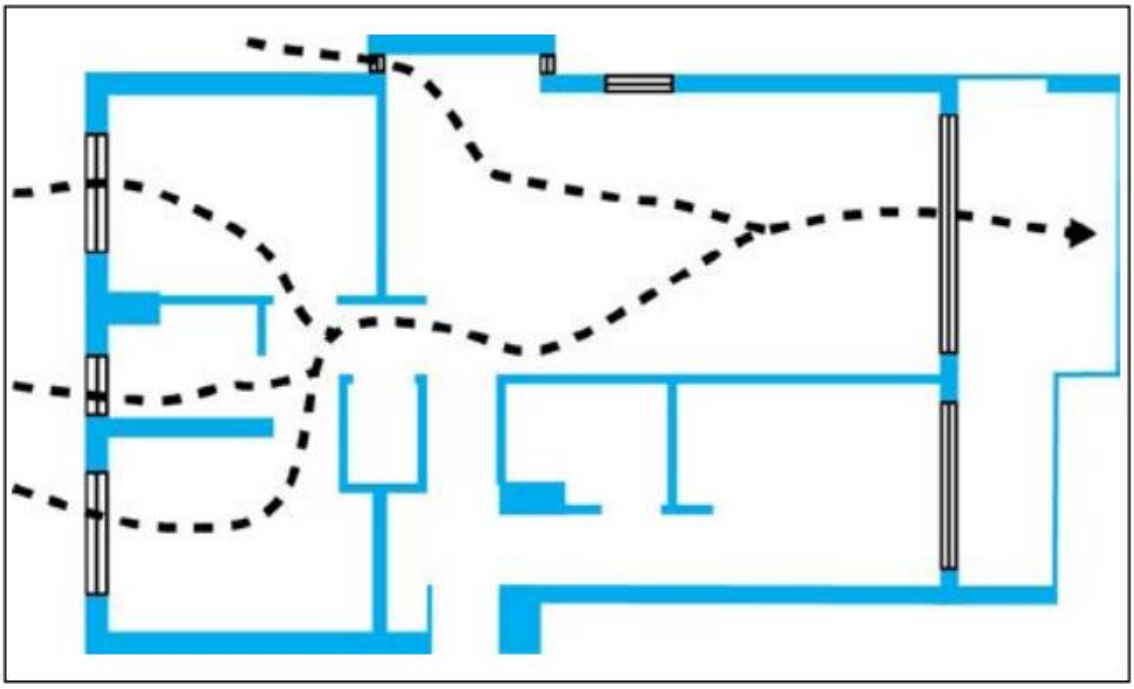
- To ensure a comfortable indoor environment is created for residents.

Controls

C4.21 Doors and windows maximise natural ventilation opportunities by using the following design solutions (see Figure 37):

- Windows are adjustable with large openable areas;
- Window types such as awnings and louvres, are varied to provide both safety and flexibility; and
- Windows such as vertical louvres and casement windows and externally opening doors can be reconfigured to capture cross-ventilation to assist cooling.

Figure 37: Cross ventilation



C4.A7 Garages and driveways

Objective

To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact visual amenity.

Controls

C4.22 A driveway must have a minimum width of 3m.

C4.23 Garage doors have a maximum width of 6m for residential lots or 50% of the building frontage, whichever is less.

C4.24 Carports have:

- a minimum side and rear setback of 0.9m; and
- a maximum height of 3.6m, or if attached to a single-storey dwelling, be no higher than the roof gutter line; and
- at least two open sides and not less than one third of its perimeter open; and
- a design that is integrated with the existing dwelling; and
- an opening not exceeding 6m or 50% of the building frontage, whichever is less, if the carport fronts the street.

C4.25 Carports are preferred within the side or rear setbacks, but may be considered in the front setback where:

- the design is integrated with, and sympathetic to, the existing dwelling; and
- it is compatible with the existing streetscape.

Where the controls above cannot be achieved, the application must provide justification for varying the development standards.

C4.A8 Site facilities

Objective

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

Controls

C4.26 An adequately screened waste storage and recycling area is to be provided.

C4.27 A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line with a northerly aspect.

C4.A9 Ancillary development

Objectives

- To ensure ancillary developments do not adversely impact the amenity of the surrounding area.
- To ensure ancillary developments are consistent with the surrounding area in terms of height, bulk and scale.

Controls

C4.28 Sheds in a residential zone (except R5 Large Lot Residential) should:

- have a maximum floor area of:
    - 45m², if the lot has an area of less than 450m²; or
    - 60m², if the lot has an area of at least 450m² but less than 900m²; or
    - 100m², if the lot has an area of at least 900m²; and
- have a maximum height of 3.6m (from existing ground level); and
- have minimum side and rear setback of 0.9m; and
- be located a minimum of 1m behind the building line or setback.

C4.29 Front fences, including any fencing forward of the building line, should:

- have a maximum height of 1.2m; and
- not be of solid construction; and
- be compatible with street facilities, such as mailboxes, and allow easy access to public utilities.

Front fences and fences on secondary frontages that face main roads may have a maximum height of 1.5m.

C4.30 Side and rear fences should:

- have a maximum height of 1.8m from existing ground level; and
- be constructed from fencing materials that reflect the context and character of the area; and
- if located within the root zone of an existing tree, be constructed of lightweight suspended panels supported by posts with pier footings, and
- not encroach on the front setback area of any dwelling (side fences).

C4.31 Swimming pools must:

- be setback behind the existing building line, (exceptions may apply for swimming pools on secondary road frontages), and
- have the water edge setback at least 1m from the side and rear boundaries, and
- not be more than 600mm above ground level (existing).
- have a maximum decking height of 1.4m above ground level (existing), and
- have a maximum coping width of 300mm wide if more than 600mm above ground level (existing).
- In the Koala Bay – Tanilba Bay area, swimming pools are to provide a 50mm diameter rope or greater is affixed or left dangling at least one metre in the water body; or the water body is battered to no less than 1:20 to enable Koala exit.

C4.32 Water features and ponds must:

- not have a water depth of more than 300mm.
- be protected by at least one of the following, if any water depth is greater than 300mm:
    - covered with a bolted or anchored grate that is capable of supporting a weight of 150kg.
    - surrounded by a child resistant barrier complying with Australian Standard 1926.1 (Swimming pool safety).

C4.33 Retaining walls must:

- be located wholly within the property boundary, including the retaining walls, footings and associated drainage works.
- be designed in a manner that maintains amenity and privacy for residents of the subject dwelling and adjoining dwellings.
- have a maximum height of 1m (if necessary to exceed 1m, tiered retaining walls have a maximum height of 1m per tier and a minimum 900mm separation between tiers).
- be of masonry construction if located within 900mm of the property boundary and greater than 600mm in height.

Where retaining walls for fill purposes are located within 1m of a side or rear boundary, they must be limited to a maximum height of 600mm.

C4.B Residential Development – Housing on large lots

This sub-chapter applies to a dwelling or dual occupancy only and is applicable on land zoned R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape, as well as to sites in any other zone that are greater than 1000m^2.

These requirements prevail over any others set out in **C4.A Residential Development - General**.

C4.B1 Building setbacks

Unless otherwise noted, setbacks for development are measured from the subject property boundary.

Objectives

- To ensure development contributes to the streetscape and does not detract from the amenity of the area.
- To reduce the visual bulk of buildings from the street and provide for

articulation in front facades.

- To recognise the need for larger setbacks in rural and large lot areas.

Controls

C4.34 Front setbacks should be in accordance with the following:

  - A minimum of 10m or the existing average building line of the adjoining properties (whichever is less).
  - Architectural features, such as an entry porch or deck may encroach on the front setback by up to 1.5m.

C4.35 Side setbacks should be a minimum of 5m.

C4.36 Secondary setbacks should be in accordance with the following:

  - A minimum of 10m from the secondary property boundary.
  - Architectural features, such as an entry porch or deck may encroach on the side setback up to 1m.
  - Rear setbacks should be a minimum of 5m.

C4.37 A secondary dwelling must comply with all nominated building setbacks.

C4.38 Garages must be setback a minimum of 10m and not forward of the building line.

C4.B2 Garages and driveways

Objective

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

Control

C4.39 Garages to have a maximum width of 9m.

C4.B3 Sheds and shipping containers

Objectives

- Ensure that sheds are appropriately sized and located on residential land.
- Provide for the provision of shipping containers in rural areas.

Controls

C4.40 Sheds should:

- have a maximum gross floor area of:
  - 120m², if the lot has an area less than 4000m²; or
  - 200m², if the lot has an area of at least 4000m²; and

- have a maximum eave height of 4.8m (from existing ground level); and
- comply with all relevant building setbacks and be located behind the building line.

C4.41 Shipping containers should:

- be sited behind existing buildings; and
- not be located in front of the established or proposed building line; and
- be screened from view from any adjoining property; and
- be placed at ground level only and not be stacked on top of another shipping container; and
- not exceed more than 2 per dwelling if ancillary to residential development.

C4.C Residential Development – Multi-dwelling housing

In addition to the controls outlined in **C4.A Residential Development - General**, the following controls also apply to multi-dwelling housing and attached dwellings. To the extent of any inconsistencies between C4.A and this, the following controls prevail.

For large scale multi-dwelling housing proposals (in excess of 8 dwellings) Council may require the application to meet requirements outlined in the Low-Rise Housing Diversity Design Guide.

C4.C1 Building setbacks

Objective

- To ensure development contributes to the streetscape and does not detract from the amenity of the area.
- To reduce the visual bulk of buildings from the street and provide for articulation in front facades.
- To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation.

Controls

C4.42 The front setback should not be used for at-grade parking.

C4.43 Podium structures and/or basement car parking are not be located within the setback areas.

C4.44 Multi-dwelling housing, or an attached dwelling, may be built to a side boundary if all of the following is achieved:

- The maximum wall height is 6m.

- There will be no impact on privacy, private open space or solar access for adjoining properties unless the adjoining properties have approval, or /are proposed for, multi-dwelling housing or an attached dwelling.
- Wall openings comply with the fire resistance levels of the BCA.
- The wall height and length match a similarly constructed wall on the adjoining site.

C4.45 Driveways must be setback 0.9m from any side boundary to provide for landscaping.

C4.C2 Streetscape and building design

Objectives

- To ensure development contributes to the streetscape and does not detract from the amenity of the area.
- To ensure development activates the streetscape to provide passive surveillance and privacy.

Controls

C4.46 The front door entrance of each dwelling must be sheltered and located forward of the designated car parking space.

C4.47 Development on a corner lot has one or more dwellings facing each street frontage.

C4.48 Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.

C4.49 The facade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings. Subtle changes provide individuality between the proposed dwellings while seeking to maintain the pattern continuity of the overall building.

C4.C3 Garages and driveways

Objectives

- To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact visual amenity.
- To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers

Controls

C4.50 Where a common driveway is to be provided it is to have a minimum width of 3.6m.

C4.51 Where a common driveway is not provided, and individual driveways connect to the street, garages must be setback a minimum of 5.5m from the street or located 1m behind the building line, whichever is greater.

C4.52 Visual impact of long driveways should be minimised through changing alignments and landscaping.

C4.53 Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.

C4.54 Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:

- changes in surface materials;
- level changes;
- the use of landscaping for separation.

C4.C4 Site facilities

Objective

To ensure facilities and services are appropriately located.

Controls

C4.55 Equipment, such as water tanks, pool pumps and air conditioners, are to be located and shielded to minimise the impact of noise on adjoining dwellings.

C4.56 Waste storage and recycling areas are to be provided behind the building line or setback of a dwelling and adequately screened.

C4.57 Mail boxes are adjacent to the major entrance.

C4.58 Street/unit numbers are identifiable from the street.

C4.59 A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line or setback with a northerly aspect.

C5 Home Business or Home Industry

Application

This chapter applies to development that is defined as home business or home industry.

Chapter Summary

- This chapter provides controls for home industry businesses to ensure consideration of the community.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

C5.A Residential amenity

Objective

To ensure home businesses or home industries do not adversely impact on neighbouring residents or the amenity of the area.

Controls

C5.1 Hours of operation are merit-based or in accordance with:

- Monday to Friday: 8am-6pm
- Saturday: 9am-12pm
- Sunday or public holidays: not allowed to operate

The hours of operation may be further restricted depending on the location and nature of the development.

C5.2 The home business or home industry must not cause nuisance or offence by way of dust, noise, vibration, smell, waste or traffic generation.

C5.3 Storage of goods or equipment must be within the confines of the building.

C5.4 A maximum of two vehicles or trucks associated with the operation of the home business or home industry may be kept on the site at any one time, and only one trailer per truck is permitted.

C5.5 Vehicle storage areas are located behind the building line.

C6 Restricted or Sex Services Premises

Application

This chapter applies to development that is defined as a restricted premises or sex services premises.

Chapter Summary

- This chapter provides controls for restricted premises and sex services premises to ensure they are safe and appropriately located.
- Restricted premises includes adult stores.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

C6.A Building entries - restricted premises

Objective

To provide clear direction for building entries and to ensure they are located appropriately.

Controls

C6.1 The building entrance should be located 400m from:

- a dwelling on land zoned residential; and
- a child care centre, community facility, education establishment, hospital or place of public worship.

C6.2 Building entries must be discrete and unobtrusive.

C6.B Design of premises - sex services

Objectives

- To provide clear direction for building entries and to ensure they are located appropriately.
- To ensure the privacy and comfort of patrons.
- To protect children from risk of harm.
- To maximise the safety and security of staff, clients and the general public by upholding principles of CPTED.

Controls

C6.3 The building entrance should be:

- located 150m from a dwelling on land zoned residential;
- located 200m from a child care centre, community facility, educational establishment or recreational area; and
- designed so that there is only one public entrance to the premises located at the front of the building.

C6.4 All premises are to have either an intercom or a duress alarm in each working room that is used for sexual activity. Alarms are to connect back to a central base, such as reception, that is to be monitored at all times.

C6.5 The premises is to have an adequate reception area/waiting room with a minimum area of 20m^2, to prevent clients from loitering outside.

C6.6 No more than five rooms are to be provided in which acts of prostitution are to take place.

C6.7 Staff facilities must include a communal lounge or rest area and a bathroom for staff use only.

C6.8 Toilet and bathroom facilities must be provided within the premises and not be shared with any other premises within the building.

C6.9 Sex services premises must be designed to minimise noise transmission.

C6.C Signage

Objective

To ensure signage provides identification for the premises in a manner that is discrete and complementary to the streetscape.

Control

C6.10 The business identification sign is to be devoid of sexually explicit images, language or objects.

C7 Signage

Application

This chapter applies to development defined as business identification and advertising signage that is located on private property.

This chapter should be read in conjunction with Chapter 3 Advertising and Signage of *State Environmental Planning Policy (Industry and Employment) 2021*.

Chapter Summary

- This chapter provides controls for signage located on private land in rural, residential, commercial and industrial zones, including size and design considerations for signage that cannot otherwise be installed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- Signage must relate to a business located on the property.
- Signage types not listed are generally not supported.

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

Council's signage policy, Information and Direction Signs in Road Reserves, covers signage on roads and in reserves under Council's care and control.

Signs on the State managed road network are the responsibility of Transport for New South Wales.

C7.A Rural zones

Objectives

- To enable approved or registered businesses to be identified clearly.
- To ensure that signage is compatible with the existing or desired future character of an area.
- To facilitate the positive contribution that signage makes to the local economy.

Controls

C7.1 The content of the sign is limited to business identification.

C7.2 Approved businesses associated with a rural property can have one business identification sign, or two where the property has dual-road frontage. Signage is in accordance with the following:

- The maximum display area is no greater than 3m².
- The maximum height is 2m above ground level.
- Internal illumination is by means of external recessed or concealed spotlighting.
- Mechanical or electronic moving images or displays, including portable LED signs, video/tv screens, projected laser advertising and other intermittently illuminated or sequenced lighting signs, need to demonstrate that they are appropriate for the particular site and circumstances
- Signage is securely attached to a fence, building or post-supports and does not constitute a danger to any person or vehicles.

Figure 38: Signage types

C7.B Residential zones

Objectives

- To enable approved or registered businesses to be identified clearly.
- To ensure that signage is compatible with the existing or desired future character of an area.
- To facilitate the positive contribution that signage makes to the local economy.

Controls

C7.3 The content of the sign is limited to business identification.

C7.4 Approved businesses associated with the property can have one business identification sign, or two where the property has dual road frontage. Signage is in accordance with the following:

- Maximum display area of 2m².
- Maximum height of 2m above ground level.
- Is not illuminated.
- Is securely attached to a fence, building or post-supports and it does not constitute a danger to any person or vehicles.

C7.C Commercial and industrial zones

Objectives

- To enable approved or registered businesses to be identified clearly.
- To ensure that signage is compatible with the existing or desired future character of an area.
- To facilitate the positive contribution that signage makes to the local economy.

Controls

C7.5 The content of the sign is limited to business identification.

C7.6 The design, size and scale of signage complements the existing or desired future character of the area. For example, bright fluorescent colours may not be supported in centres with heritage or other important aesthetic values.

C7.7 Signage is simple, clear and concise, and provides essential information only.

C7.8 Illuminated signage:

- Is compatible with surrounding land uses and does not cause distraction or nuisance to neighbouring properties, residential areas or traffic.
- Illumination is restricted to the hours between 7am and 10pm, or close of business (whichever is the lesser).

- Illumination sources (including cabling) are concealed or integrated within the sign.
- Is generally not supported in connection with heritage items.
- Mechanical or electronic moving images or displays, including portable LED signs, video/tv screens, projected laser advertising and other intermittently illuminated or sequenced lighting signs, need to demonstrate that they are appropriate for the particular site and circumstances.

C7.9 Signage that is attached to the wall of a building:

- Projects less than 300mm from the wall.
- Does not extend over windows or other openings or obscure significant architectural elements of the building.
- One wall sign, may be erected per facade of a building, per business.
- The maximum display area of the sign shall be:
    - 10% of a façade area measuring 200m² or more; or
    - Maximum 20m² of a façade measuring 100m² - 200m²; or
    - 20% of a façade area measuring 100m² or less.

C7.10 Signage that projects horizontally from the wall of the building to which it is attached, shall:

- have a maximum display area of 2m²;
- have a maximum projection of 2.5m from the edge of the building;
- be located at least 2.6mm above natural ground level;
- be at least 600mm from the vertical projection of any kerb alignment;
- not project above the top of the wall to which it is attached;
- be spaced at least 3m from nearby signage to provide adequate visibility for other signs;
- be maximum of one sign per street frontage;
- be securely fixed and maintained in a structurally adequate and safe manner.

C7.11 Signage erected on a pole or pylon independent of any building or other structure:

- Signs shall not project beyond the boundary of a property;
- One sign per property frontage;
- Where two signs are proposed the second sign shall have the same setback and be of uniform design and spacing;
- Maximum signage area and maximum height shall not exceed:
    - $3m^2$ and 2m high in rural areas
    - 8m² and 8m high in business areas
    - 10m² and 8m high in industrial areas

- Notwithstanding the above, the height of the structure shall not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1 kilometre.

C7.12 Signage within any window of a building:

- may be internally illuminated;
- may occupy no more than 20% or 6m^2 (whichever is the lesser) of the glazed surface of the window in which it is displayed.

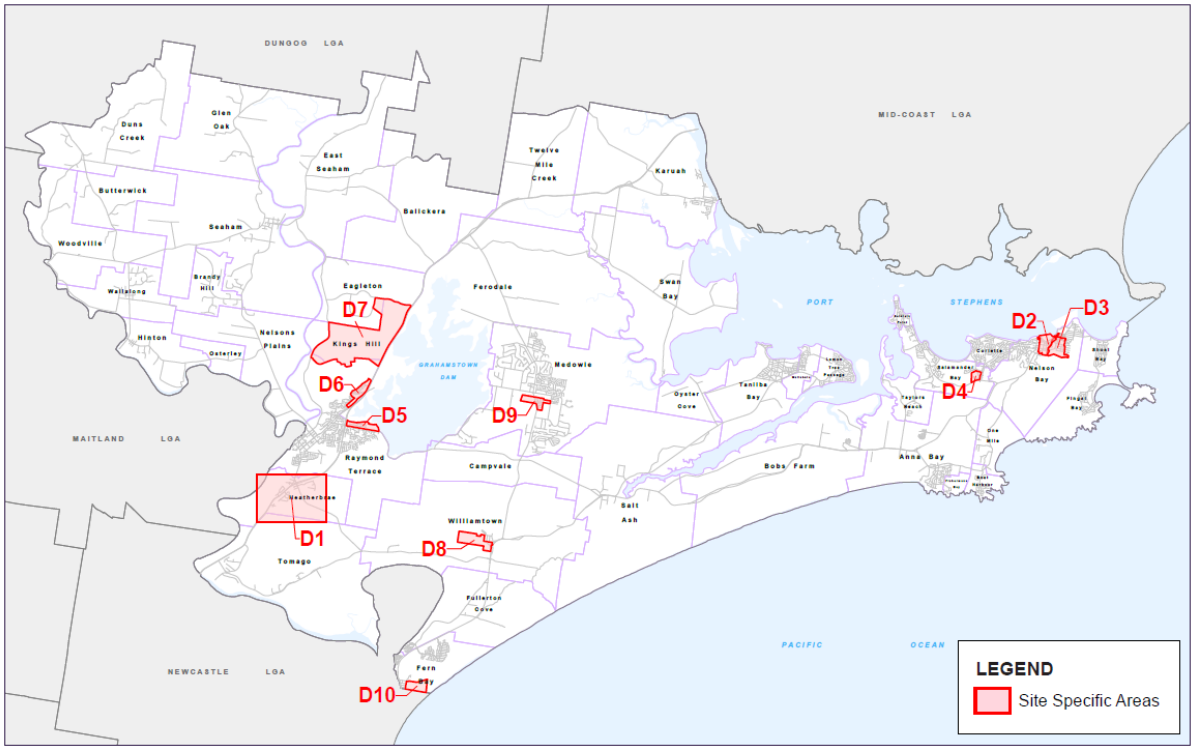
Portable signs are signs that can be readily moved and includes A-frame signs, portable flags, trailers and the like.

- A Temporary Structure Application Form must be submitted to Council with the required supporting documentation to ensure safety requirements are met and regulate the impact on pedestrians and road-users in order to keep businesses and their patrons safe.
- Signage displayed on trailers is not to be parked on any footpath, road related area, or road, whether attached to a vehicle or not, when the primary purpose for the placement of the trailer is for promotion or advertising.

D

Specific Areas

Figure 50: DCP Specific Areas – Land Application Map



Specific Areas

D1 Heatherbrae

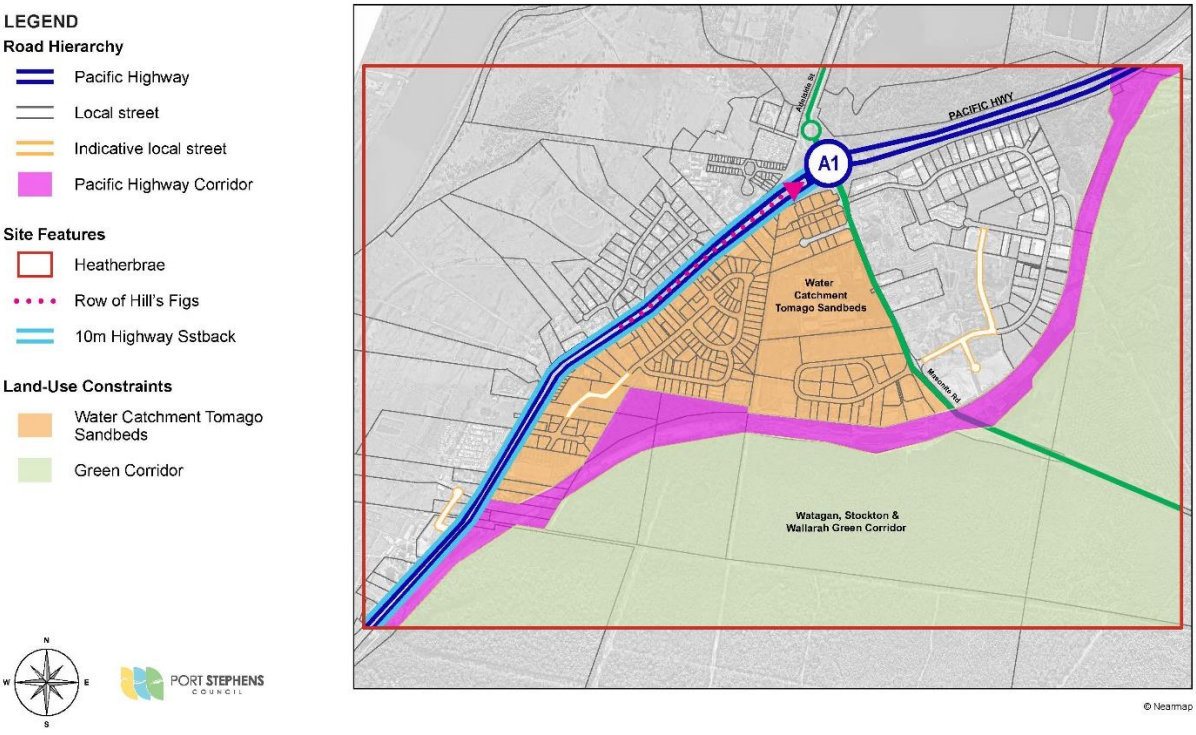
Application

This chapter applies to the land identified in Figure 51 as Heatherbrae.

Chapter Summary

This chapter sets out controls to inform development in Heatherbrae.

Figure 51: Heatherbrae Locality Controls Map



The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D1.A Setback

Objective

To ensure development has regard to the Pacific Highway.

Control

D1.1 Development on the Pacific Highway is to be setback 10m from the front boundary with a 5m wide landscape strip provided within the setback.

D1.B Street trees

Objective

To ensure suitable street trees are appropriately sited.

Control

D1.2 Development continues the row of Hill's Figs on the western side and replicates the row of Hill's Figs on the eastern side of the Pacific Highway in Heatherbrae.

D1.C Street layout

Objective

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

Controls

D1.3 Street layout is consistent with Figure 51.

D1.4 Access to the Pacific Highway is restricted to those intersections identified on Figure 51.

D1.5 Access to Masonite Road is restricted to the intersections identified on Figure 51.

D1.6 Internal intersections contain concrete mediums with either a give-way or stop treatment.

D1.D Drainage and water quality

Objective

To ensure development does not impact on water quality.

Control

D1.7 For up to and including the 1% Annual Exceedance Probability (AEP) flood event, on-site infiltration is required in stormwater requirement areas where there is no legal discharge point in the catchment.

This applies to all of the land south of the highway on Figure 51.

D2 Nelson Bay Centre

Application

This chapter applies to the land identified in Figure 52 as Nelson Bay Centre.

Chapter Summary

- This chapter sets out controls to inform development and desired character in various precincts in the Nelson Bay Town Centre.
- This chapter should be read in conjunction with the strategic plans for Nelson Bay published on Council's website.

For residential flat buildings the NSW Apartment Design Guide will prevail over this DCP.

Development in a prominent location and of a prominent scale, or where Council deems necessary, will be referred to the Urban Design Panel. Applicants will be encouraged to consult with the Urban Design Panel prior to lodgement.

Figure 52: Nelson Bay Town Centre Locality Controls Map

This chapter should be read in conjunction with Chapter B3 Stormwater Management and the DASH which provides detailed direction on information needed to support a development application.

D2.A General provisions

Objectives

- To maintain and enhance important views and ensure development integrates within the natural topography.
- To ensure development contributes to the existing compact and interconnected street pattern.
- To ensure buildings reinforce the natural amphitheatre landform of the Nelson Bay Town Centre.
- To ensure development is designed so as to contribute positively to the surrounding public domain.
- To ensure development enhances the desired local character.

Controls

D2.1 Development preserves the important vistas identified by Figure 52.

D2.2 Development is to ensure that roof tops do not adversely impact on the public domain when:

- Viewed from buildings at higher elevations;
- When approaching the town centre;
- Viewed from the street.

D2.3 Building materials are harmonious with existing buildings with reference made to the Coastal Design Guidelines for NSW.

D2.4 Development is to demonstrate design excellence, including:

- Consistency with the desired character statements set out in this chapter;
- Consideration of impacts on the public domain including views, overshadowing and the scale of the streetscape; and
- Architectural merit, for example by addressing local topography, the surrounding natural environment and waterways, green spaces, or vegetated ridgelines in the design of the development.

D2.B Village Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development within the Village Precinct.
- To ensure street activation and passive surveillance through activated street fronts.
- To facilitate development that is safe and secure for pedestrians and contributes to public domain safety by incorporating principles of CPTED, such as:
    - Territorial re-enforcement
    - Surveillance
    - Access control
    - Space/activity management.

Control

D2.5 Development within the Village Precinct has regard for the following:

- Development encourages street activation.
- Development provides continuity of an activated street frontage for localities where business or retail premises predominately face the street and have direct pedestrian access form the street.
- Development retains and enhances the existing character and function of Stockton and Magnus Streets as the main shopping streets in the town centre.
- Tall buildings are designed with the following:
    - Setbacks do not visually dominate at the street level.
    - Facades are detailed to promote clearly defined ground floor, first floor and second floor elements to manage the proportion of building height.
    - Built elements, including balconies, decks and architectural features of upper floors are set back to reinforce the prominence of a two-storey street facing façade.
    - Articulation of the ground floor includes design elements like windows, doors, architectural details, or landscaping to create a more human-scaled, visually interesting, and pedestrian-friendly streetscape.

Note: C2.5 and C2.6 define minimum front setbacks from the front property line. Variation to these setbacks is acceptable where development aligns with the design excellence controls referenced in this chapter.

D2.C Town Living and Commercial Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Town Living and Commercial Precinct.
- To encourage a diversity of residential accommodation types that support the Village Precinct.

Control

D2.6 Development within the Town Living and Commercial Precinct has regard for the following:

- A wide range of uses including residential, retail and business development will attract a range of housing types, including residential flat buildings, multi-dwelling housing and shop top housing.
- The precinct is appropriate for larger-scale developments, with large footprints.
- The mix of uses encourages residential living with live-work opportunities and boutique commercial office space.
- Development has regard for adjacent precincts that provide a change in scale.

D2.D Leisure and Tourism Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Leisure and Tourism Precinct.
- To facilitate a Tourism and Leisure Precinct that supports the roles of adjoining precincts.

Control

D2.7 Development fronting Apex Park is to facilitate access to adjoining precincts and contribute to linking the Town Centre to the foreshore through Apex Park.

D2.E Foreshore Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Foreshore Precinct.
- To encourage development to address the waterfront and to provide an attractive and safe pedestrian environment.
- To encourage the establishment of a destination development that will integrate with established and future pedestrian circulation patterns.

Control

D2.8 Development has regard for the following:

- Development, reinforces the visual and cultural importance of the waterfront.
- Development incorporates public art, which can act as landmarks.
- Water and marine related activities are complementary to commercial and leisure related uses.
- Accessible areas are provided.

Note: C2.27 requires commercial development of a significant scale, and that which provides frontage to the public domain, to incorporate public art in accordance with Council's Public Art Policy and Guidelines.

D2.F Green Link Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Green Link Precinct.
- To encourage the establishment of destination development that integrates with established and future pedestrian circulation patterns.

Control

D2.9 Development supports the Green Link Precinct being Nelson Bay's central meeting place and transition area. This area facilitates movement between the town centre and foreshore and consideration for connecting paths and a future location of cyclist end-of-trip facilities should be made.

D2.G Foreshore Town Living Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Foreshore Town Living Precinct.
- To encourage development that addresses the waterfront and provides an attractive and safe pedestrian environment.
- To encourage development that attracts pedestrians and integrates with established and future pedestrian circulation patterns.

Control

D2.10 Development within the Foreshore Town Living Precinct has regard for the following:

- Development is designed to ensure the natural setting of the town centre, as viewed from the water, is retained.
- Development will have regard for adjacent precincts that provide a change in scale.
- Mature street plantings are to provide shading for pedestrians and reduce perception of development scale.

D3 Seabreeze Estate – Nelson Bay

Application

This chapter applies to the land identified in Figure 53 as Seabreeze Estate - Nelson Bay.

Chapter Summary

This chapter sets out controls to inform development in the Seabreeze Estate which due to its location in a sensitive catchment has additional controls for stormwater management.

Figure 53: Seabreeze Estate – Nelson Bay

This chapter should be read in conjunction with Chapter B3 Stormwater Management and the DASH which provides detailed direction on information needed to support a development application.

D3.A Stormwater management

Objectives

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

Controls

D3.1 Development provides rainwater tanks that:

- Provide a minimum storage volume of 5,000L per unit.
- Are configured to allow use of the water for non-potable purposes.
- Direct overflow to an on-site infiltration system.

D3.2 Development that increases impervious surfaces by more than 10% or 50m^2 is to provide on-site infiltration.

D3.3 The capacity of on-site infiltration or on-site detention shall cater for all storm events up to and including the 1% Annual Exceedance Probability (AEP) with durations up to 72 hours considered.

D3.4 Stormwater drainage pipes, pits, overland flow and discharge points discharge to either one of the following:

- on-site detention systems where soil conditions are not suitable for infiltration
- directly onto the ground surface, if adjacent properties are not affected
- underground infiltration systems where the soils are suitable

D3.5 On-site detention is required where it can be demonstrated that soil conditions are not suitable for on-site infiltration.

D4 Salamander Bay Shopping Centre

Application

This chapter applies to the land identified in Figure 54 as Salamander Bay Shopping Centre.

Chapter Summary

- This chapter sets out controls to inform development at the Salamander Bay Shopping Centre which is an economic and community hub.
- Development of the centre must be sympathetic to surrounding land uses.

Figure 54: Salamander Bay Shopping Centre

D4.A Planning principles

Objective

To provide guidance to the development of the Salamander Bay Shopping Centre Precinct.

Controls

D4.1 To create a sense of identity for a unified community and commercial precinct.

D4.2 To ensure future development is sympathetically integrated with the existing surrounds and appropriately activates the precinct.

D4.3 To ensure an integrated pedestrian and vehicular network promotes improved connectivity between developments within the precinct, and reaffirms the precinct as a hub.

D4.4 To ensure appropriate intersections are considered to accommodate for the expansion of the precinct.

D4.5 To ensure future development respects neighbours and users of the precinct.

D4.6 To ensure future development protects the ecological systems within and adjacent to the precinct.

D4.7 To ensure future development is designed with the safety of neighbours and users in mind.

D4.8 To ensure future development supports and is consistent with community activities.

D4.9 To ensure diverse aesthetic forms are appropriately developed with the human scale in mind and integrated with in a holistic aesthetic framework for the hub.

D4.10 To ensure future development offers economic advantages to the community in the immediate and long term.

D5 Richardson Road – Raymond Terrace

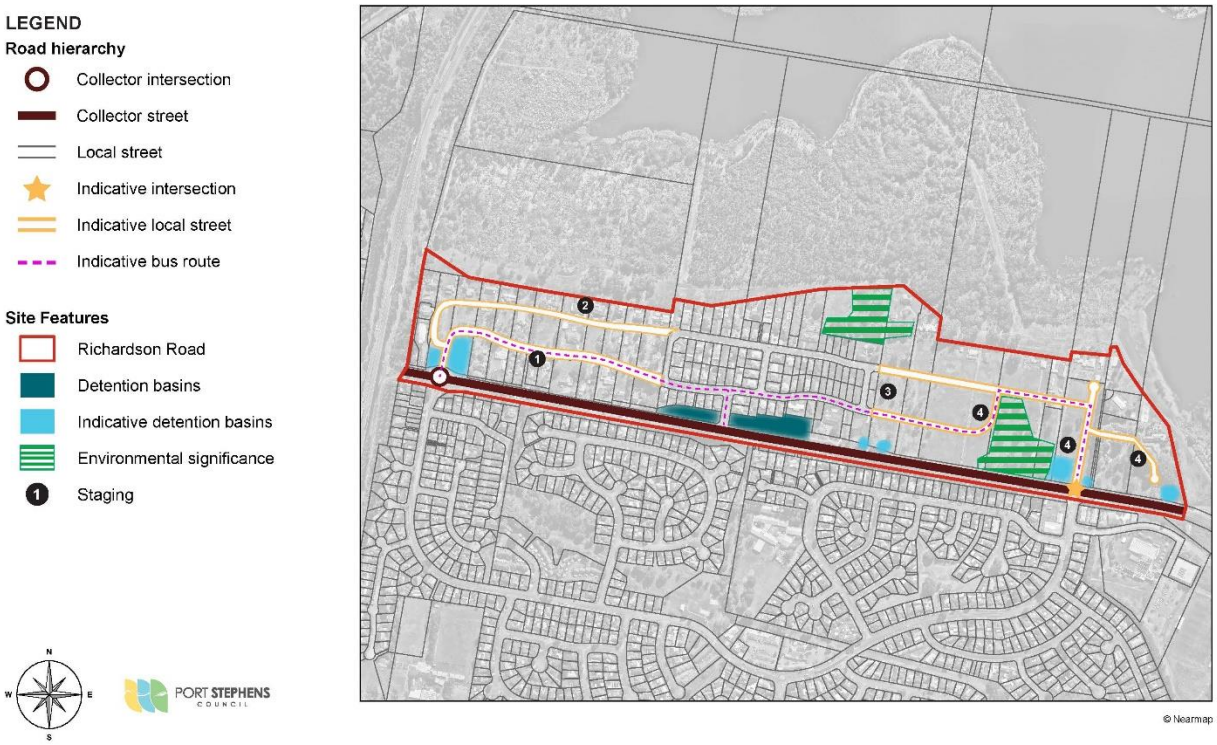
Application

This chapter applies to the land identified in Figure 55 as Richardson Road - Raymond Terrace.

Chapter Summary

- This chapter sets out controls to inform subdivision and road network layout in the area defined in Figure 55.

Figure 55: Richardson Road – Raymond Terrace Locality Controls Map



The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D5.A Street layout and transport network

Objectives

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

Controls

D5.1 Street layout is generally consistent with the locality controls map at Figure 55.

D5.2 No additional direct driveway access to and from Richardson Road is permitted.

D5.3 No intensification of existing driveway access, to and from Richardson Road is permitted, except for:

- Dual occupancies; or
- Secondary dwellings.

D5.4 Development applications must provide for wider street network connectivity in a grid-like structure. The subdivision or development of a lot proposing a road layout that prevents the effective connectivity of the wider street network will not be supported.

D5.5 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.

D5.6 Development within Area 1 or 2 (as shown on Figure 55) is to provide continuous road construction to Baluster Way, Lake View Crescent or Richardson Road in accordance with Figure 55.

- Development proposing to use the Halloran Way and Richardson Road intersection must demonstrate the intersection has adequate capacity to support additional traffic generated by the development.
- Where development exceeds the intersection capacity at Halloran Way and Richardson Road, continuous road connection to the eastern or western intersection of Benjamin Lee Drive and Richardson Road must be provided in accordance with Figure 55.

D5.7 Local roads connecting to Richardson Road, Halloran Way and Baluster Street are constructed as bus routes in accordance with Council's Infrastructure Specification.

D5.8 Pedestrian and shared paths are provided in accordance with Figure 55 and the Council's Infrastructure Specification.

D5.9 Access to Richardson Road must be provided in accordance with Figure 55.

D5.10 Subdivisions along Richardson Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with Council's Biodiversity Technical Specification.

D5.B 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.

Controls

D5.11 On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.

D5.12 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.

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

D5.13 Drainage reserves are located generally in accordance with the locality controls map at Figure 55.

D5.14 All new development must demonstrate there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

D5.15 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 released into public drainage achieves Council's water quality stripping targets for the area.

D6 Rees James Road – Raymond Terrace

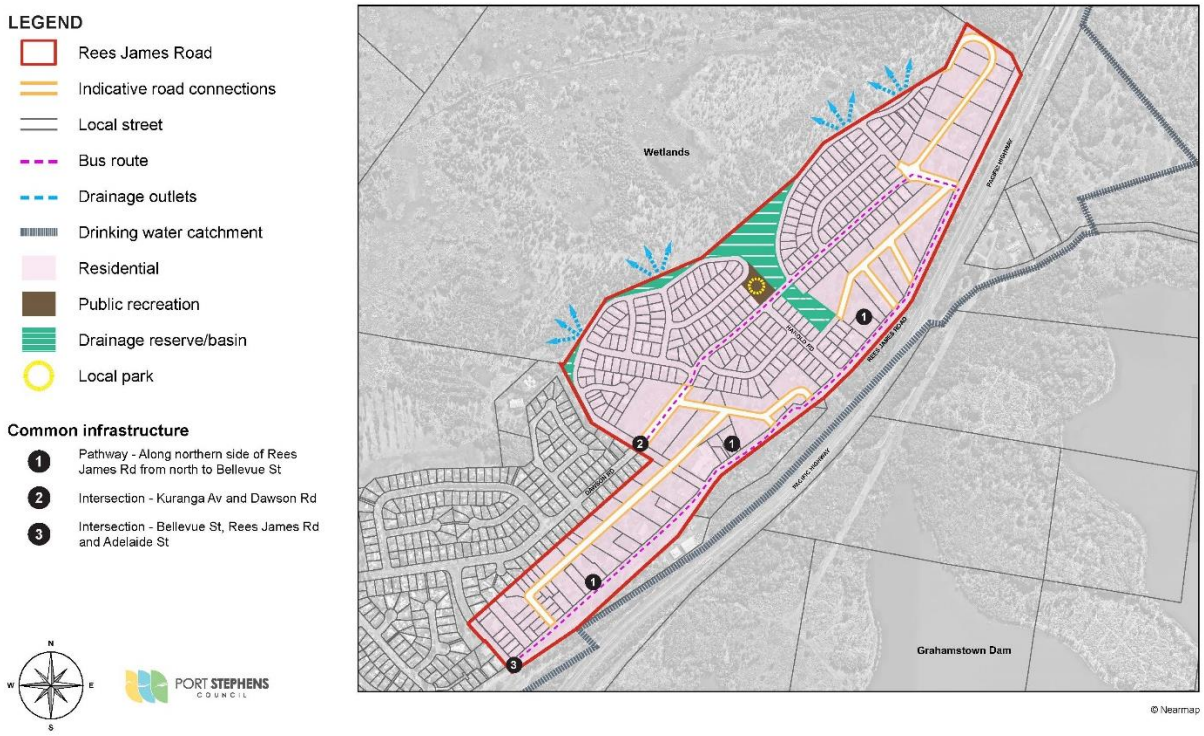
Application

This chapter applies to the land identified in Figure 56 as Rees James Road - Raymond Terrace.

Chapter Summary

- This chapter sets out controls to inform development in the area defined in Figure 56.

Figure 56: Rees James Road – Raymond Terrace Locality Controls Map



The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D6.A Street layout and transport network

Objectives

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

Controls

D6.1 The street layout is generally consistent with the locality controls map at Figure 56.

D6.2 Street layout variations are permitted where an access point is provided to Rees James Road, Dawson Road or Rosie Road, or where sufficient justification is provided that a variation will achieve the above objectives and satisfy other requirements of this DCP.

D6.3 Development must:

- Provide for wider street network connectivity in a grid-like structure.
- Where possible, provide a through road to existing roads. If constraints of the site do not permit a through street, the development is to include potential connections to adjoining future subdivisions.
- Avoid the use of cul-de-sacs as a means of lot access. Where cul-de-sacs cannot be avoided, they are to be restricted to:
    - Maximum length of 75m; and
    - Access to a maximum of 10 dwellings.

D6.4 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.

D6.5 The positioning and design of the transport movement network provides priority to facilitate efficient walking, cycling and public transport networks whilst retaining and complementing natural topography, such as views and drainage.

D6.6 Designated public transport routes as identified on the locality controls map at Figure 56 are constructed as bus routes in accordance with Council's Infrastructure Specification.

D6.7 Access to public transport routes or to future public transport stops and should be no more than 400m walk by the most direct route.

D6.8 Road widening will be required for all subdivisions along Rees James Road to ensure safe and adequate vehicle manoeuvring.

D6.B Lot orientation and access

Objective

To ensure street activation is provided through building orientation to Rees James Road.

Control

D6.9 Development adjoining Rees James Road must be orientated towards, and have a primary entrance that is visible and accessible from, Rees James Road.

D6.C Stormwater drainage and water quality

Note: Chapter B3 Stormwater Management provides further consideration towards on-site detention / on-site infiltration. Requirements in this chapter exceed and supersede those under Chapter B3 Stormwater Management.

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 is adequately managed to provide for common stormwater management infrastructure.

Controls

D6.10 On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.

D6.11 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.

D6.12 Drainage reserves are located generally in accordance with the locality controls map at Figure 56.

D6.13 Development must demonstrate that there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

D6.14 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 B3.B Stormwater quality in Chapter B3 Stormwater Management.

D6.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.

Controls

D6.15 An area of public open space is to be located in general accordance with the locality controls map at Figure 56.

D6.16 Landscaping plans for subdivisions along Rees James Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with Council's Biodiversity Technical Specification.

D7 Kings Hill – Raymond Terrace

Application

This chapter applies to the land identified in Figure 57 and Figure 58 as Kings Hill - Raymond Terrace.

Chapter Summary

- Kings Hill is an identified urban release area under Part 6 of the LEP. The purpose of Part 6 is to ensure that development occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan (DCP) that specifies specific controls for the land has been prepared.
- Clause 6.3 of the LEP sets out the matters that must be provided for in the DCP. This part specifies the additional information required to meet those requirements.
- The locality controls map at Figure 57 in this chapter, sets out the broad development pattern for Kings Hill. Individual development precincts are identified on this plan and on the maps in the LEP.
- This chapter specifies additional information requirements to be included in a detailed precinct plan to be prepared for each precinct. Precinct plans will:
    - be included as future amendments to this DCP; or
    - be provided as a staged development application for each development precinct.
- Subsequent development applications in each precinct will be consistent with the precinct plan or supported by a revised precinct plan demonstrating consistency with the requirements of clause 6.3 of the LEP and of this part.

Figure 57: Kings Hill - Raymond Terrace Locality Controls Map 1

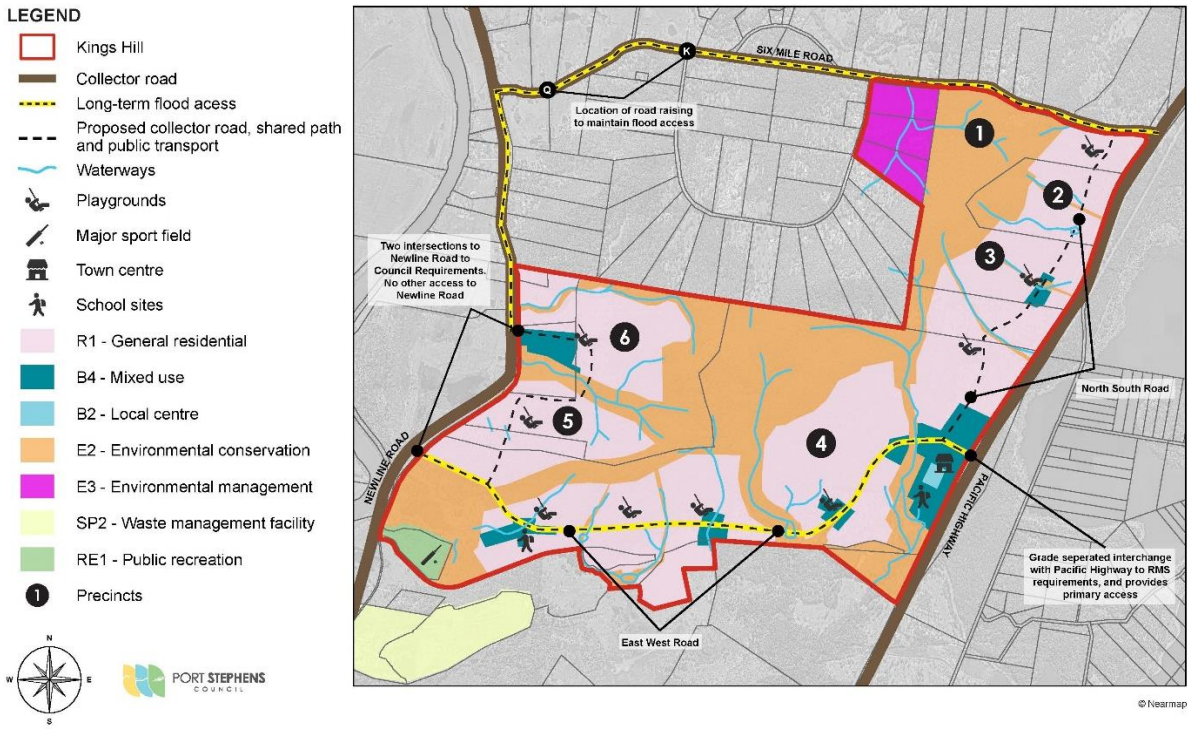
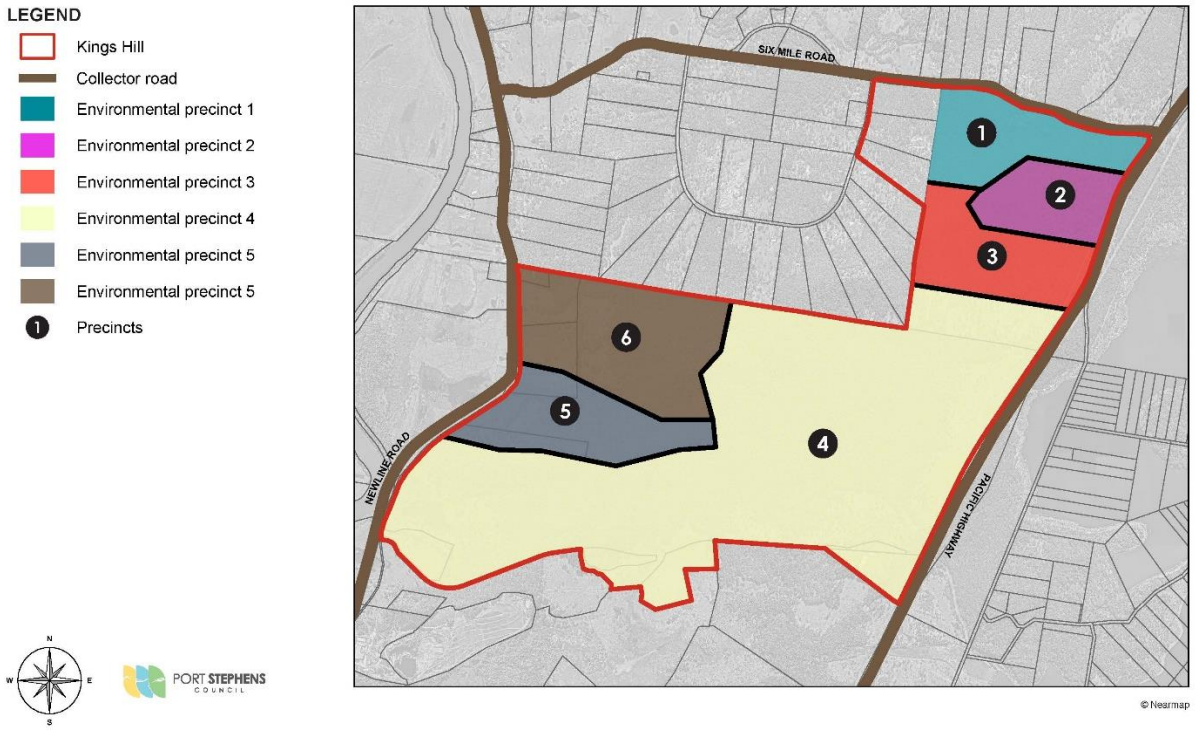


Figure 58: Kings Hill - Raymond Terrace Locality Controls Map 2



D7.A Structure planning and precinct planning

Objectives

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

Controls

Residential precinct plans

D7.1 A precinct plan is prepared to accompany the first stage of a development application in any of the development precincts identified on the LEP**.**

D7.2 Development is generally consistent with the locality controls map at Figure 57.

D7.3 Development consent for the purposes of a super lot does not require preparation of a precinct plan**.**

D7.4 Staging for the urban release area as a whole will be determined by the provision of essential services and may involve development occurring simultaneously in different parts of the locality.

D7.5 Each precinct plan is to include a staging plan that is lodged with the first stage and provides for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.

D7.6 Each stage of development may be subdivided into sub-stages. Any sub-stages should be identified in the SEE to accompany the development application for subdivision, together with a description of the sub-stages and the impact of the sub-stage sequence on the provision of essential services.

D7.7 Detail for any land zoned E1 Local Centre or MU1 Mixed Use need not be provided until consent for initial subdivision of that land is sought.

Town Centre and Village Centre precinct plans

D7.8 Consent for initial subdivision of land zoned E1 Local Centre or MU1 Mixed Use requires preparation of a town or village centre precinct plan for the entire zoned area.

D7.9 The town or village centre precinct plan is to illustrate the conceptual location of streets, major pathways, major uses, public spaces, built-form and access provision as well as the relationship of the area to adjacent residential and public open space areas.

Subdivision layout

D7.10 Subdivision layout enables neighbouring sites/precincts to deliver the outcomes sought by the locality controls map.

> Note: Chapter C1 Subdivision details principles relating to subdivision layout and procedure with the following exceptions or qualifications.
>
> Open Space is to be provided generally in accordance with the locality controls map and with areas consistent with the local infrastructure contributions requirements for Kings Hill.

Servicing

D7.11 Consent for the subdivision of land other than for the creation of a super lot requires a servicing strategy which includes (at a minimum) the:

- sequence, location and other details of the provision of public utilities; and
- availability of urban services and infrastructure to residents, including public open space, shared paths.

D7.12 All commercial and residential allotments are to be serviced by reticulated water, sewerage, electricity and telecommunication services.

D7.B Traffic and transport

Objectives

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

Controls

Transport movement hierarchy

D7.13 Each precinct plan requires preparation of an overall transport movement hierarchy which:

- shows the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- is generally consistent with the overall road network and the pedestrian and cycleway networks indicated on the locality controls map at Figure 57.
- indicates progressive provision of the east-west and north-south connector roads as well as direct connections to adjacent precincts.

D7.14 Positioning and design of the transport movement network provides priority to facilitating efficient walking, cycling and public transport networks and retaining and complementing natural topography, such as views and drainage.

Collector roads

D7.15 Development within each precinct provides internal collector roads generally consistent with the locality controls map at Figure 57.

D7.16 Subdivisions adjacent to collector roads orientate allotments and dwellings to face and have access from the collector road.

East-west road 4 lane section

D7.17 The eastern end of the east-west collector road, for a length of approximately one kilometre, is to have two travel lanes in each direction. This section of the east-west road is constructed generally in accordance the Illustration at Figure 59.

Figure 59: Illustration of cross section of four-lane part of east-west road

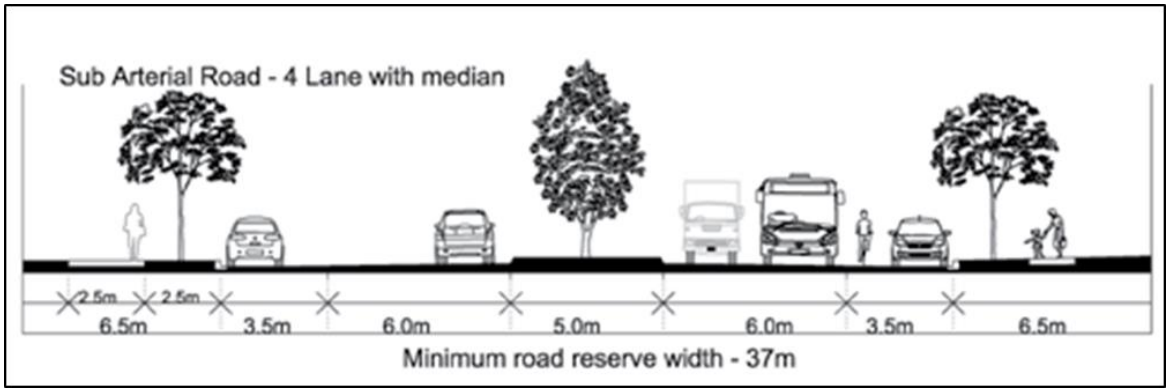
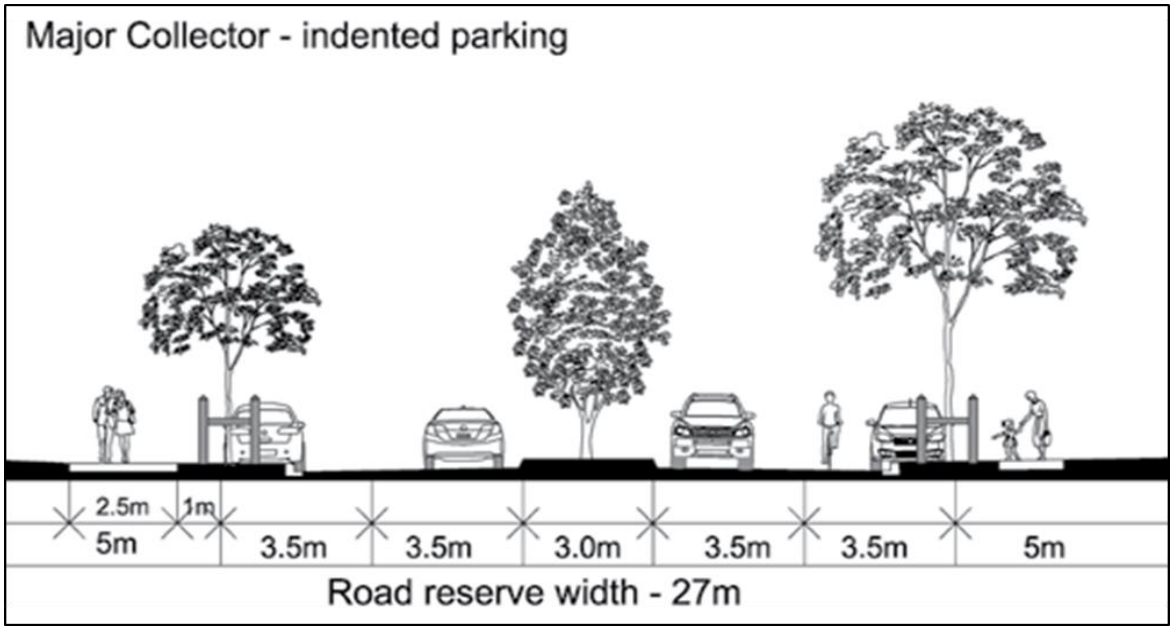


Figure 60: Illustration of cross section of two-lane part of east-west road



Subdivision certificate

D7.18 Within each precinct, collector roads are constructed to the boundary of the adjoining precinct prior to the release of a subdivision certificate for a cumulative total of no more than 75% of the lots.

D7.19 Within Precinct 6, the east-west road is constructed from the western boundary of the precinct to Newline Road and collector roads connect to the southern boundary of Precinct 7 prior to the release of a subdivision certificate for a cumulative total of no more than 50% of the lots.

Newline Road

D7.20 Maximum number of lots with sole access to Newline Road is 1200. Consent for lots in excess of this number requires connection to the Pacific Highway via the east-west collector road.

The LEP may include a requirement that development consent must not be granted for the subdivision of land in an urban release area unless arrangements have been made, to the satisfaction of Roads and Maritime Services and the consent authority, for the provision of vehicular access from the urban release area to the Pacific Highway, including the closure or modification of any existing vehicular access from any land adjoining the Pacific Highway, if necessary.

Pre-Pacific Highway interchange access

D7.21 Development with sole access from Newline Road requires upgrade works to provide 5% AEP flood immunity for the Kings Hill development flood access route consisting of local road raising of two sections of Six Mile Road, being an approximate:

- 100 metre section at location K on the locality controls map at Figure 57 near the intersection of Winston Road. These works also require appropriate raising of Winston Road in the vicinity of the intersection.
- 60 metre section at location Q on the locality controls map at Figure 57 near the intersection of Newline Road.

Note: The LEP may include a requirement that development consent must not be granted to development on land identified as 'Kings Hill' on the precinct areas map unless the consent authority is satisfied that there will be suitably located vehicular access from that land to the Pacific Highway, having regard to flood risk.

A Kings Hill Flood Free Access Study was prepared on behalf of Council by BMT WBM in 2012 to identify necessary road upgrade requirements.

Public transport

D7.22 Designated public transport routes as identified on the locality controls map at Figure 57 are constructed as bus routes in accordance with Council's Infrastructure Specification.

D7.23 Bus stops are to be identified prior to final completion.

Paths

D7.24 Pedestrian and cycle paths (including shared paths) are provided generally in accordance with the locality controls map at Figure 57.

Pedestrian path

D7.25 A pedestrian path is provided on one side and a shared path of all:

- collector roads
- roads that are within a E1 Local Centre Zone or MU1 Mixed Use zone
- roads within 400m of and providing the primary frontage to a school or major community facility.

Note: Chapter B5 Road Network and Parking generally requires road to be constructed in accordance with Council's Infrastructure Specification.

End of trip facilities

D7.26 End of trip facilities are provided at precinct centres, community facilities and regional parks. End of trip facilities incorporate the following:

- One personal secure locker for each bicycle parking space under Figure 10.
- One shower cubicle, with ancillary change rooms, per 13 bicycle spaces (or part thereof over four spaces) with a minimum of one shower and change facility.

D7.C Social infrastructure

Objective

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

Controls

Community and recreation facilities

D7.27 Precinct plans identify the location of required community and recreation facilities, generally in accordance with the locality controls map at Figure 57.

Community facilities

D7.28 Community facilities such as the multi-purpose community centre are preferably located within the town centre as identified on the locality controls map at Figure 57.

Schools

D7.29 The preferred locations of schools are identified on the locality controls map at Figure 57. School sites will be subject to the site-selection criteria and agreement of the NSW Department of Education and Training and will be indicated on the relevant precinct plans. The developer is to consult with the Department of Education and Port Stephens Council to determine suitable school locations.

D7.D Drainage and water quality

Objective

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

Controls

Eastern catchment and Grahamstown Dam

D7.30 All stormwater from development areas up to 0.2% AEP design flood event is prevented from discharging into Grahamstown Dam. This may require construction of a watercourse along the eastern extent of developable areas of the Kings Hill

urban release area to divert surface runoff away from Grahamstown Dam and into Irrawang Swamp.

Note: The LEP may require consideration to be given to impacts on drinking water catchments.

Water Management Strategy

D7.31 Consent for development within the eastern and western catchments first requires lodgement of a stormwater drainage plan addressing drainage and water quality management for the entire catchment, to the satisfaction of the consent authority.

Note: Kings Hill Urban Release Area Water Management Strategy Guidelines were prepared on behalf of Council by BMT WBM in 2013. The Guidelines identify sub-catchments in the eastern and western catchment of the urban release area. The Guidelines include a 'Model Water Management Strategy' for future development of the urban release area, preliminary stormwater quantity and quality modelling, and identification of options to achieve the required outcomes for the eastern catchment. A preferred option is identified.

D7.32 Each precinct plan is to identify stormwater drainage and water quality management controls for relevant sub-catchments consistent with the relevant catchment-wide stormwater drainage plan.

Note: The LEP may require consideration of impacts on the Drinking Water Catchment.

D7.E Natural resources

Objective

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

Controls

Vegetation management plan

D7.33 Applications for development on land zoned C2 Environmental Conservation or subject to terrestrial biodiversity controls in the LEP within each environmental precinct provide a VMP to the satisfaction of Council in accordance with Council's Biodiversity Technical Specification. The VMP is provided with the precinct plan for the relevant environmental precinct boundaries identified by Figure 57. The VMP also addresses the following location specific information:

- Requirements to protect the creek line and other areas to be conserved, such as fencing, sediment control devices and appropriate signage; and
- Details of re-vegetation, restoration and weed control, including riparian corridors. Areas affected by degradation, erosion and/or rubbish dumping should also be rehabilitated
    - A draft is provided with the development application and the final signed off by Council prior to the release of the construction certificate.

Note: If development does not pose a significant effect under 5A of the EP&A Act, but proposes unavoidable vegetation impacts then a VMP that is consistent with Council's Biodiversity Technical Specification is required.

Illegal dumping

D7.34 Measures, such as fencing and block configuration seek to restrict unauthorised access to C2 Environmental Conservation land to prevent rubbish dumping and damage by uncontrolled vehicle usage.

Riparian corridors

D7.35 Development involving a controlled activity within waterfront land is to comply with the requirements of the *Water Management Act 2000 (NSW)*.

Note: Chapter B2 Natural Environment provides further localised detail for buffers for riparian corridors.

D7.F Waste treatment facility

Objectives

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

Controls

Waste treatment facility

D7.36 All development within 250m of the Newline Road Waste Disposal Facility or any land in proximity as identified by Council has the potential to have methane concentrations of greater than 1.25% (v/v) in the subsurface and is to be tested with a tested/calibrated methane detector over regular intervals 12 months prior to a subdivision application being lodged with Council for determination.

D7.37 Development and monitoring should comply with the relevant sections of the NSW Environmental Protection Agency 'Environmental Guidelines: Solid Waste Landfills' 1996, or its successor.

> Note: The LEP may require development to be designed, sited or managed to avoid any adverse odour, noise and visual impacts arising out of the authorised use and operation of any public infrastructure.

D7.G Pacific Highway impacts

Objectives

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

Controls

Acoustic / vibration

D7.38 Consent for development in precincts 1 to 4 requires an acoustic report consistent with the DASH and the following:

- Development meets the requirements of AS 3671-1989 Acoustics – Road Traffic Noise Intrusion – Building, Siting and Construction.
- Acoustic/vibration measures undertaken to comply with the conditions of development consent for a subdivision may remove the need for additional acoustic/vibration assessments and attenuation measures for subsequent developments.

> Note: An acoustic report is required for development that has the potential to produce or be impacted by offensive noise.

Land-use buffers

D7.39 Development at Kings Hill is visually buffered from the Pacific Highway by a minimum of 10m of landscaping. This landscaping will be implemented through individual development applications and may be indicated on precinct plans, the stormwater drainage plan for the eastern catchment, and/or plans for construction of the highway interchange.

D7.H Aircraft noise

Objectives

- To ensure development satisfies the requirements of the LEP.
- To ensure appropriate consideration is given to land burdened by aircraft noise.

Controls

Aircraft noise

D7.40 Kings Hill is located in proximity to the Port Stephens aircraft noise planning area. B6 Aircraft Noise and Safety details what is to be considered when development is located within the aircraft noise planning area.

Figure 61: Meeting the requirements to prepare a DCP under the LEP

Local Environmental Plan DCP requirements	How requirements are met
a. a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing	Met by provision of a Staging Plan (D7.5 in this chapter) with the application for the first stage of development in each precinct.
b. an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists	Met by provision of a transport movement hierarchy as part of the precinct plan provided for each precinct (D7.13 in this chapter).
c. an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain	Met by the requirements of Section C1.F Open Space and by the requirements of D7.33 and D7.35 in this chapter.
d. a network of passive and active recreational areas	Met by the requirements of D7.8-9, D7.10, D7.33 and D7.35 in this chapter.
e. stormwater and water quality management controls	Met by the requirements of D7.D and D7.35 in this chapter.
f. amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected	Met by the requirements of D7.D, D7.E and D7.F in this chapter
g. detailed urban design controls for significant development sites	Met by the requirement for detailed Town and Village Centre precinct plans in D7.8-9 of this chapter.

h. measures to encourage higher density living around transport, open space and service nodes	Met by the requirement (D7.1) for development in each precinct to generally consistent with the structure indicated in the Locality Controls Map at Figure 57 and for Precinct Plans to indicate a transport movement hierarchy and servicing strategy; and by provision of detailed Town and Village Centre precinct plans (D7.8-9 in this chapter).
i. measures to accommodate and control appropriate neighbourhood commercial and retail uses	Met by the provision of detailed Town and Village Centre precinct plans for all land zoned E1 Local Centre and Mixed Use (D7.8-9 in this chapter).
j. suitably located public facilities and services, including provision for appropriate traffic management facilities and parking	Met by provision of Town and Village Centre precinct plans for land zoned E1 Local Centre and MU1 Mixed Use (D7.8-9 of this chapter), and by the requirements of D7.13, D7.24, D7.25, D7.26, D7.C of this chapter.

D8 Williamtown Defence and Airport Related Employment Zone (DAREZ)

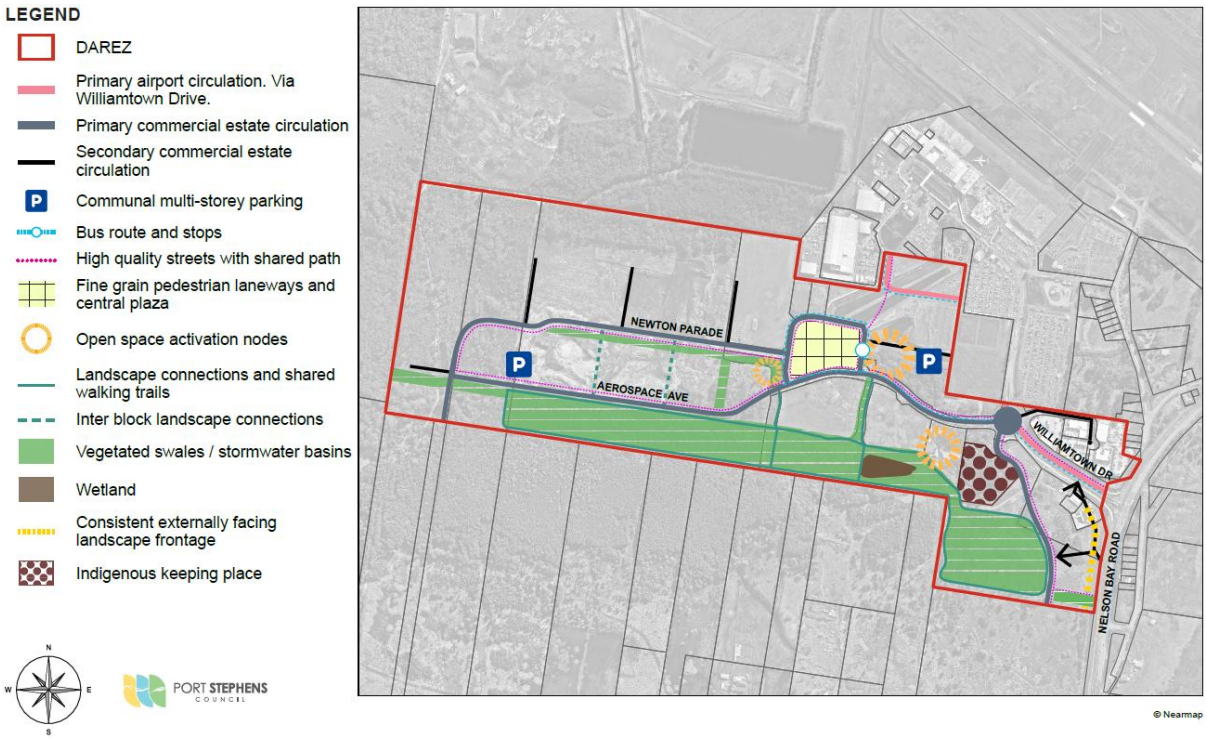
Application

This chapter applies to the land identified in Figure 62 as Williamtown Defence and Airport Related Employment Zone (DAREZ).

Chapter Summary

- This chapter should be read in conjunction with Chapter B6 Aircraft Noise and Safety.
- Development within the DAREZ should be prepared to be consistent with any design guidelines issued by, and closely associated with the guidance of Newcastle Airport Pty Ltd (NAPL).

Figure 62: Williamtown DAREZ Locality Controls Map



D8.A Lodgement requirements

Objectives

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

Controls

D8.1 A development application is accompanied by a landscape plan consistent with the Williamtown Aerospace Park Landscape Master Plan.

D8.2 A schedule of colours and finishes is submitted with the Statement of Environmental Effects to demonstrate that the development contains non-reflective materials.

C2.13 requires building facades to use materials, colours and architectural elements to reduce bulk and scale.

D8.B Setbacks

Objective

To encourage an active and vibrant streetscape.

Control

D8.3 Aerospace Support and Commercial Precinct:

- Minimum front setback of 5m.
- Minimum secondary setback of 2m.

Note: C1.6 requires the street layout to provide a grid-like structure.

D8.C Street layout

Objective

To ensure streets comply with the indicative layout.

Controls

D8.4 Road Layout is consistent with Figure 62.

D8.5 A road is constructed to connect with Cabbage Tree Road prior to the release of any subdivision certificate.

D8.D Drainage and water quality

Objective

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

Control

D8.6 Drainage and stormwater systems are in accordance with the Williamtown Aerospace Park Flood Assessment and Stormwater Strategy.

B3 Stormwater Management requires development that increases impervious surfaces to provide a stormwater drainage plan.

D8.E Flooding

Objective

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

Controls

D8.7 All car parking and driveways are to be located at a level greater than 2.5m Australian Height Datum (AHD).

D8.8 All development is to have a minimum floor level equal to or greater than the flood planning level.

D8.F Parking

Objective

To ensure that appropriate on-site parking is provided.

Controls

D8.9 On-site parking is to be located at the rear, side or within buildings of the Commercial Precinct, except for Lots 1001 and 1002, DP 1187948.

D8.10 On-site parking is located behind a 2m landscaped area for the Aerospace Support and Commercial Precincts.

B5.9 requires on-site parking to be located behind the building line or setback.

D8.G Airport operational requirements

Objective

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

Controls

D8.12 Electromagnetic radiation or radio emitting devices are not to interfere with airspace operations.

D8.13 Development provides consideration to navigational markers by not inferring with their intended purpose.

D8.14 External lighting considers aircraft/control tower.

B6 Aircraft Noise and Safety requires consideration to RAAF operations.

D9 Medowie Planning Strategy (Precinct E and F)

Application

This chapter applies to the land identified in Figure 63 as Medowie Planning Strategy (Precinct E and F).

Chapter Summary

This chapter sets out controls to inform development in Precinct E and F.

Figure 63: Medowie Planning Strategy (Precinct E and F) Locality Controls Map

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D9.A Layout and staging

Objectives

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

Controls

D9.1 Overall development layout needs to be consistent with the Figure 63.

D9.2 A development application for large-scale residential accommodation or major subdivision must include a staging plan demonstrating that development will occur in a coordinated sequence.

D9.3 Initial residential accommodation or major subdivision is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.

D9.B Biodiversity

Objectives

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

Controls

D9.4 Environmental areas, corridors and additional planting with Koala feed trees will be retained and enhanced in general accordance with Figure 63.

D9.5 Road and drainage networks in Precinct F must use native landscaping to enhance the urban landscape, and where appropriate, Koala feed trees shall be planted.

D9.6 The indicative green street in Precinct F will provide for fauna connectivity. Development fronting the indicative green street must:

- Provide minimum road verge of 6.5m, on one side;
- Restrict fencing within the front setback; and
- Enhance fauna connectivity through landscaping.

D9.7 Drainage infrastructure in Precinct F must be designed to facilitate ecologically beneficial landscaping and enhance fauna connectivity.

D9.8 Development must take into consideration the implications of the vegetation management plan that applies to land within the precinct.

D9.9 A landscaping plan for major residential development or major subdivision must provide for an attractive and low maintenance landscape along the frontage with Medowie Road and Brocklesby Road.

D9.10 Landscaping provided with any new development should use locally endemic Koala preferred species.

D9.C Transport movement hierarchy

Objectives

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

Controls

D9.11 The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with Figure 63.

D9.12 Long straight roads include local area traffic management devices to slow traffic in accordance with Council's Infrastructure Specification.

D9.13 The subdivision road layout must allow for future connections to residential planning precincts identified by the Medowie Planning Strategy, including Brocklesby Road. The connectivity is to result in effective movement of pedestrians/vehicles in a grid like structure.

D9.14 Direct driveway access to and from Medowie Road is not permitted.

D9.15 Frontage of Brocklesby Road must meet the requirements of a bus collector street, which may require road upgrades and/or widening, in accordance with Council's Infrastructure Specification.

D9.16 Direct driveway access to and from Brocklesby Road is not permitted unless development proposing access can demonstrate it is made in a safe and practical manner.

D9.17 Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.

D9.18 A shared path must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a shared path is able to be accommodated).

D9.19 A shared path must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.

D9.20 Consideration must be given to a potential mid-block shared path linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.

D9.21 Access to public transport routes or to future public transport stops should be no more than 400m walk by the most direct route.

D9.D Managing risk from agricultural land uses

Objective

To ensure the land is suitable for residential occupation in relation to previous agricultural land uses.

Control

D9.22 A development application for large-scale residential accommodation or major subdivision must be accompanied by the contamination and remediation reports identified *by NSW State Environmental Planning Policy (Resilience and Hazards) 2021* with particular regard to the previous agricultural activities on the subject land.

D9.E 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 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.

Controls

D9.23 Drainage reserves are located in general accordance with Figure 63.

D9.24 All new development must demonstrate that there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

D9.25 On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.

D9.26 The on-site detention / on-site infiltration is to be:

- Sized so that the post-development flow rate and volume equals the predevelopment 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.

> Chapter B3 Stormwater Management provides further consideration towards on-site detention / on-site infiltration.
>
> Predevelopment is prior to any development occurring on the land.

D9.27 When a development application is received for subdivision greater than three lots and would result in an impervious area, it must demonstrate that the quality of water that is released into public drainage meets the required water quality targets.

D9.F Williamtown RAAF Base - aircraft safety

Objective

To ensure that development adequately considers aircraft safety.

Control

D9.28 Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

D10 Stockton Rifle Range

Application

This chapter applies to the land identified in Figure 64 as Stockton Rifle Range.

Chapter Summary

- This chapter sets out development controls to provide for housing diversity that reflects the history of the site through alignment with the firing mounds.

Figure 64: Stockton Rifle Range Locality Controls Map

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D10.A Heritage

Objective

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

Controls

D10.1 Subdivision development is to ensure the Heritage Anti-Aircraft Battery is stabilised and retained for heritage interpretation.

D10.2 Subdivision development is to ensure pedestrian access, wayfinding and heritage information signage is provided within the site.

D10.3 The street network shall be generally consistent with the alignment of the existing rifle range firing mounds.

D10.4 Subdivision development shall ensure the coastal forest to the north of the existing rifle range footprint is retained to protect areas of archaeological potential.

D10.B Ecology

Objective

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

Controls

D10.5 Landscaping provided with development shall be limited to endemic species for public and private landscaping.

D10.6 Subdivision development is to ensure that the public open space required by the control D10.15 provides for a faunal movement corridor between coastal forests to the north and south of the site.

Within corridors:

- Where possible, mature trees should be retained.
- A strip of vegetation is to be provided within the central portion of the public open space area with a minimum width of 40m. Within this section, trees or clumps of vegetation should be spaced no greater than 30m apart.

D10.C Street layout, access and circulation

Objective

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

Controls

D10.7 Subdivision development is to provide a street layout that is generally consistent with Figure 64.

D10.8 The subdivision of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported.

D10.9 Subdivision development is to provide a shared path layout that is consistent with Figure 64.

D10.10 Subdivision development is to provide footpaths along all local streets.

D10.11 Subdivision development is to ensure the vehicle and pedestrian access to the site via Popplewell Road at Taylor Road is constructed as a collector road (as shown in Figure 64).

D10.12 Subdivision development is to ensure the second vehicle and pedestrian access to the site via Popplewell Road is constructed as a local street (as shown in Figure 64).

D10.13 Subdivision development is to ensure the street grid maintains provision for a future street connection to the Stockton Centre site to the south (as shown in Figure 64).

D10.14 The first subdivision development is to include:

- Signalisation of the Vardon Road and Nelson Bay Road intersection; and
- Upgrades to Vardon Road and Popplewell Road to facilitate a collector bus route.

D10.D Public open space

Objective

To identify and protect a central part of the site as a local park and faunal movement corridor.

Controls

D10.15 Subdivision development is to provide public open space of a minimum area of 1.5 hectares in the centre of the site, as shown in Figure 64.

D10.16 Subdivision development is to ensure that the CPTED principles are implemented during the design of paths that are not adjacent to a road. This must include the provision of pedestrian lighting, clear sight lines, and universally accessible design features to promote safety and accessibility.

D10.E Landscape

Objective

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

Controls

D10.17 All local streets within the subdivision development shall feature informal endemic street tree plantings.

D10.18 Access to the adjacent land to the north and east must be limited by physical barriers to limit ecological impacts. These measures can include the installation of appropriate barriers or fencing.

D10.19 Landscaping is provided as follows:

- If the lot has an area of at least 200m^2 but not more than 300m^2 - 10% of the area of the lot
- If the lot has an area of at least 300m^2 but not more than 450m^2 - 15% of the area of the lot
- A principle landscaped area, measuring at least 1.5m wide and at least 3m long, must be provided as part of the development.

D10.F Solar access

Objective

To ensure that reasonable access to sunlight is maintained for occupants of new dwellings.

Controls

D10.20 Subdivision development is to include lot size and dimensions for north and south facing lots that ensure future dwellings can contain adequate solar access to private open space areas. The lot size and dimensions are to be informed by solar diagrams with indicative building massing.

D10.21 A minimum of 2 hours of sunlight must be available between 9am and 3pm on June 21 to at least 50% of the private open space.

D10.22 A minimum of 50% of private open space of adjoining dwellings must remain unaffected by any shadow for a minimum of 2 hours between 9am and 3pm on June 21.

D10.G Setbacks, bulk and scale

Objective

To facilitate a diversity of housing within the development area.

Controls

D10.23 A residential lot that has an area less than 500m² provides a minimum lot width of 8m.

Lots greater than 500m² are defined in Subdivision C1.1.

D10.24 The following setbacks must be provided for development on lots less than 300m^2:

- Minimum 2m to any road frontage
- Minimum 0.9m to side for ground level
- 0m to one side only (ground and upper storeys)
- Minimum 1.5m to side for upper storeys
- Minimum 4m to rear for ground level
- Minimum 6m to rear for upper storeys
- Minimum 5.5m to garage from the road frontage
- 16m² private open space, minimum dimensions of 4mx4m

D10.25 Rear setbacks for north and south facing lots that are less than 300m² are to be informed by solar diagrams and must ensure adequate solar access is available to the site and adjoining properties.

E

Schedules

Glossary

This DCP adopts the terms and definitions of the planning legislation (*Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the *Standard Instrument—Principal Local Environmental Plan*), unless otherwise defined in the Glossary.

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

1st, 2nd & 3rd order water courses means a watercourse order as classified under the Strahler System of ordering watercourses.

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

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

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

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

a. are used for the purposes of business premises or retail premises if the premises face the street, and

b. have direct pedestrian access from the street.

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

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

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

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

Australian Height Datum (AHD) means a common national surface level datum often used as a referenced level for ground, flood and flood levels. 0.0 m AHD corresponds approximately to mean sea level.

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

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

biodiversity corridors (also known as wildlife corridors) are areas of native vegetation that link two or more areas of fragmented habitats together to create connections allowing wildlife to move safely between habitats, enabling them to find food, mates, and resources, to persist, disperse and colonise new areas.

biodiversity technical specification means the Port Stephens Council Biodiversity Technical Specification.

bird strike zone means land identified as bird strike Group A, Group B or Group C in Figure 15.

buffer a designated area intended to separate or mitigate potential conflicts or negative impacts between different land uses, activities or areas.

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

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

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

clearing has the same meaning as under 60C of the *Local Land Services Act 2013*. Clearing native vegetation means any one or more of the following—

(a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation,

(b) killing, destroying, poisoning, ringbarking or burning native vegetation.

collector road means a collector road as defined by the current version of the Port Stephens Council Infrastructure Specification.

compensatory requirements means replacements of important biodiversity features which cannot be avoided and are proposed to be removed and includes tree planting and the installation of artificial hollow habitat.

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

controlled activity means:

a. the erection of a building or the carrying out of a work (within the meaning of the EP&A Act), or

b. the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or

c. the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or

d. the carrying out of any other activity that affects the quantity or flow of water in a water source.

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

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

deep soil planting means planting trees and shrubs in areas with sufficient soil depth to allow for their full development

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

district park means a park that can support a greater variety of functions and facilities than a local park to meet different community needs.

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

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

driveway crossover means the connection of an accessway/driveway, from the edge of the property to the road, which often crosses a footpath, nature strip, or kerb.

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

essential services means reference to the essential services such as the supply of water, the supply of electricity, the disposal and management of sewage and suitable vehicular access.

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

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

flood certificate means a Council prepared flood certificate.

flood compatible design refers to all proposed development on flood prone land which must be of a flood-resistant design and construction.

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

flood hazard means a flood that has the potential to cause harm or conditions with the potential to result in loss of life, injury and economic loss. The degree of hazard varies with the severity of flooding and is affected by flood behaviour (extent, depth, velocity, isolation, etc.).

flood maps includes the visual representation of the flood hazard and hydraulic categories referenced in Council's Floodplain Risk Management Policy.

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

flood impact and risk assessment is a comprehensive technical investigation of flood behavior.

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

Floodplain Risk Management Policy refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area.

flood planning area is the land below the flood planning level.

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

flood prone land refers to land susceptible to flooding by the PMF event. Flood prone land is also known as the floodplain, flood liable land and flood affected land.

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

flood storage areas are areas of the floodplain that are outside floodways which generally provide for temporary storage of floodwaters during the passage of a flood and where flood behaviour is sensitive to changes that impact on temporary storage of water during a flood.

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

floodway refers to areas of the floodplain which generally convey a significant discharge of water during floods and are sensitive to changes that impact flow conveyance. They often align with naturally defined channels or form elsewhere in the floodplain.

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

front property line means the legal boundary of a parcel of land adjoining the primary road reserve frontage.

GFA means gross floor area which is the total flood area of a building.

GLFA (Gross Leasable Floor Area): means total floor space available to be leased, which typically excludes hallways, elevator shafts, stairways and other non-leasable space.

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

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

habitat means those parts of the environment (both natural and human-made) that native flora and fauna require for different stages of their life cycle, such as feeding, roosting, migration, nesting and the rearing of young.

habitable room means a room used for normal domestic activities, and -

a) 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) 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.

habitat features are environmental elements both living and non-living that provide native animals with essential resources like food, shelter, nesting sites and areas for migration and social interaction.

high hazard flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.

high value ecological features means the natural features in the landscape which provide habitat for native species, such as:

a) specific fauna habitat, which include hollow bearing trees, nest trees, Koala feed trees, large old growth trees, caves, rocky outcrops/ bush-rock, waterbodies, and
b) ecologically valuable environments, which include riparian corridors, biodiversity corridors, wetlands, large areas of intact native vegetation, threatened ecological communities and highly cleared plant community types.

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

Koala habitat means land identified on the Port Stephens Council Koala Habitat Planning Map as being preferred Koala habitat, supplementary Koala habitat, and linking or buffer areas to them, according to the definitions provided in the Port Stephens Comprehensive Koala Plan of Management (CKPoM).

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

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

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

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

major subdivision refers to the division of a large parcel of land into multiple lots or parcels in which new roads are proposed, and existing roads or intersections which require significant upgrading or public drainage are constructed.

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

minimal risk flood prone land refers to land on the floodplain that is above the FPL.

Model for Urban Stormwater Improvement Conceptualisation (MUSIC) means a toolkit that aids in predicting the performance of stormwater quality management systems.

multi-functional refers to sport fields that are designed with multiple uses in mind.

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

nodes mean focal points, intersections or loci such as train stations, neighbourhood centres, bus depots or intersections**.**

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

non-rural areas for the purpose of Chapter B1 Tree Management means the following land-use zones under the LEP:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- MU1 Mixed Use
- W4 Working Waterfront
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP4 Enterprise

- RE1 Public Recreation
- RE2 Private Recreation
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living

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

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

on-site parking means parking facilities located at the same location as the building, as required under Figure 10: On-site parking requirements.

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

open space means either private open space or public open space.

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

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

preferred Koala habitat means all habitat areas identified as preferred under the Port Stephens Council Comprehensive Koala Plan of Management.

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

precinct plan means a plan prepared to address the matters set out in Part 6 (Urban release areas) of the LEP.

privacy screen means

a) a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot, or
b) a window, the whole of which has translucent glass and is fixed and not able to be opened.

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

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

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

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

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

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

regional park means a park that provides facilities that are of a broader scale than those of a local park or district park.

register of significant trees means the Port Stephens Council Register of Significant Trees.

riparian corridor means a transition zone between the land (terrestrial environment), and the river or watercourse or aquatic environment, and also includes the watercourse.

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

rural areas means the following land-use zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry

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

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

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

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

site area means the area contained within the boundaries of the site

site based overland flow report is a report certified by a chartered professional engineer with experience in hydraulics and floodplain management.

solar access means the amount of the sun's energy available to a building.

splay corners means the corners of a road intersection.

statement of environmental effects (SEE) means a document that demonstrates that the environmental impact of a development.

stormwater drainage plan means a plan and written description in relation to the stormwater management of a site.

stormwater quality improvement devices (SQIDs) mean engineering methods that are used to protect the creeks, rivers and beaches that our stormwater drains into. They trap or collect rubbish and pollution that ends up in our stormwater drains. Examples

include litter collection cages, trash racks or constructed wetlands.

stormwater requirement areas means land identified on a map on Councils website where additional stormwater control devices may be required.

structural engineering assessment means an assessment undertaken of the building by a qualified engineer.

structural soil / structural cells means planting methods and systems used to give structural support to civil infrastructure whilst allowing for root growth of trees to achieve better growth outcomes.

subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

super lot means an area of land created by subdivision and intended to be further subdivided into additional lots.

surface water means water on the surface of the planet, such as in a stream, river, lake, wetland, or ocean.

swimming pool means an excavation, structure or vessel:

a) that is capable of being filled with water to a depth greater than 300 millimetres, and

b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity

It includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act

traffic generating development means development defined as traffic generating development under Schedule 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021.*

Traffic Impact Assessment (TIA) means an assessment to quantify the traffic impacts and associated parking requirements that result from proposed development.

Tree Permit means approval that may be required from Council to remove or prune vegetation as prescribed in Chapter B1 Tree Permits. The Tree Removal and Pruning Form on Council's website can assist in determining what type of Council approval is required and to make an application.

vegetated riparian zone means the vegetated area in a riparian corridor comprising of the vegetation immediately next to, and influenced by, a watercourse and its buffer zone.

vegetation management plan (VMP) means a vegetation management plan as described under the Port Stephens Council Biodiversity Technical Specification.

vista means a view corridor to a distant view.

waste includes:

a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause

an alteration in the environment, or

b) any discarded, rejected, unwanted, surplus or abandoned substance, or

c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or

d) any substance prescribed by the regulations to be waste.

waste storage and recycling area means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's occupants.

water balance means an equation that can be used to describe the flow of water in and out of a system.

waterfront land means:

a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of the highest bank of the river, or

- the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or

- the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high-water mark of the estuary, or

b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high-water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

water quality stripping targets refer to the minimum requirements for reducing pollutants in stormwater runoff before it enters public drainage or natural waterways.

water sensitive urban design (WSUD) means a range of measures that are designed to avoid, or at least minimise, the environmental impacts of urbanisation in terms of the demand for water and the potential pollution threat to natural water bodies.

weeds means a plant that is a pest.

wetland means a location identified as 'wetland' on the Wetlands Map.

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COUNCIL

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