



PORT STEPHENS
COUNCIL

Port Stephens Development Control Plan 2025



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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 4,000m² in size, and
 - on a lot that is vacant or the combined footprint of any approved structures is less than 250m²; and
 - the clearing exceeds 50m² (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 corridorand 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> 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. 	
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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 250m².
- 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

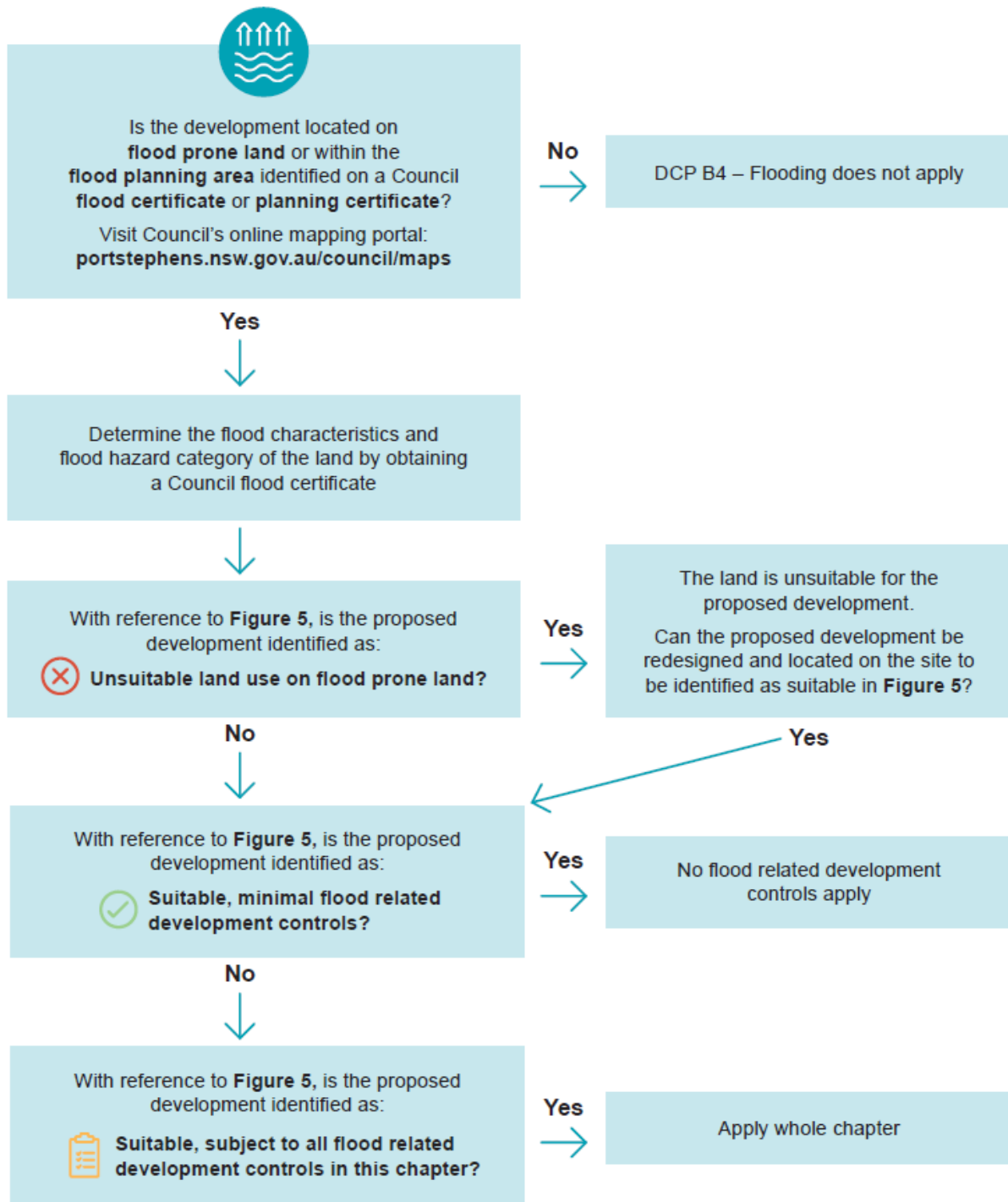























Figure 5: Suitable land uses by flood hazard category (as identified on a flood certificate)

Development suitability				Key	
Development type	Flood hazard categories (as identified on a flood certificate)				Unsuitable land use on flood prone land
	Minimal risk flood prone land	Flood fringe, flood storage or overland flow path	Floodway		Suitable, minimal flood related development controls
					Suitable, subject to flood related development controls in this chapter
Sensitive and hazardous development					
Residential accommodation					
Subdivision					
Farm buildings					
Fill					
All other development					

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.

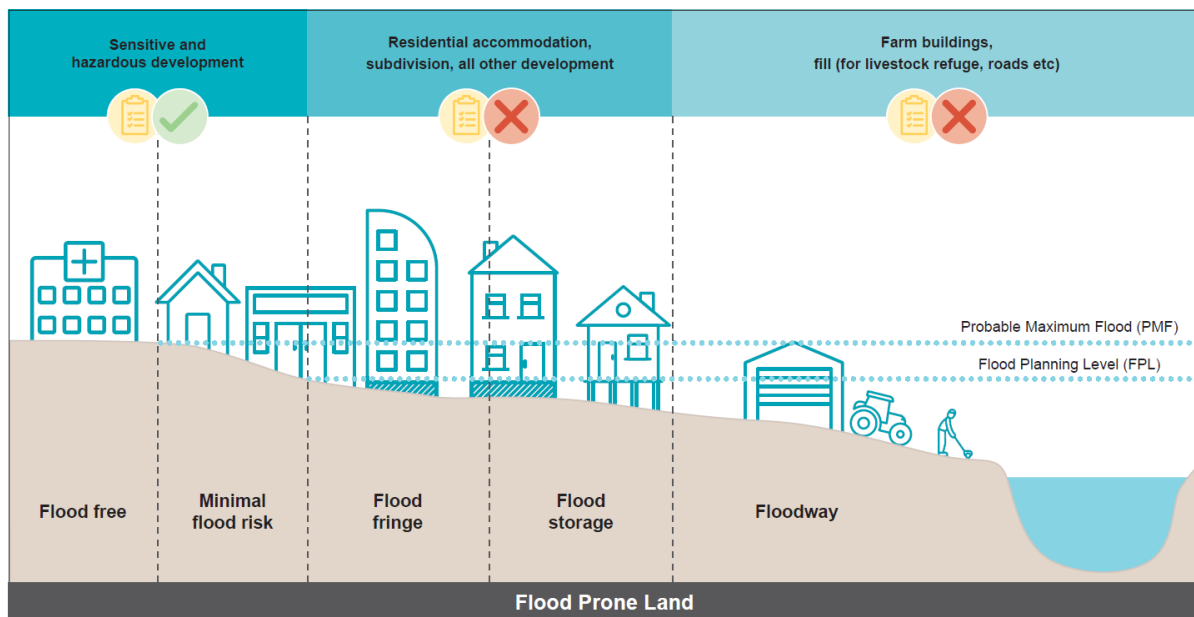
A flood certificate may also identify land as 'minimal risk flood prone land' where only minimal impacts are anticipated. The requirements that apply to these categories are detailed in this chapter.

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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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 2000m³ of the flood volume of the lot in the 1% AEP flood event in the year 2100 (this includes consideration of previous fill volumes); and
 - It is demonstrated that the fill does not adversely affect local drainage patterns of all events up to the 1% AEP flood event in the year 2100.

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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 3 spaces per 100m² 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: <ul style="list-style-type: none"> • 15 spaces or • 0.5 spaces per 100m² 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: <ul style="list-style-type: none"> • 1 space per 100m² 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	<p>Whichever is the greater of:</p> <ul style="list-style-type: none"> • 1 space per 100m² or • 1 space per employee <p>1 accessible space per 20 spaces 1 bicycle space per 20 employees</p>
Market	2.5 car spaces per stall
Office premises and business parks	<p>1.5 spaces per 100m² GFA</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 200m² GFA</p>
Pubs and registered clubs	Comparisons should be drawn with regard to similar developments.
Restaurants and cafes	<p>Whichever is greater of:</p> <ul style="list-style-type: none"> • 15 spaces per 100m² GFA or • 1 space per 3 seats <p>1 accessible space per 20 spaces 1 bicycle space per 200m² GFA</p>
Roadside stalls	4 spaces
Rural industries	<p>1.3 spaces per 100m² GFA</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 20 employees</p>
Rural supplies, timber yards, landscaping material supplies and wholesale supplies	Comparisons should be drawn with regard to similar developments.
Service stations and convenience stores	<p>Additive recommendation of:</p> <ul style="list-style-type: none"> • 6 spaces per work bay • 5 spaces per 100m² GFA of convenience store • If restaurant present, then the greater of: <ul style="list-style-type: none"> ○ 15 spaces per 100m² GFA, or ○ 1 space per 3 seats <p>1 accessible space per 20 spaces 1 bicycle space per 15 employees</p>
Sex service premises	2 spaces per room
Shop	<p>1 car space per 20m² GLFA</p> <p>1 accessible space per 20 spaces</p>

	1 bicycle space per 200m ² GFA
Shopping centre	<p>Requirements are based on GLFA:</p> <ul style="list-style-type: none"> • 0-10,000m² GLFA – 6.1 spaces per 100m² GLFA • 10,000-20,000m² GLFA – 5.6 spaces per 100m² GLFA • 20,000-30,000m² GLFA – 4.3 spaces per 100m² GLFA • Over 30,000m² GLFA – 4.1 spaces per 100m² GLFA <p>All development:</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 200m² GLFA</p>
Specialised retail premises	Comparisons should be drawn with regard to similar developments.
Take-away food outlets	<p>Development with no on-site seating:</p> <p>12 spaces per 100m² GFA</p> <p>Development with on-site seating:</p> <p>12 spaces per 100m² GFA or greater of:</p> <p>1 space per 5 seats (internal and external), or</p> <p>1 space per 2 seats (internal)</p> <p>Development with on-site seating and drive through facilities:</p> <p>Whichever is greater of:</p> <ul style="list-style-type: none"> • 1 space per 2 seats (internal) or • 1 space per 3 seats (internal or external) plus queuing area for 5 to 12 cars. <p>All development:</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 200m² GFA</p>
Vehicle body repair workshops and vehicle repair stations	<p>4 spaces per work bay</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 20 employees</p>
Vehicle sales or hire premise	0.75 spaces per 100m ² site area

	<p>6 spaces per work bay (for vehicle servicing facilities)</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 20 employees</p>
Warehouse or distribution centres, storage premises and depots	<p>1 space per 300m² GFA</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 20 employees</p>
Health and community services	
Centre-based child care facility	<p>1 space for every 4 children in attendance</p> <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 20 employees</p>
Educational establishment	<p>1 space per employee</p> <p>1 space per 8 senior high school students</p> <p>1 accessible space per 10 spaces</p> <p>1 bicycle space per 10 employees/students</p>
Extended hours medical centre	<p>4 spaces per 100m² GFA</p> <p>1 accessible space per 10 spaces</p> <p>1 bicycle space per 20 employees</p>
Place of public worship	<p>Whichever is greater of:</p> <ul style="list-style-type: none"> • 1 space per 5m² GFA or • 1 space per 5 seats <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 10 employees/visitor</p>
Veterinary premises and health consulting rooms	<p>3 spaces per practitioner/consulting room</p> <p>1 accessible space per 10 spaces</p> <p>1 bicycle spaces per 20 employees</p>
Recreational and tourist facilities	
Charter and tourism boating facilities	<p>Whichever is greater of:</p> <ul style="list-style-type: none"> • 4.5 spaces per 100m² GFA or • 1 space per 10 passengers <p>1 accessible space per 20 spaces</p> <p>1 bicycle space per 20 employees</p>

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: <ul style="list-style-type: none"> • 0.6 spaces per wet berth • 0.2 spaces per dry storage berth • 0.2 spaces per swing mooring • 0.5 spaces per marina employee 1 bicycle space per 15 employees 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

LEGEND
2025 ANEF Contours

- 20 to 25 ANEF
- 25 to 30 ANEF
- 30 to 35 ANEF
- 35 to 40 ANEF
- 40+ ANEF



 **PORT STEPHENS**
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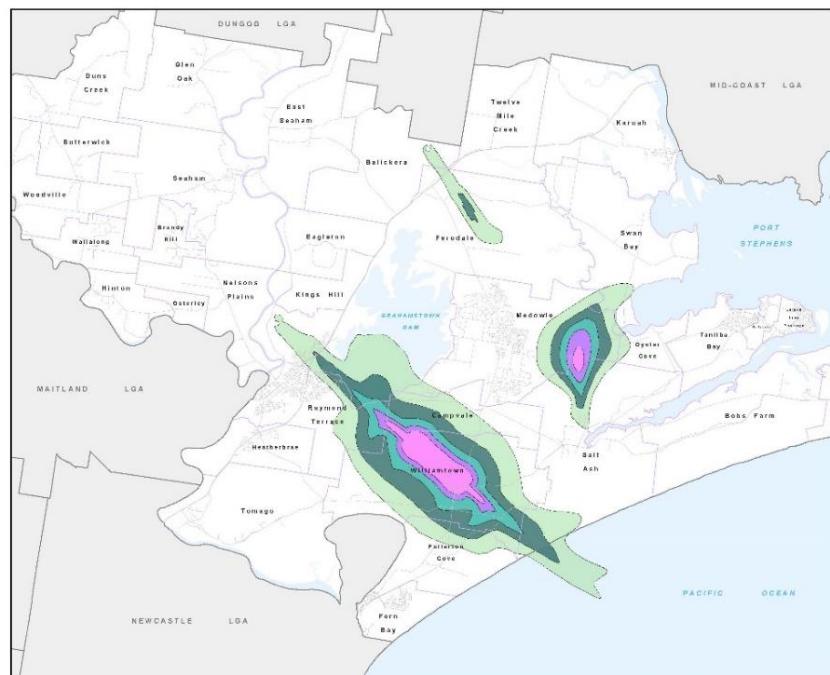


Figure 13: Site acceptability based on ANEF contour

Development type	Acceptable	Conditionally acceptable	Unacceptable
	ANEF contour		
<ul style="list-style-type: none"> residential accommodation caravan parks 	<20	20-25	>25
<ul style="list-style-type: none"> tourist & visitor accommodation educational establishments 	<25	25-30	>30
<ul style="list-style-type: none"> respite day care centres health services facilities 	<20	20-25	>25
<ul style="list-style-type: none"> places of public worship entertainment facility information and education facility 	<20	20-30	>30
<ul style="list-style-type: none"> commercial premises 	<25	25-35	>35
<ul style="list-style-type: none"> general industry light industry 	<30	30-40	>40
<ul style="list-style-type: none"> heavy industry 	Acceptable in any ANEF 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, gymnasias	75
respite day care centres & health facilities	
wards, theatres, treatment & consulting rooms	50
laboratories	65
service areas	75
public buildings	
places of public worship	50
entertainment facility	40
information & education facility	50
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

BIRD STRIKE LEGEND

- Group A
(13km Radius from airport runway)
- Group B
(8km Radius from airport runway)
- Group C
(3km Radius from airport runway)

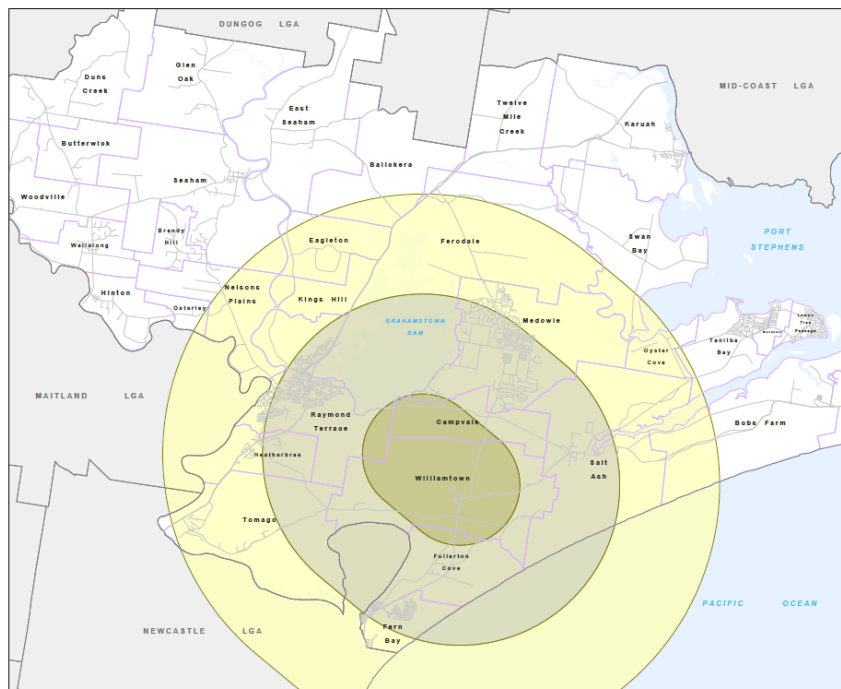


Figure 16: Development within the Bird Strike Zone

Development type	Column 2		
	Group A (8km-13km radius from airport runway)	Group B (3km-8km radius from airport runway)	Group C (≤3km radius from airport runway)
Agriculture			
Intensive plant agriculture (turf farm)	Mo	Mi	A
Horticulture (fruit tree farm)	Mo	Mi	A
Livestock produce industry (fish processing / packing plant)	Mo	Mi	A
Intensive livestock agriculture (piggery)	Mo	Mi	A
Intensive livestock agriculture (cattle, dairy or poultry farm)	Mo	Mi	Mi
Conservation			
Environmental protection works (wildlife sanctuary - wetland)	Mo	Mi	A
Environmental protection works (wildlife sanctuary - dryland)	Mo	Mi	Mi
Recreation			
Recreation facility - major (showground)	Mo	Mi	A
Recreation facility - major (racecourse, sports stadium, theme park)	Mo	Mi	Mi
Recreation facility – outdoor (golf course, park, playground, sports)	Mo	Mi	Mi
Camping Ground	Mo	Mi	Mi
Commercial			

Agricultural produce industry (food processing plant)	Mo	Mi	A
Utilities			
Waste or resource management facility (food / organic waste facility)	Mo	Mi	A
Waste disposal facility (putrescible waste facility – landfill / transfer station)	Mo	Mi	A
Waste disposal facility (Non-putrescible waste – landfill / transfer station)	Mo	Mi	Mi
Sewage treatment plant (Sewage / waste water treatment facility)	Mo	Mi	Mi
Avoid (A)	Development not supported		
Mitigate (Mi)	Waste management report is required which demonstrates that the development will not increase the risk of bird strike to aircraft		
Monitor (Mo)	Demonstrate compliance with B6.6		

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

- LEGEND**
Extraneous Lighting (CASA)
- Zone 'A' 0 cd
 - Zone 'B' 50 cd
 - Zone 'C' 150 cd
 - Zone 'D' 450 cd
 - 6km radius, Controlled Light Installation Area
- Maximum intensity of light source measured at 3 degrees above horizontal.

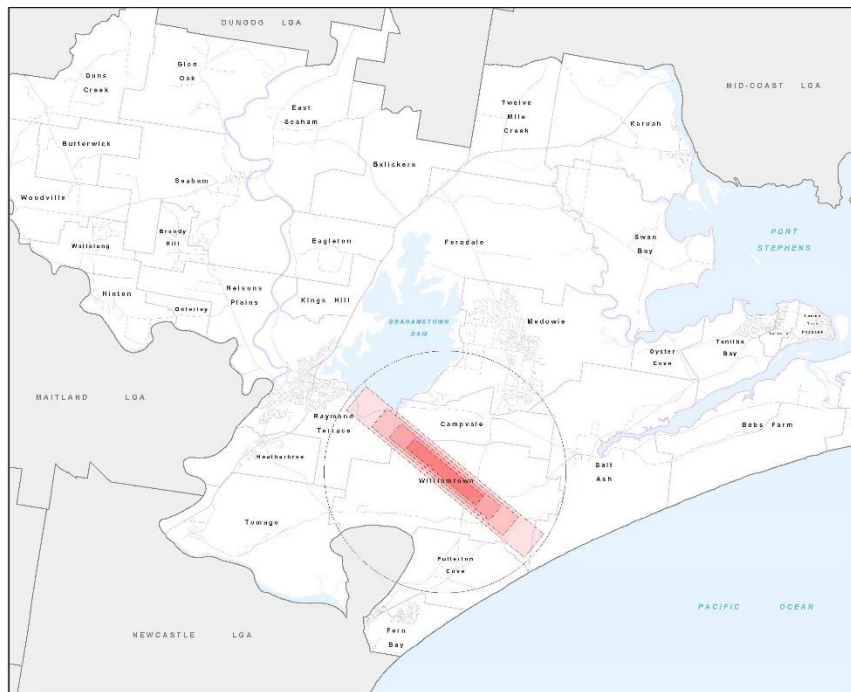
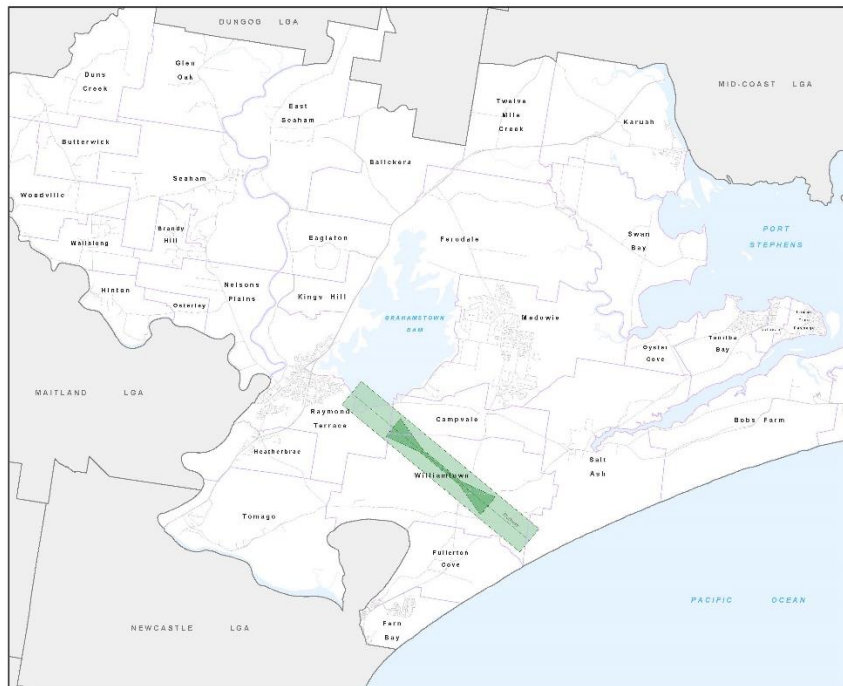


Figure 18: Extraneous Lighting Map 2

LEGEND

Extraneous Lighting (DOD)

- No light above the horizontal is permitted
- Restrictions on the amount of upward light emitted to comply with NASF Guideline E – Managing the Risk of Distraction to Pilots from Lighting in the Vicinity of Airports.



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 \(RAAF Base Williamstown Defence Aviation Area\) 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 100m² 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.