

DCP

Development Control Plan

Port Stephens Council

5 September 2019

Amendment No.9



PORT STEPHENS
COUNCIL

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Quick Start Guide

If the Port Stephens Development Control Plan 2014 (**PSDCP 2014**) 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 Parts within those sections apply to the proposed **development type**.

Title of Section →

B

General Provisions

The Parts listed below apply to all **land-use types** to which this Plan applies.

B General Provisions			
No	Part	This Part applies to development that:	Page
B1	Tree Management	<ul style="list-style-type: none"> is to remove or prune trees or other vegetation within non-rural areas 	B-15
B2	Natural Resources	<ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance, such as; threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or is seeking to use biodiversity offsets; or is located on land containing noxious weeds; or is located on land identified as preferred koala habitat 	B-20

Bold and italicised words are defined under E1 - Glossary

This Part applies to development that is to remove or prune trees or other vegetation within a non-rural area. If the proposed trees or other vegetation is located within a rural area or if the development does not involve the removal or pruning of trees or other vegetation than it need not reference this Part

Step 2

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

Title of Part →

B1

Tree Management

This Part applies to development located within or defined as

Development Objectives (shaded in the colour of the Section)

Development Requirements

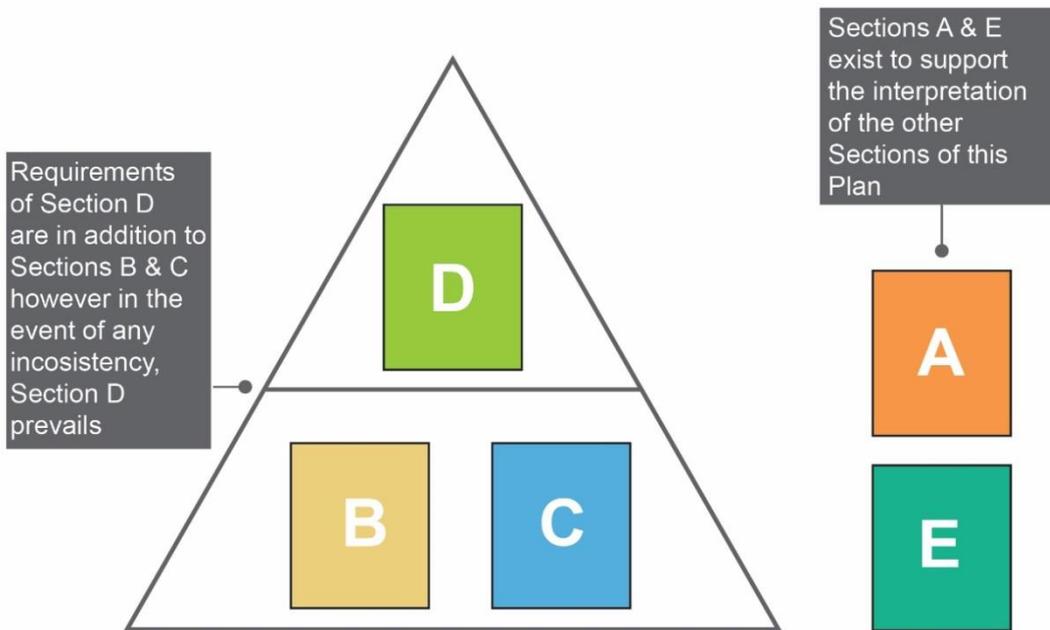
Application			
This Part applies to development to remove or prune trees or other vegetation within non-rural areas			
Note: Clearing of native vegetation in rural areas is regulated by the <i>Local Land Services Amendment Act 2016</i>			
Objective			
B1.A	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="font-size: 0.7em;">Non-rural Areas</th> <th style="font-size: 0.7em;">To give effect to <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> by listing those trees or other vegetation that require approval</th> </tr> </table>	Non-rural Areas	To give effect to <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> by listing those trees or other vegetation that require approval
Non-rural Areas	To give effect to <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> by listing those trees or other vegetation that require approval		
Requirement			
B1.1	Where any activity specified in Column 2 is proposed an applicant must attain the corresponding approval type specified in Column 1 except for an activity where no approval is required.		
Column 1 – Approval Type Required	Column 2 – Tree Management Activity		
Native Vegetation Panel approval	Clearing of native vegetation that exceeds the		

Step 3

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

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 Parts.



Checklists

The following reference tables, which are provided at the start of each Part, are replicated here to serve as checklists for applicants. Unlike the reference tables at the start of each Part, these check lists do not serve as a part of statutory Plan.

No	Part	This Part applies to development that:	Page	Tick
Section B General Provisions				
B1	Tree Management	<ul style="list-style-type: none"> is to remove or prune trees or other vegetation within non-rural areas 	B-15	
B2	Natural Resources	<ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance, such as; threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or 	B-20	
		<ul style="list-style-type: none"> is seeking to use biodiversity offsets; or 		
		<ul style="list-style-type: none"> is located on land containing noxious weeds; or is located on land identified as koala habitat 		
B3	Environmental Management	<ul style="list-style-type: none"> is located on land that contains acid sulfate soils; or 	B-24	
		<ul style="list-style-type: none"> has the potential to produce air pollution, such as dust or odour; or 		
		<ul style="list-style-type: none"> has the potential to produce adverse offensive noise; or is defined as or involves earthworks 		
B4	Drainage and Water Quality	<ul style="list-style-type: none"> increases impervious surfaces; or 	B-26	
		<ul style="list-style-type: none"> requires connection to public drainage; or 		
		<ul style="list-style-type: none"> involves a controlled activity within 40m of waterfront land 		
B5	Flooding	<ul style="list-style-type: none"> is situated within the flood planning area or at/or below the flood planning level 	B-33	
B6	Essential Services	<ul style="list-style-type: none"> is not connected to essential services, being water, electricity, sewerage, stormwater drainage and suitable vehicular access 	B-37	
B7	Williamstown RAAF Base – Aircraft Noise and Safety	<ul style="list-style-type: none"> is situated within the aircraft noise planning area, bird strike zone, extraneous lighting or the Williamstown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map 	B-38	
B8	Heritage	<ul style="list-style-type: none"> is situated on land that contains a heritage item or within a heritage conservation area 	B-48	
B9	Road Network and Parking	<ul style="list-style-type: none"> has the potential to impact on the existing road network or creates demand for on-site parking 	B-50	
B10	Social Impact	<ul style="list-style-type: none"> is deemed to have a significant social impact 	B-59	
Section C Development Types				
C1	Subdivision	<ul style="list-style-type: none"> is defined as subdivision 	C-61	

CHECKLISTS

No	Part	This Part applies to development that:	Page	Tick
C2	Commercial	<ul style="list-style-type: none"> is defined as commercial premises 	C-66	
C3	Industrial	<ul style="list-style-type: none"> is defined as industry and/or development within the Zone B5 Business Development. 	C-72	
C4	Dwelling House, Secondary Dwelling, Dual Occupancy or Ancillary Structures	<ul style="list-style-type: none"> is defined as a dwelling house 	C-76	
		<ul style="list-style-type: none"> is defined as a secondary dwelling 		
		<ul style="list-style-type: none"> is defined as a dual occupancy 		
		<ul style="list-style-type: none"> is defined as an ancillary structure, which includes a swimming pool, shed, fence, retaining wall or shipping container 		
C5	Multi Dwelling Housing or Seniors Housing	<ul style="list-style-type: none"> is defined as multi dwelling housing 	C-83	
		<ul style="list-style-type: none"> is defined as seniors housing 		
C6	Home Business or Home Industry	<ul style="list-style-type: none"> is defined as home business or home industry 	C-92	
C7	Restricted or Sex Services Premises	<ul style="list-style-type: none"> is defined as restricted premises 	C-93	
		<ul style="list-style-type: none"> is defined as sex services premises 		
C8	Signage	<ul style="list-style-type: none"> is defined as signage 	C-95	
Section D Specific Areas				
D1	Heatherbrae Industrial	<ul style="list-style-type: none"> is situated within Heatherbrae Industrial 	D-98	
D2	Karuah	<ul style="list-style-type: none"> is situated within Karuah 	D-102	
D3	Lemon Tree Passage	<ul style="list-style-type: none"> is situated within Lemon Tree Passage 	D-106	
D4	Koala Bay - Tanilba Bay	<ul style="list-style-type: none"> is situated within Koala Bay –Tanilba Bay 	D-110	
D5	Nelson Bay Centre	<ul style="list-style-type: none"> is situated within Nelson Bay Centre 	D-112	
D6	Nelson Bay West	<ul style="list-style-type: none"> is situated within Nelson Bay West 	D-118	
D7	Seabreeze Estate – Nelson Bay	<ul style="list-style-type: none"> is situated within Seabreeze Estate – Nelson Bay 	D-122	
D8	Salamander Bay Shopping Centre – Nelson Bay	<ul style="list-style-type: none"> is identified as Salamander Bay Shopping Centre – Nelson Bay 	D-124	
D9	North Medowie – Medowie	<ul style="list-style-type: none"> is situated within North Medowie 	D-126	
D10	Pacific Dunes - Medowie	<ul style="list-style-type: none"> is situated within Pacific Dunes – Medowie 	D-130	

CHECKLISTS

No	Part	This Part applies to development that:	Page	Tick
D11	Raymond Terrace Town Centre	<ul style="list-style-type: none"> is situated within Raymond Terrace Centre 	D-136	
D12	Richardson Road – Raymond Terrace	<ul style="list-style-type: none"> is situated within Richardson Rd – Raymond Terrace 	D-142	
D13	Rees James Road – Raymond Terrace	<ul style="list-style-type: none"> is situated within Rees James Rd – Raymond Terrace 	D-146	
D14	Kings Hill – Raymond Terrace	<ul style="list-style-type: none"> is situated within Kings Hill – Raymond Terrace 	D-151	
D15	Williamtown Defence and Airport Related Employment Zone (DAREZ)	<ul style="list-style-type: none"> is situated within Williamtown Defence and Airport Related Employment Zone (DAREZ) 	D-164	
D16	Medowie Planning Strategy (Precinct E)	<ul style="list-style-type: none"> is situated within Medowie Planning Strategy (Precinct E) 	D-168	
Section E Schedules				
E1	Glossary	<ul style="list-style-type: none"> defines terms used in this Plan 	E-175	
E2	Acronyms	<ul style="list-style-type: none"> expands acronyms used in this Plan 	E-200	
E3	Reference List – Endnotes	<ul style="list-style-type: none"> provides a Reference List for those documents referenced throughout this Plan 	E-202	

A Introduction

A1 Name of this Plan

The name of this Plan is the Port Stephens Development Control Plan 2014 (*PSDCP 2014*).

A2 Aim of this Plan

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

A3 Commencement of this Plan

This Plan was adopted by Council on 14 July 2015 and commenced on 6 August 2015. The following amendments have occurred since this Plan commenced:

No.	Date	Amendment
1	3 September 2015	Plan amended to give effect to Council's resolution of 25 August 2015. Changes limited to Part B1 – Tree Management.
2	10 December 2015	Plan amended to give effect to Council's resolution of 24 November 2015. Changes limited to D1 – Heatherbrae Industrial and D11 – Raymond Terrace Town Centre.
3	To be determined	Draft amendment to Part B5 Flooding
4	22 February 2018	Plan amended to give effect to Council's resolution of 13 February 2018. Minor amendments and corrections were made throughout the <i>PSDCP 2014</i>
5	26 April 2018	Plan amended to give effect to Council's resolution of 13 February 2018. Amendment to Part D9 North Medowie – Medowie (Bower Estate)
6	21 June 2018	Plan amended to give effect to Council's resolution of 12 June 2018. Amendment inserts Part D16 Medowie Strategy (Precinct E) for the purposes of satisfying clause 6.3 of the <i>Local Environmental Plan</i>
7	23 August 2018	Plan amended to give effect to Council's resolution of 10 July 2018. Amendment makes administrative changes including references to the <i>Environmental Planning and Assessment Act 1979</i> and the repeal of savings and transitional provisions
8	25 July 2019	Plan amended to give effect to Council's resolution of 9 July 2019. Amendment to the aircraft noise planning map to reflect 2025 ANEF .
9	5 September 2019	Plan amended to give effect to Council's resolution on 27 August. Amendment to part D13 Rees James Rd-Raymond Terrace.

A4 Land to which this Plan applies

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

A5 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 provide consideration to this Plan under section 4.15 of the *EP&A Act*.

This Plan does not apply to **development** that is:

- identified as permissible without consent
- carried out 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*

A6 Interpretation

Terms requiring definition are bold and italicised; they are defined under E1 Glossary.

Abbreviated terms are bold and italicised; they are listed under E2 Acronyms.

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

A7 Structure of this Plan

This Plan is divided into sections, parts, objectives and requirements. 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**.

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- 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 important terms and references to assist in the accurate interpretation of the Plan, such as technical specifications

This structure seeks to facilitate permissible **development** and support alternative **merit-based approaches** to **development** that is permissible under the **Local Environmental Plan**. 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) (b)–(e).*
- (3) *Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.*

A8 Explanation of Development Objectives and Requirements

The relevant parts 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.

A9 Relationship to Legislation, Plans and Policies

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

- was prepared in accordance with section 3.43 of the **EP&A Act** and Part 3 of the *Environmental Planning and Assessment Regulation 2000*
- identifies further detail of Council's requirements for local **development** requiring **development consent**
- is consistent with the provisions of the **Local Environmental Plan** 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 2013 (**PSDCP 2013**)
- is to be applied in conjunction with other Council **development** guidelines, policy, specifications and technical manuals, where cited

A10 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.

A11 Development Notification

Development that is required to be notified by Figure AA: Notification Requirements for **Development Applications** (p. A-12) will be notified by Council by providing the following information:

1. **No Notification Required**
2. **Notification**
 - Written notice to immediately adjoining landowners
 - At the discretion of Council, written notice may also be additionally provided to those landowners not immediately adjoining
3. **Notification and Advertisement**
 - Notification requirements as required by 2. Notification (above), and
 - Newspaper notice in the Port Stephens Examiner

Note: Information relating to all **developments** being notified or advertised (in accordance with 2 and 3 above) will be available on Council's website through the DA tracker.

Figure AA: Notification Requirements for *Development Applications*

Development	1	2	3	Development	1	2	3
Agriculture				Exhibition homes			
Airstrip				Exhibition villages			
Airport transport facilities				Extractive industries			
Amusement centres				Farm buildings			
Animal boarding or training establishments				Flood mitigation works			
Boarding houses				Freight transport facilities			
Boat building and repair facilities				Forestry			
Boat launching ramps				Function centres			
Boat sheds				General industry			
Camping grounds				Group homes			
Caravan parks				Health service facilities			
Car parks				Heavy industrial storage establishments			
Cemetery				Heavy industry			
Charter and tourism boating facilities				Helipad			
Child care centres				Home business			
Commercial premises				Home industry			
Community facilities				Hostels			
Correctional centres				Industrial retail outlets			
Crematorium				Industrial training facilities			
Depots				Information and education facilities			
Dual occupancies				Jetties			
Dwelling houses – single storey				Light industry			
Dwelling houses – double storey				Marinas			
Eco-tourist facilities				Mooring pens			
Educational establishments				Moorings			
Electricity generating works				Mortuaries			
Emergency services facilities				Multi dwelling housing			
Entertainment facilities				Passenger transport facilities			
Environmental facilities				Places of public worship			
Environmental protection works				Port facilities			

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Development	1	2	3	Development	1	2	3
Public administration building				Strata <i>subdivision</i>			
Recreation areas				Subdivision 4 lots or less			
Recreation facilities (indoor)				Subdivision 5 to 10 lots			
Recreation facilities (major)				Subdivision 11 or more lots			
Recreation facilities (outdoor)				Subdivision with public road			
Registered clubs				Tourist and visitor accommodation			
Research stations				Transport depots			
Residential flat buildings				Truck depots			
Respite day care centres				Vehicle body repair workshops			
Restricted premises				Vehicle repair stations			
Roads				Veterinary premises			
Rural industries				Warehouse or distribution centres			
Secondary dwellings				Wharf or boating facilities			
Seniors housing				Water or resource management facilities			
Sewerage systems				Water recreation structure			
Sex services premises				Water supply systems			
Shop-top housing				Wholesale supplies			
Signage				Water recreation structure			
Storage premises							

Note: Despite Figure AA **development** may be advertised and/or notified at the discretion of Council where it is considered appropriate (depending on the nature of the proposal). Where Council is of the opinion that the proposed **development** is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising and/or notification of the **development** may not be required. Conversely, where Council is of the opinion the **development** may have an impact, Council may choose to notify or advertise.

Additional advertising and notification requirements are required for Designated Development, Nominated Integrated and Advertised Development as detailed in the **EP&A Act** and *Environmental Planning and Assessment Regulation 2000*. In addition to the above, **developments** that involve significant works to **heritage items** and Council projects above \$100,000 in value or that are likely to be of significant community interest will also be advertised and/or notified.

B General Provisions

The Parts listed below apply to all **land-use types** to which this Plan applies.

B General Provisions			
No	Part	This Part applies to development that:	Page
B1	Tree Management	<ul style="list-style-type: none"> is to remove or prune trees or other vegetation within non-rural areas 	B-15
B2	Natural Resources	<ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance, such as; threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or is seeking to use biodiversity offsets; or is located on land containing noxious weeds; or is located on land identified as koala habitat 	B-20
B3	Environmental Management	<ul style="list-style-type: none"> is located on land that contains acid sulfate soils; or has the potential to produce air pollution (such as dust or odour); or has the potential to produce adverse offensive noise; or is defined as or involves earthworks 	B-24
B4	Drainage and Water Quality	<ul style="list-style-type: none"> increases impervious surfaces; or requires connection to public drainage; or involves a controlled activity within 40m of waterfront land 	B-26
B5	Flooding	<ul style="list-style-type: none"> is situated within the flood planning area or at/or below the flood planning level 	B-33
B6	Essential Services	<ul style="list-style-type: none"> is not connected to essential services, being water, electricity, sewerage, stormwater drainage and suitable vehicular access 	B-37
B7	Williamstown RAAF Base - Aircraft Noise and Safety	<ul style="list-style-type: none"> is situated within the aircraft noise planning area, bird strike zone, extraneous lighting area or the Williamstown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map 	B-38
B8	Heritage	<ul style="list-style-type: none"> is situated on land that contains a heritage item or within a heritage conservation area 	B-48
B9	Road Network and Parking	<ul style="list-style-type: none"> has the potential to impact on the existing road network or creates demand for on-site parking 	B-50
B10	Social Impact	<ul style="list-style-type: none"> is deemed to have a significant social impact 	B-59

B1 Tree Management

Application		
<p>This Part applies to development to remove or prune trees or other vegetation within non-rural areas</p> <p>Note: Clearing of native vegetation in rural areas is regulated by the <i>Local Land Services Amendment Act 2016</i></p>		
Objective		
B1.A	Non-rural Areas	To give effect to <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> by listing those trees or other vegetation that require approval
Requirement		
B1.1	Where any activity specified in Column 2 is proposed an applicant must attain the corresponding approval type specified in Column 1 except for an activity where no approval is required.	
Column 1 – Approval Type Required		Column 2 – Tree Management Activity
Native Vegetation Panel approval		Clearing of native vegetation that exceeds the biodiversity offset scheme threshold as specified in the <i>Biodiversity Conservation Act 2016</i>
Council issued permit		<ul style="list-style-type: none"> • Removal or pruning of a tree or other vegetation where height exceeds 3m or circumference breast height exceeds 300mm; or • Removal or pruning of a tree or other vegetation, irrespective of the size, that is: <ul style="list-style-type: none"> - a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>); - a Cabbage Tree Palm (<i>Livistona australis</i>); - a species listed under the <i>Biodiversity Conservation Act 2016</i>; - listed under the register of significant trees³; or - part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: <ul style="list-style-type: none"> ○ is of a minor nature or is for the maintenance of that item, area, object or place; and ○ will not adversely affect the significance of that item, area, object or place.
Council issued development consent		<p>Removal or pruning of a tree or other vegetation that forms part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is not satisfied:</p> <ul style="list-style-type: none"> • is of a minor nature or is for the maintenance of that item, area, object or place; and • will not adversely affect the significance of that item, area, object or place <p>Note: A development application will need to be lodged</p>
Council approval not required		<p>Removal or pruning of a tree or other vegetation:</p> <ul style="list-style-type: none"> • where height exceeds 3m or circumference breast

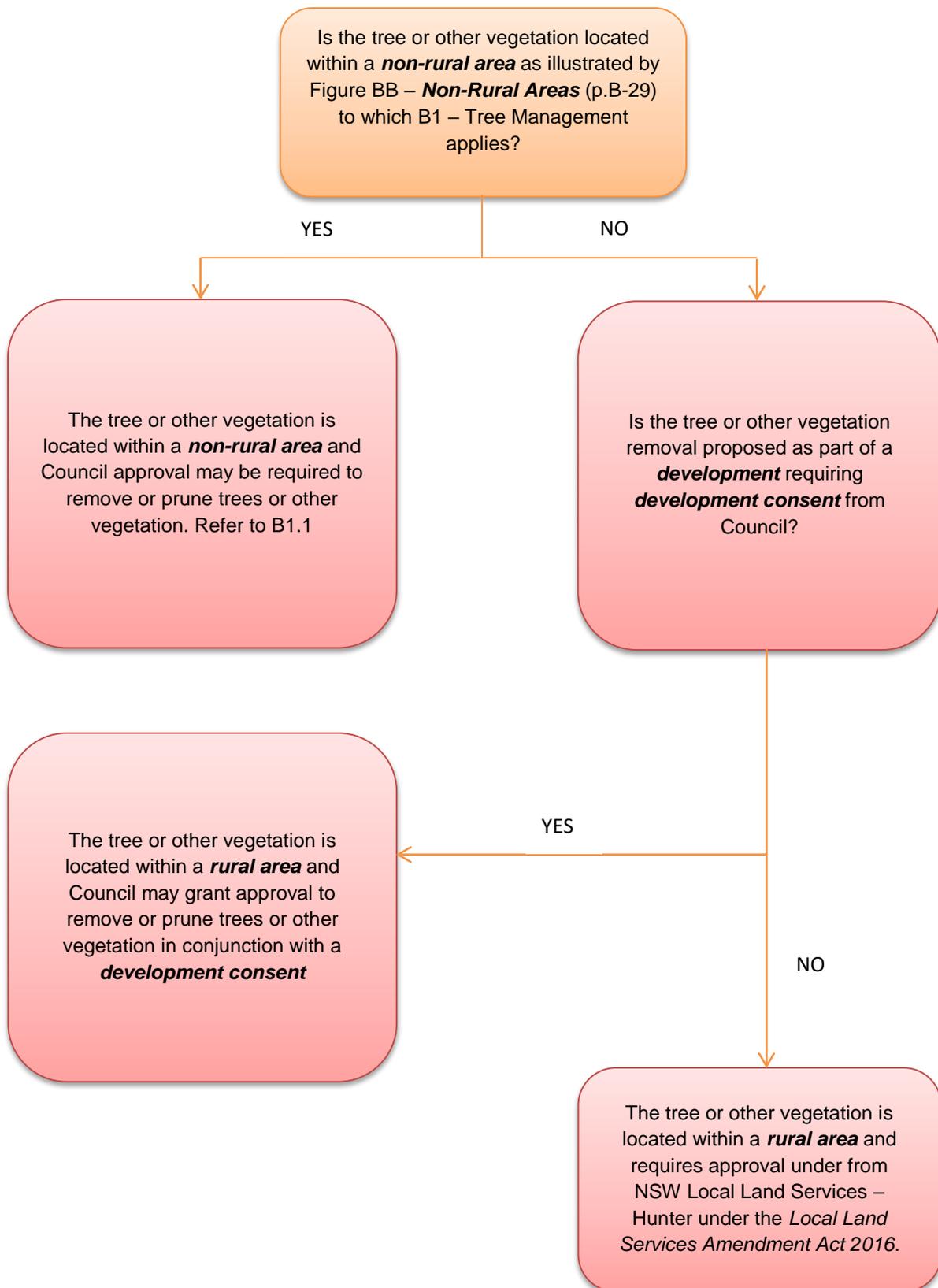
	<p>height exceeds 300mm, that is:</p> <ul style="list-style-type: none"> - within 5m of the wall of an approved structure measured from the wall to the trunk of the tree; - in accordance with a construction certificate or subdivision certificate; - a tree grown for fruit or nut production; - vegetation clearing work authorised under the <i>Rural Fires Act 1997</i>; - maintenance of less than 12 months growth or 10% of foliage in accordance with AS 4373 – Pruning of amenity trees; - an undesirable species; or <ul style="list-style-type: none"> • that requires urgent removal on account of immediate failure when Council is provided with a tree removal notification post-event <p>Note: The onus of proof is on the landowner and photos should be taken before and after removal. Landowners are encouraged to seek the advice of a qualified arborist in determining the direct threat of any tree.</p>
<p>Note: Applicants for tree clearing and removals will also need to consider the provisions of other legislation including but not limited to the following:</p> <ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 (NSW) – ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans. Contact the NSW Office of Environment and Heritage (OEH). • Biosecurity Act 2015 (NSW) – clearing of weeds. Contact NSW Local Land Services (LLS) – Hunter. • Environment Protection and Biodiversity Conservation Act 1999 (Cth) – protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment. • Fisheries Management Act 1994 (NSW) – prohibits cutting of mangroves. Contact the NSW Department of Primary Industries (DPI). • Heritage Act 1977 (NSW) – sites under conservation orders, relics, etc. Contact NSW OEH. • Local Land Services Amendment Act 2016 (NSW) – clearing of native vegetation, regional vegetation management plans, property agreements. Contact NSW OEH. • National Parks and Wildlife Act 1974 (NSW) – fauna habitat, protected plants. Contact the National Parks and Wildlife Service at the NSW OEH. • Rural Fires Act 1997 (NSW) - '10/50 Vegetation Clearing Code of Practice for NSW', and authorised removal of fire hazards. Contact the NSW Rural Fire Service. • Water Management Act 2000 (NSW) – A controlled activity approval under the WMA is required for certain types of development and activities that are carried out in or near a river, lake or estuary (e.g. for the removal of material or vegetation). Contact NSW DPI. 	
<p>Objective</p>	
<p>B1.B</p>	<p>Assessment Requirements</p> <p>To ensure adequate consideration is provided to the relevant matters for the removal or pruning of trees or other vegetation</p>
<p>Requirement</p>	
<p>B1.2</p>	<p>Council assessment of applications to remove or prune trees or other vegetation has regard for:</p> <ul style="list-style-type: none"> • whether the tree is dead and provides habitat • damage to an existing structure or utility service substantiated by a qualified person • interfering with a solar photovoltaic/hot water system • interfering with the amenity of a habitable room • threatened by a development consent • consistency with a flora, fauna or conservation strategy • the tree is interfering, or likely to interfere, with the provision of a public utility or road/driveway construction, provided the impact on the trees has been considered in the design phase • impact on threatened species, populations or ecological communities and their

	habitats <ul style="list-style-type: none"> • retention value under the tree technical specification¹ • other relevant circumstances, as per the tree technical specification¹ 	
Objective		
B1.C	Supporting Information	To ensure adequate information is provided to determine the application for the removal of trees or vegetation
Requirements		
B1.3	An arborist report consistent with tree technical specification ¹ is required: <ul style="list-style-type: none"> • for a tree or other vegetation listed under register of significant trees³ • to assess the impact on existing trees as part of a development application as per AS 4970 – Protection of trees on development sites • to support reassessment of applications for tree removal on a technical basis • to support the release of a tree bond 	
B1.4	A tree bond consistent with the tree technical specification ¹ is imposed where Council deems a public tree is at risk	
B1.5	A request to remove 20 or more trees requires a vegetation management plan consistent with vegetation technical specification ² Note: An application to remove 20 or more trees, where tree height exceeds 3m or circumference breast height exceeds 300mm, may require a referral to be provided to Hunter Water by the assessing officer in accordance with the 'Guidelines for developments in the drinking water catchments'	
B1.6	Compensatory planting consistent with the tree technical specification ¹ may be required when council approval to remove trees is provided	
B1.7	A hollow tree assessment is required to remove hollow bearing trees: <ul style="list-style-type: none"> • Two replacement hollows are provided for each hollow tree identified by the hollow tree assessment • Salvaged hollows are preferred over nest boxes, which are consistent with the nest box technical specification⁵ Note: B2.1 requires a hollow tree assessment and replacement or salvaged hollows if a Flora and Fauna Survey Report proposes their removal	

B1

TREE MANAGEMENT

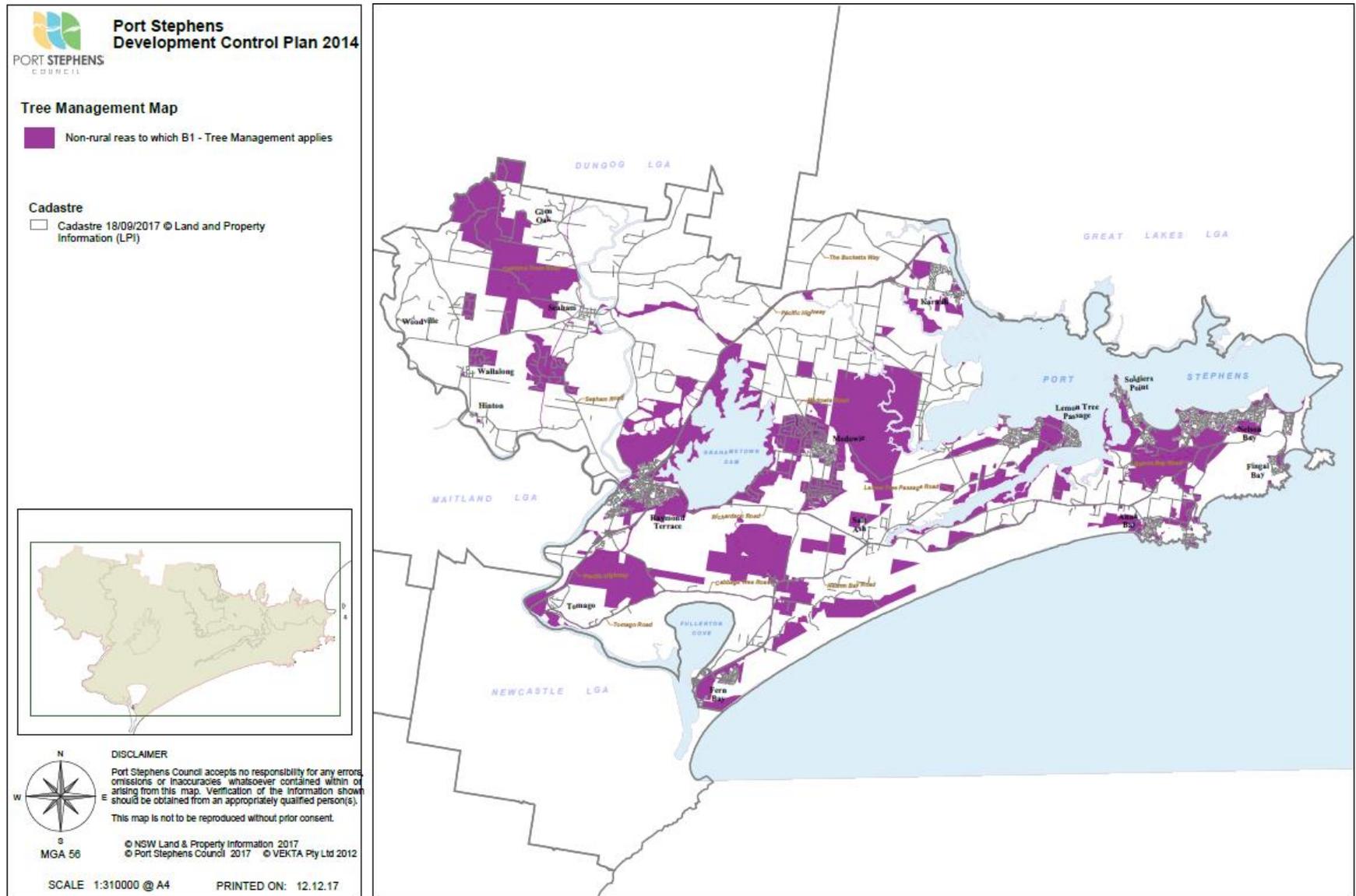
Figure BA: Explanation of Requirement B1 – When approval is required



B1

TREE MANAGEMENT

Figure BB:
Non-Rural
Areas to
which B1 –
Tree
Management
applies



B2 Natural Resources

Application	
<p>This part applies to development that:</p> <ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance; such as threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or is seeking to use biodiversity offsets; or is located on land containing noxious weeds; or is located on or is in proximity to land that contains koala habitat. <p>Note: The <i>Biodiversity Conservation Act 2016</i> was enacted on the 25 August 2017 which repealed the provisions of <i>Threatened Species Conservation Act 1995 (TSC Act)</i>. Transitional arrangements for developments have been put in place to ensure a smooth transition to the new legislation. These are set out in the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>.</p>	

Objective		
B2.A	Environmental Significance	To ensure adequate consideration is provided to the protection and conservation of items of environmental significance

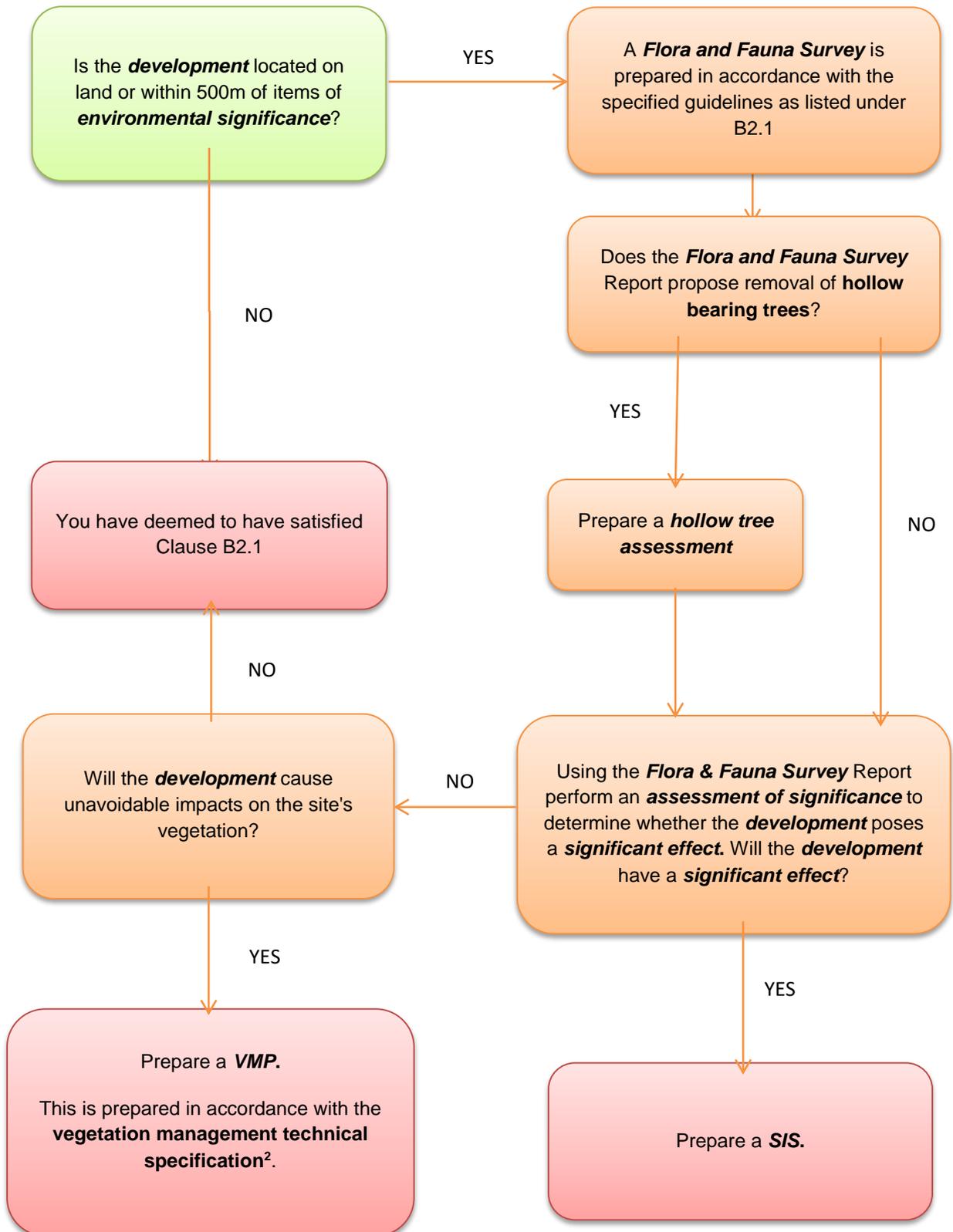
Requirement	
B2.1	<p>Development located on land or is within 500m of land that contains items of environmental significance, such as threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity provides:</p> <ul style="list-style-type: none"> a Flora and Fauna Survey to inform the assessment of significance, <ul style="list-style-type: none"> The Flora and Fauna Survey is in accordance with: <ul style="list-style-type: none"> NSW Department of Environment and Conservation. 2004, 'Threatened Species Survey and Assessment: Guidelines for development and activities'⁸ Hunter and Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter and Central Coast Regional Fauna and Flora Guidelines'⁹ <ul style="list-style-type: none"> If development poses a significant effect under 5A of the EP&A Act or if development is on land which is, or is part of, critical habitat then a Species Impact Statement (SIS) is required If development does not pose a significant effect under 5A of the EP&A Act, but proposes unavoidable vegetation impacts then a Vegetation Management Plan (VMP) that is consistent with the vegetation management technical specification² is required <p>Note: Under section 5.5 of the EP&A Act the determining authority has a duty to consider the environmental impact of proposed activities</p> <ul style="list-style-type: none"> If the Flora and Fauna Survey proposes the removal of hollow bearing trees then a hollow tree assessment is required: <ul style="list-style-type: none"> Two replacement hollows are provided for each hollow tree identified by the hollow tree assessment Salvaged hollows are preferred over nest boxes that are consistent with the nest box technical specification⁵ <p>Note: This is consistent with B1.7 that requires a hollow tree assessment to remove hollow bearing trees on land to which B1 applies</p> <ul style="list-style-type: none"> A proposed buffer on the land subject to the development is provided to items of environmental significance. The width of the buffer is recommended by the Flora

	<p>and Fauna Survey Report based and is based on taking into account the following parameters:</p> <ul style="list-style-type: none"> - The condition of the item of environmental significance - Proposed methods of mitigating adverse impact - Possible external effects, such as weed encroachment or domestic animals and their potential to cause impact <ul style="list-style-type: none"> o Where the vegetation of buffers are proposed the vegetation is established along the relevant boundaries prior to the issuing of the relevant subdivision or occupation certificate <p>Note: C4.29 nominates a suitable buffer for residential accommodation adjoining land used for agricultural purposes</p>	
Objective		
B2.B	Biodiversity Offsets	To provide further guidance for the use of biodiversity offsets within the Port Stephens Local Government Area
Requirement		
B2.2	<p>If biodiversity offsets are employed as a suitable compensatory measure under the TSC Act then they are:</p> <ul style="list-style-type: none"> • calculated in accordance with the bio-metric terrestrial biodiversity assessment tool • consistent with the vegetation management technical specification² • in a secure tenure ownership • located on land to which this Plan applies 	
Objective		
B2.C	Noxious Weeds	To reduce the negative impact of noxious weeds on the economy, community and environment by eliminating or restricting their geographical spread
Requirement		
B2.3	<p>Development situated on land that contains noxious weeds, as identified by a section 64 Certificate under the Noxious Weeds Act 1993 will seek to prevent, eliminate or restrict the spread of noxious weeds in accordance with Noxious Weeds Technical Specification⁶</p>	
Objective		
B2.D	Koalas	To encourage the proper conservation and management of areas of natural vegetation that provide koala habitat to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline
Requirement		
B2.4	<p>Development located on or in proximity to land identified as koala habitat complies with the Port Stephens Comprehensive Koala Plan of Management¹⁰ through consideration to the performance criteria, being:</p> <ul style="list-style-type: none"> • Minimising the removal or degradation of native vegetation within preferred koala habitat or supplementary koala habitat • Maximising the retention and minimising degradation of native vegetation within supplementary habitat, habitat buffers and habitat linking areas • Minimising removal of any individual preferred koala feed trees • Where appropriate, restore and rehabilitate koala habitat/buffers and linking areas <ul style="list-style-type: none"> - Removal of koala habitat is off-set by a net gain of koala habitat on-site or adjacent • Make provision for long-term management of both existing and restored koala habitat • Not compromise the safe movement of koalas, through: <ul style="list-style-type: none"> - Maximisation of tree retention - Minimising barriers for movement, such as fences 	

- Restrict **development** to defined building envelopes
- Minimising the threat to koalas from dogs, motor vehicles and **swimming pools**
 - **Development** demonstrates consideration to the performance criteria within the **Statement of Environmental Effects (SEE)** by providing the following:
 - Assessment of **koala habitat** in accordance with Appendix 6 – Guidelines for Koala Habitat Assessment of the Port Stephens Comprehensive Koala Plan of Management¹⁰
 - **Site Analysis Plan** indicates vegetation to be disturbed, cleared or retained
 - Illustration of the **Asset Protection Zone (APZ)**
 - Proposed measures for the safe movement of koalas, such as fencing or traffic control measures
 - Details of any programs to monitor koala populations

Note: The Port Stephens Comprehensive Koala Plan of Management¹⁰ applies through the application of the **SEPP** No.44 – Koala Habitat Protection

Figure BC: Flora & Fauna Survey Flow-Chart



B3 Environmental Management

Application		
<p>This part applies to development that:</p> <ul style="list-style-type: none"> • is located on land that contains acid sulfate soils; or • has the potential to produce air pollution (such as dust or odour); or • has the potential to produce adverse offensive noise; or • involves earthworks 		
Objective		
B3.A	Acid Sulfate Soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage
Requirement		
B3.1	<p>Development located on Acid Sulfate Soils (ASS) as identified on the Acid Sulfate Maps of the Local Environmental Plan adheres to the Local Environmental Plan requirements by taking one of the following three paths:</p> <ol style="list-style-type: none"> 1. Accept that ASS is present and prepare a development application and an ASS management plan as set out in the NSW ASS Manual⁴⁰; or 2. Provide a framework for the on-going management and monitoring of the impacts throughout the development, in your ASS management plan. There is no set formula for managing ASS and each case must depend on the particular circumstance. Please refer to the NSW ASS Manual⁴⁰ for details; or 3. Undertake a preliminary assessment as set out in the NSW ASS Manual⁴⁰, to determine whether ASS is present and whether the proposed works are likely to disturb or oxidise these soils or lower the water table <p>If ASS is present, Council must consider the following matters before development consent is granted:</p> <ul style="list-style-type: none"> • The likelihood of the proposed development resulting in the discharge of acid water • The adequacy of the ASS management plan prepared for the proposed development in accordance with the NSW ASS Assessment Guidelines 	
Objective		
B3.B	Air Quality	To ensure air quality is not negatively impacted on by dust and odour in recognition of the associated human health impacts
Requirement		
B3.2	<ul style="list-style-type: none"> • An air quality impact assessment is required where development has potential to adversely impact surrounding areas in terms of air quality • An air quality impact assessment is to be generally provided for the following development types: <ul style="list-style-type: none"> - Rural industries - Heavy Industry - Sewerage systems - Waste or resource management facilities - Extractive industry - Other development types identified by Council • An air quality impact assessment is to: <ul style="list-style-type: none"> - address construction, operation and occupational impacts - identify emissions and measures to mitigate against impact on any nearby residences, especially on sensitive receivers 	

		- be prepared in accordance with the NSW Department of Environment and Conservation, 2001. 'Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales' ³⁹
Objective		
B3.C	Noise	To identify potentially offensive noise to ensure it is managed within the relevant legislative requirements
Requirement		
B3.3	<p>An acoustic report is required for development that has the potential to produce offensive noise, meaning:</p> <ul style="list-style-type: none"> • that, by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances: <ul style="list-style-type: none"> - is harmful to (or is likely to be harmful) to a person who is outside the premises from which it is emitted, or - interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted • that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations, such as the Environmental Protection Authority. 2000, 'NSW Industrial Noise Policy'¹⁴ <p>Note: Development that is likely to require compliance with this requirements includes:</p> <ul style="list-style-type: none"> • clubs, hotels and pubs with outdoor smoking, dining and gaming areas, mechanical plant, carparks; • function centres that host outdoor weddings; • childcare centres with outdoor and indoor play areas, air-conditioning plant, carparks; • residential developments with ventilation and air-conditioning plant, carparks; and • commercial developments with workshops, mechanical and ventilation plant such as air exhaust and supply fans, chillers, cooling towers, truck and freight train movements, loading docks etc. 	
Objective		
B3.D	Earth-works	To facilitate earthworks so as to minimise potential environmental impacts, such as erosion or the release of sulfuric acids as identified by the Local Environmental Plan
Requirements		
B3.4	<p>Development may need to provide a bulk earthworks plan in order to adequately address the above matters when:</p> <ul style="list-style-type: none"> • cut exceeds 2m in depth • fill has a total area of 100m² or more • is within 40m of the top bank of a riparian corridor as defined under the <i>Water Management Act 2000</i> 	
B3.5	<p>Fill must consist of Virgin Excavated Natural Material (VENM) as defined under the <i>Protection of Environment Operations Act 1997</i> or any other waste-derived material the subject of a resource recovery exemption under clause 91 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> that is permitted to be used as fill material.</p>	

B4 Drainage and Water Quality

Application		
<p>This part applies to development that:</p> <ul style="list-style-type: none"> increases impervious surfaces; or drains to the public drainage system; or involves a controlled activity within 40m of waterfront land. 		
Objective		
B4.A	Stormwater Drainage Plan	<ul style="list-style-type: none"> To ensure a stormwater drainage plan is submitted when development either increases impervious surfaces or drains to the public drainage system To ensure the stormwater drainage plan details a legal and physical point of discharge to minimise impacts on water balance, surface water and groundwater flow and volume regimes and flooding To implement sustainable mitigation systems that can be maintained using resources available to the maintainer
Requirement		
B4.1	<p>Development that applies to this Part is to provide a stormwater drainage plan and a written description of the proposed drainage system within the SEE</p> <p>Note: C1.H also provides drainage requirements for development relating to subdivision</p> <p>Note: Hydrological/hydraulic calculations and designs shall be prepared in accordance with the approaches outlined in the current Australian Rainfall and Runoff Guidelines using the current Hydrologic Soil Mapping data for Port Stephens available from Council. Other current Australian published design guides may also be applied to particular design situations.</p>	
Objective		
B4.B	On-site Detention / On-site Infiltration	To regulate the impacts on the capacity of the public drainage system
Requirements		
B4.2	<p>On-site detention / on-site infiltration is required where:</p> <ul style="list-style-type: none"> the post-development flow rate or volume exceeds the pre-development flow rate or volume; or impervious surfaces exceed the total percentage of site area listed under Figure BD (p. B-29); or it is identified under Section D Specific Areas of the PSDCP 2014; or the stormwater catchment is identified to have stormwater issues. 	
B4.3	<p>On-site detention / on-site infiltration is to be:</p> <ul style="list-style-type: none"> sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event provided by either underground chambers, surface storage or a combination of the two and are generally positioned: <ul style="list-style-type: none"> under grassed areas for any cellular system (which can be easily 	

	<p>maintained)</p> <ul style="list-style-type: none"> - under hardstand areas such as driveways for any concrete tank structures <p>Note: A Neutral or Beneficial Effect (NorBE) on water quality must be designed for all storm events.</p>		
B4.4	<p>Details of the on-site detention / on-site infiltration concept design must be provided in the stormwater drainage plan and the written description and must include information on:</p> <ul style="list-style-type: none"> • the location and type of detention / infiltration system • demonstrated flow rate / volume for all design storm events up to the 1% AEP • pipes, pits, overland flow and discharge point • surface grates and maintenance access points • orifice type, location and screening facility • slope/gradient of the land • post-development flow rate and volume for the site equal to pre-development flow rate and volume for the site <p>Note: B4.8 states that on-site detention / on-site infiltration may not be required for single dwellings and dual occupancy development if the water quality requirements under Figure BF (p. B-29) have been satisfied</p>		
Objectives			
B4.C	<table border="1"> <tr> <td style="background-color: #f2f2f2;">Water Quality</td> <td> <ul style="list-style-type: none"> • To ensure development does not detrimentally impact on water quality through the use of water quality modelling, such as SSSQM or MUSIC Modelling, and subsequent WSUD measures • To safeguard the environment by improving the quality of stormwater run-off • To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures • To provide further guidance to clauses in the local environmental plan relating to water quality for development in drinking water catchments </td> </tr> </table>	Water Quality	<ul style="list-style-type: none"> • To ensure development does not detrimentally impact on water quality through the use of water quality modelling, such as SSSQM or MUSIC Modelling, and subsequent WSUD measures • To safeguard the environment by improving the quality of stormwater run-off • To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures • To provide further guidance to clauses in the local environmental plan relating to water quality for development in drinking water catchments
Water Quality	<ul style="list-style-type: none"> • To ensure development does not detrimentally impact on water quality through the use of water quality modelling, such as SSSQM or MUSIC Modelling, and subsequent WSUD measures • To safeguard the environment by improving the quality of stormwater run-off • To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures • To provide further guidance to clauses in the local environmental plan relating to water quality for development in drinking water catchments 		
Requirements			
B4.5	<p>Development is to provide water quality measures in accordance with Table BF: Water Quality Table (p. B-32), unless:</p> <ul style="list-style-type: none"> • a WSUD Strategy has previously been prepared in accordance with this requirement, which in that case, WSUD measures in accordance with that WSUD Strategy are to be implemented <p>Note: Refer to Part D – Specific Areas for any WSUD Strategy previously prepared under this requirement</p> <ul style="list-style-type: none"> • The WSUD Strategy includes the following: <ul style="list-style-type: none"> - Background Information - Site Context - Proposed development - WSUD objectives - Best planning practices - Integrated Water Cycle Management - Stormwater management - Costs - Operation and Maintenance Plan - Modelling 		

	<ul style="list-style-type: none"> - MUSIC model is provided in digital form - Compliance with AS 3500 – Plumbing and Drainage 	
B4.6	Stormwater Quality Improvement Devices (SQIDs) are designed to be taken off-line from minor and major drainage systems	
B4.7	Development submits the evidence of how the water quality targets have been achieved (e.g. SSSQM Certificate, MUSIC or MUSIC-LINK Report)	
B4.8	On-site detention / on-site infiltration may not be required for single dwellings and dual occupancy development if the water quality requirements under Figure BF (p. B-29) for sites less than 2,500m ² have been satisfied	
B4.9	Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent	
B4.10	<p>Development that, in the opinion of the Council, has the potential to significantly adversely affect the water quality of the drinking water catchment will be referred to Hunter Water under section 51 of the <i>Hunter Water Act 1991</i>. Hunter Water is provided with a period of 21 days to provide a submission. After a period of 21 days, no response is deemed as a non-objection. Development or activities which pose unacceptable risks to a drinking water catchment are not likely to be supported by Hunter Water.</p> <p>Note: Refer to Hunter Waters' document 'Guidelines for developments in the drinking water catchments' for development types that will likely trigger referral to Hunter Water.</p> <p>Note: B1.5 requires a Vegetation Management Plan (VMP) when a proposal to remove 20 or more trees is submitted to Council</p>	
Objective		
B4.D	Riparian Corridors	To protect and retain riparian corridors as localities of environmental importance
Requirements		
B4.11	<p>Development involving a controlled activity within waterfront land (within 40m from the highest bank of the river, lake or estuary) adheres to the <i>Water Management Act 2000</i></p> <p>Note: Council can advise on the location and order of waterfront land</p>	
B4.12	<p>Development provides the following buffers to riparian corridors that are generally consistent with the recommendations of the NSW Office of Water. 2012, 'Guidelines for riparian corridors on waterfront land'¹⁵:</p> <ul style="list-style-type: none"> • 50m buffer from 3rd order water courses or above with a 40m vegetated riparian zone and 10m vegetated buffer • 30m buffer from 1st-2nd order water courses with a 20m vegetated riparian zone and 10m vegetated buffer 	
B4.13	Riparian corridors are dedicated as public open space when Council agrees to take ownership of that land	

Figure BD: Maximum **Impervious Surface** Table

Land-Use Zone	Maximum Impervious Area (%)
E4, R5, RU1, RU2 & RU3	Refer to Table BE (below)
E1, E2, E3, IN4, RE1, RE2, SP1, SP2, W1 & W2	merit-based approach
R1, R2 & RU5	60
R3	75
B5, B7, IN1 & IN2	90
B1, B2, B3 & B4	100

Figure BE: Lot Area *Impervious Surface* Table

Lot Area (m ²)	Maximum Impervious Area (%)
>5000	7.5
2000 to 5000	30
900 to 2000	40
<900	60

Note: Figure BE above only applies to land zoned E4, R5, RU1, RU2 and RU3

Figure BF: Water Quality Table

Type of Development or Site Area	Water Quality Targets		Tool used to achieve target
	Development within a Drinking Water Catchment	Development outside a Drinking Water Catchment	
Minor alterations and/or additions on a lot with a site area less than 250m ²	No water quality measures are required	No water quality measures are required	-
Lots with a site area greater than 250m ² and less than 2,500m ²	Before water is released into public drainage , the water quality outcomes shall achieve: <ul style="list-style-type: none"> • NorBE; or • Council's water quality stripping targets whichever achieves the better water quality outcome.	Before water is released into public drainage it must achieve Council's water quality stripping targets	Water Quality Modelling, such as: <ul style="list-style-type: none"> • SSSQM; or • MUSIC; or • Compliance with Figure BG (for sites equal to or less than 1,000 m²)
Lots with a site area equal to or greater than 2,500m ²	Before water is released into public drainage , the water quality outcomes shall achieve: <ul style="list-style-type: none"> • NorBE; or • Council's water quality stripping targets whichever achieves the better water quality outcome.	Before water is released into public drainage it must achieve Council's water quality stripping targets	Water Quality Modelling, such as MUSIC Modelling

Figure BG: Deemed to Comply Provisions – Raingardens / Infiltrating Raingardens & Water Tanks

Council has developed these deemed to comply provisions utilising a simplified sizing methodology for all soil types, provided the criteria can be met.

The deemed to comply provisions provided in the table below apply only where all of the following criteria are satisfied:

- The **development** is connected to a **sewerage reticulation system**;
- Minimum of 75% of the roof area is connected to the rainwater tank with the remaining 25% of the roof area directly connect to a raingarden;
- The **driveway** area is connected to a raingarden;
- Water from the rainwater tank supplies the toilet and laundry facilities within the **development** at a minimum; and
- Rainwater tank overflow is directed to a raingarden.

B4

DRAINAGE AND WATER QUALITY

Note: Where the lot size and/or roof size are not identical to the areas listed the next largest lot and/or roof size must be used.

Note: The raingarden size is measured based on the planted area.

Note: Raingarden standard drawings are available on Council's website.

Note: Council encourages proponents to prepare an **operation and maintenance plan** for raingardens to ensure they function properly throughout the life of the **development**.

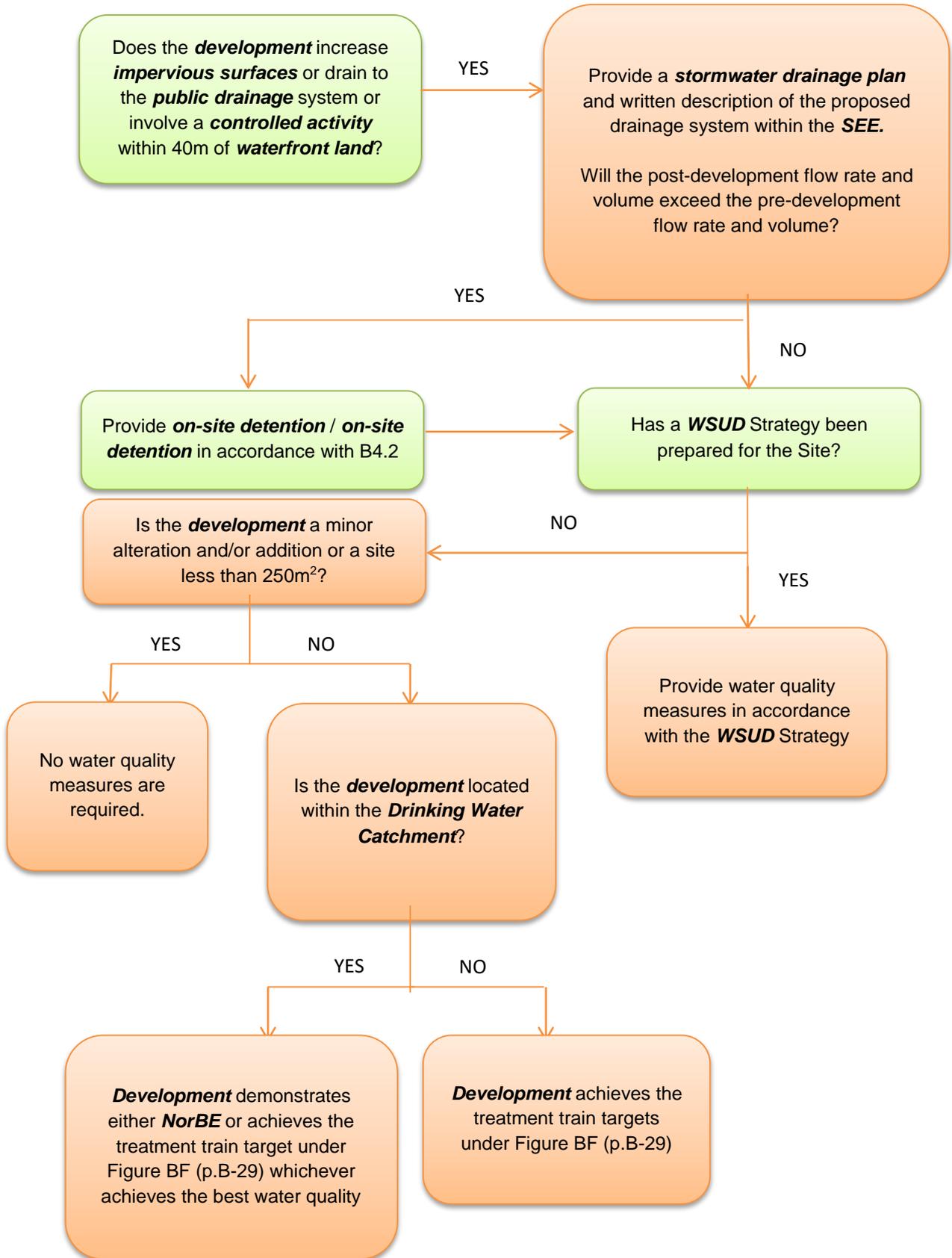
Lot Area (m ²)	Roof Area (m ²)	Tank (kL)	Minimum Raingarden Area (m ²)
400	150	2	7
400	200	2	8
400	150	3	6
400	200	3	7
400	150	5	6
400	200	5	7
400	150	10	5
400	200	10	6
500	150	2	8
500	200	2	9
500	250	2	10
500	150	3	7
500	200	3	8
500	250	3	9
500	150	5	7
500	200	5	8
500	250	5	8
500	150	10	6
500	200	10	7
500	250	10	7
600	150	2	9
600	200	2	10
600	250	2	10
600	300	2	12
600	150	3	8
600	200	3	9
600	250	3	10
600	300	3	11
600	150	5	8
600	200	5	9
600	250	5	9
600	300	5	10
600	150	10	7
600	200	10	8
600	250	10	8
600	300	10	9
800	200	2	12
800	250	2	12
800	300	2	13

B4

DRAINAGE AND WATER QUALITY

Lot Area (m ²)	Roof Area (m ²)	Tank (kL)	Minimum Raingarden Area (m ²)
800	400	2	16
800	500	2	18
800	200	3	11
800	250	3	12
800	300	3	13
800	400	3	15
800	500	3	17
800	200	5	11
800	250	5	11
800	300	5	12
800	400	5	14
800	500	5	16
800	200	10	10
800	250	10	10
800	300	10	11
800	400	10	13
800	500	10	15
1000	200	2	13
1000	250	2	14
1000	300	2	15
1000	400	2	18
1000	500	2	20
1000	200	3	13
1000	250	3	14
1000	300	3	15
1000	400	3	17
1000	500	3	19
1000	200	5	12
1000	250	5	13
1000	300	5	14
1000	400	5	16
1000	500	5	18
1000	200	10	12
1000	250	10	12
1000	300	10	13
1000	400	10	15
1000	500	10	17

Figure BH: Drainage and Water Quality – Flow Chart



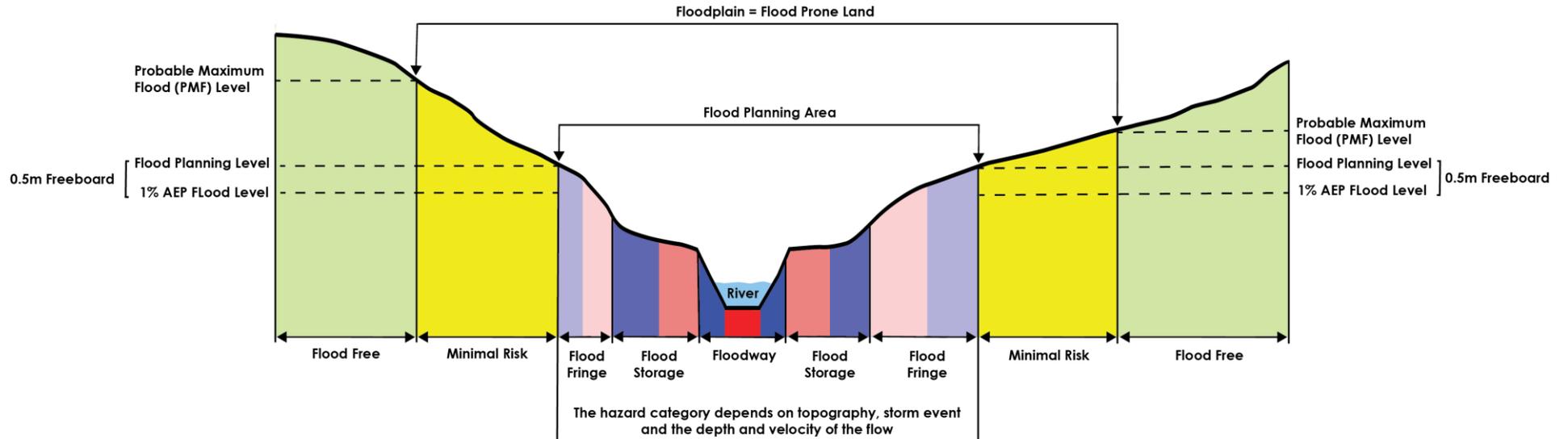
B5 Flooding

Application		
This Part applies to development to which the Local Environmental Plan applies being land that is situated within the flood planning area or at/or below the Flood Planning Level (FPL)		
Objectives		
B5.A	Flood Planning	<ul style="list-style-type: none"> To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property. To recognise flood prone land as a valuable resource that should not be sterilised by unnecessarily precluding its development. That flood risk is considered as early as possible in the planning and development process, is based on the best available flood information and is a flexible, locally-specific, merit-based approach. To ensure that the use and development of flood prone land has risk consequences that are acceptable to the community, takes into account the full spectrum of flood risks and recognises the social, economic and environmental values of flood prone land. To implement the principles of the NSW Government 2005, 'Floodplain Development Manual' into new development and satisfy the provisions of the Local Environmental Plan.
Requirements		
B5.1	Flood Hazard	<p>Development provides consideration to flood hazard, which includes consideration of the following:</p> <ul style="list-style-type: none"> Depth of inundation Flow velocity Warning time Evacuation requirements Access restrictions during flood
B5.2		<p>Development is compatible with the flood hazard categories illustrated by Figure BI (p. B-37) and as defined in the relevant flood study or floodplain risk management plan</p> <ul style="list-style-type: none"> Where flood hazard has not been defined by a flood study or floodplain risk management plan, the applicant may be required to undertake a flood study to define flood hazard. The flood study is consistent with the principles of the Floodplain Development Manual and the current version of Australian Rainfall and Runoff To determine the flood hazard for a specific property contact Council's Flood Engineer by emailing floodrequests@portstephens.nsw.gov.au. <p>Where inconsistencies between the subject site and flood hazard mapping occur, a merit assessment of flood risk and any necessary mitigation measures will apply. In these instances the applicant is required to provide a survey plan showing the sites natural ground levels. All contours and/or spot levels need to refer to Australian Height Datum (AHD) or an assumed Reduced Level (RL) Benchmark.</p>
B5.3	All Hazard Categories	New residential development on land which becomes an island during a flood event must provide flood refuge

		<ul style="list-style-type: none"> • Flood refuge incorporates convenient access to flood free ground, which: <ul style="list-style-type: none"> - is a route that is fail safe, plainly evident and self-directing - is situated above the Probable Maximum Flood (PMF) - can cater for the number of persons that could reasonably be expected to be on-site - provides emergency lighting - is constructed to withstand hydraulic loading due to flood events up to the PMF
B5.4		Where the proposed development facilitates ongoing flood adaptation (e.g. where the design facilitates building raising in the future, such as pier and beam housing design) then Council will allow a reduced flood planning horizon level 50 years from the date of application.
B5.5		<p>Development considers the following:</p> <ul style="list-style-type: none"> • A habitable room is accompanied by a Certificate from a Chartered Professional Structural Engineer based on the information provided by a Chartered professional Hydraulic Engineer, which certifies the following: <ul style="list-style-type: none"> - Development is capable of withstanding the effects of flooding, including immersion, structural stability, buoyancy and impact from debris up to and including the (PMF) Event - Development will not adversely affect the flow of floodwaters • A non-habitable room demonstrates the following: <ul style="list-style-type: none"> - Electrical fixtures, such as power points, light fittings and switches are located above the FPL, or if possible above the PMF - Provides an area where goods can be stored above the PMF - Fill should not substantially impede the flow of floodwater, and must not contribute to flooding or ponding of water on other properties • A garage or carport demonstrates the following: <ul style="list-style-type: none"> - Electrical fixtures, such as power points, light fittings and switches are located above the FPL, or if possible above the PMF - Finished floor height 0.5m above the 5% AEP
B5.6	Minimal Risk – Flood Prone Land that is above the FPL	Development located within Minimal Risk 1 considers the location of critical emergency response and recovery facilities, such as evacuation centres and the appropriateness of vulnerable development types , such as aged care and child care facilities
B5.7	Low Hazard 1 - Floodway	<p>Development located within Low Hazard 1 – Floodway adheres to the following:</p> <ul style="list-style-type: none"> • Use of fill is not supported • Minor alterations that will not significantly alter the flow pattern of waters, such as roads, parking, below ground structures & landscaping will be considered • Fences are to be of an permeable 'open type' pattern that does not restrict the flow of flood waters
B5.8	Low Hazard 2 - Storage	Development located within Low Hazard 2 – Storage adheres to the following:

		<ul style="list-style-type: none"> • Fill is not supported unless accompanied by a flood study • Any other development is supported by a flood risk management report
B5.9	Low Hazard 3 - Fringe	Development located within Low Hazard 3 - Fringe considers the location of critical emergency response and recovery facilities, such as evacuation centres and the appropriateness of vulnerable development types , such as aged care and child care facilities
B5.10	High Hazard Categories	<p>Development located within a high hazard category demonstrates the following:</p> <ul style="list-style-type: none"> • Development does not become an isolated island during a flood event. A flood refuge is required where isolation is likely to occur unless at least 40m of the PMF event <ul style="list-style-type: none"> - Flood refuge incorporates convenient access to flood free ground, which: <ul style="list-style-type: none"> ○ is a route that is fail safe, plainly evident and self-directing ○ is situated above the PMF ○ can cater for the number of persons that could reasonably be expected to be on-site ○ provides emergency lighting ○ is constructed to withstand hydraulic loading due to flood events up to the PMF
B5.11	High Hazard 1 - Floodway	<p>Development located within High Hazard 1 – Floodway adheres to the following:</p> <ul style="list-style-type: none"> • New buildings or structures and fill are not supported unless accompanied by a report <p>Note: Development within a floodway is not encouraged. An application may only be considered where it demonstrated to have specific community needs/benefits, which does not relate to the provision of housing</p>
B5.12	High Hazard 2 - Storage	<p>Development located within High Hazard 2 – Storage adheres to the following:</p> <ul style="list-style-type: none"> • New residential and fill are not supported unless accompanied by a flood study and an flood emergency response plan • Alterations and/or additions are considered when it is demonstrated that flood waters will not be displaced onto adjoining properties <p>Note: Land but where a flood study has not been carried out to determine the flood hazard will be treated as being located within High Hazard 2 – Storage.</p>
B5.13	High Hazard 3 - Fringe	Development located within High Hazard 3 – Fringe and below the FPL provides a flood emergency response plan

Figure B1: Flood Hazard Categories, Cross-Section



Legend

No	Category	Details
1	No Affects	Not affected by flooding
2	Minimal Risk	Flood prone land that is above the flood planning level
3	Low Hazard 3	Flood fringe area
4	Low Hazard 2	Flood storage area

No	Category	Details
5	Low Hazard 1	Floodway area
6	High Hazard 3	Flood fringe area
7	High Hazard 2	Flood storage area
8	High Hazard 1	Floodway area

Note: Land but where a *flood study* has not been carried out to determine the *flood hazard* will be treated as being located within High Hazard 2 – Storage.

B6 Essential Services

Application	
This Part applies to development not connected to essential services being, water, electricity, sewerage, stormwater drainage and suitable vehicular access	
Objective	
B6.A	Essential Services To facilitate development by ensuring it is accompanied by the essential services of water, electricity, sewerage and suitable vehicular access
Requirements	
B6.1	<p>To give effect to the provisions of the Local Environmental Plan that relate to essential services and provision of public utility infrastructure, a development application must demonstrate that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> • the supply of water <ul style="list-style-type: none"> - development must make adequate arrangements for the supply of water either through reticulated services or on-site supply and storage • the supply of electricity <p>Note: In areas where it is demonstrated that connection to the grid is unreasonable Council may accept alternate electrical supply measures (e.g. dwelling solar panels).</p> • the disposal and management of sewage <ul style="list-style-type: none"> - development without access to reticulated sewer demonstrates that the proposal for the disposal and management of sewage is consistent with the Port Stephens On-site Sewage Development Assessment Framework¹³ - subdivision without access to reticulated sewer contains a minimum 4,000m² of usable land per lot for the purpose of sustaining an On-Site Sewage Management System (OSMS) in accordance with the On-Site Development Assessment Framework contained within the Port Stephens Council. 2004, 'On-Site Sewage Management Policy'^{16 & 17} <ul style="list-style-type: none"> ○ subdivision that cannot demonstrate 4,000m² of usable land for the purpose of sustaining an OSMS must provide connection to a sewerage reticulation system or demonstrate through more site specific investigations how the proposal provides a long-term sustainable wastewater management solution in accordance with the Port Stephens On-site Sewage Development Assessment Framework¹³ • stormwater drainage or on-site conservation <ul style="list-style-type: none"> - refer to Part B4 of this Plan • suitable vehicular access <ul style="list-style-type: none"> - refer to Part B9 of this Plan

B7 Williamtown RAAF Base – Aircraft Noise and Safety

Application	
This Part applies to development that is situated within the aircraft noise planning area, bird strike zone, extraneous lighting area or the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map	

Objectives		
B7.A	Site Acceptability	<ul style="list-style-type: none"> To ensure development satisfies the requirements of the Local Environmental Plan To ensure appropriate consideration is given to land burdened by aircraft noise

Requirements	
B7.1	<p>When development is located within the Aircraft Noise Planning Area (ANPA), which is identified by Figure BM (p. B-44) it is classified into one of the following classifications through referencing Figure BJ (p. B-41)</p> <ul style="list-style-type: none"> Acceptable – no design measures required to reduce aircraft noise, or Conditionally acceptable – design measures required, or <ul style="list-style-type: none"> An acoustic report is required for the following: <ul style="list-style-type: none"> to support development that is classified as conditionally acceptable to support subdivision of land and subsequent permissible development types by referencing Figure BJ (p. B-41) and Figure BK (p. B-42) Unacceptable – development is generally unacceptable. However, details submitted with a development application that demonstrate the following will be considered on a merit-based approach: <ul style="list-style-type: none"> Development on a vacant pre-existing lot within the ANEF 25-30 noise contours that satisfies AS 2021 – Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements²⁰ Replacement of a pre-existing dwelling in any of the ANEF noise contours satisfies the AS 2021 – Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements²⁰ Development on land zoned B7 Business Park and adjacent to the Williamtown (Newcastle) Airport <p>Note: Part D15 - DAREZ provides site specific requirements for land zoned B7 Business Park and adjacent to the Williamtown Airport</p>

Objective		
B7.B	Indoor Noise	To ensure acceptable levels of indoor noise in accordance with the relevant Australian Standards

Requirements	
B7.2	Development must satisfy the maximum internal sound levels specified in Figure BK (p. B-42) by providing an acoustic report
B7.3	<p>Noise attenuation levels that comply with Figure BK (p. B-42) are not considered to be reasonable or practicable for a dwelling when seeking to achieve noise reduction greater than:</p> <ul style="list-style-type: none"> 35 dB(A) for sleeping areas 30 dB(A) for habitable spaces

Objective		
B7.C	Alterations & Additions	To facilitate alterations and additions of existing development within the ANPA
Requirements		
B7.4	Additions and/or alterations less than 40% of gross floor area of an existing building must be constructed to the same indoor sound levels as the existing building	
B7.5	Additions and/or alterations greater than 40% gross floor area of an existing building requires noise attenuation measures consistent to meet the indoor noise levels listed in Figure BK (p. B-42)	
Objective		
B7.D	Bird Strike	To ensure that the operational needs of the Williamtown RAAF Base are considered
Requirement		
B7.6	<p>When development is located within the bird strike zone, which is identified by Figure BN (p. B-45), the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection.</p> <ul style="list-style-type: none"> • Group A – The following development types are avoided within 13km from airport runways <ul style="list-style-type: none"> - Putrescible waste disposal sites • Group B – The following development types are avoided within 3km of an airport runway or provide measures that prevent food sources attracting wildlife within 8km of an airport runway <ul style="list-style-type: none"> - Commercial fish processing - Artificial water bodies - Bird sanctuaries and fauna reserves - Sewer treatment facilities - Aquaculture - Turf farming - Animal farming that attracts birds/bats - Fruit farming - Fruit processing plants • Group C – The following development types within 3km of an airport runway should include measures to manage waste disposal <ul style="list-style-type: none"> - Race tracks - Sports grounds - Fair grounds - Outdoor theatres - Dine-in restaurants 	
Objective		
B7.7	Referral Requirements	To ensure that the operational needs of the Williamtown RAAF Base are considered
Requirements		
B7.8	<p>When development deemed to be noise sensitive development is located within the ANPA, which is identified by Figure BM (p. B-44), the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection.</p> <p>Note: Figure AA: Notification Requirements (p. A-12) details general notification</p>	

	requirements to be administered by Council Officers
B7.9	<p>When development seeks to penetrate the RAAF Base Williamtown Obstacle Limitations or Operations Surface or Procedures for Air Navigation Systems Operations Surface as identified by Figure BO (p. B-46) the Department of Defence is notified and provided with an opportunity for comment.</p> <p>Note: Development that does not seek to penetrate these surfaces has complied with the Commonwealth Department of Defence requirements of PSLEP 2013 clause 7.4 Airspace Operations</p> <p>Note: PSLEP 2013 clause 7.4 requires the consent authority to be provided with the Commonwealth’s consideration of the Limitation or Operations Surface</p>
B7.10	<p>When development is proposed within the extraneous lighting boundaries as identified by Figure BP (p. B-47) and Figure BQ (p. B-48) the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection.</p> <p>Note: Figure AA: Notification Requirements (p. A-12) details general notification requirements to be administered by Council Officers</p>

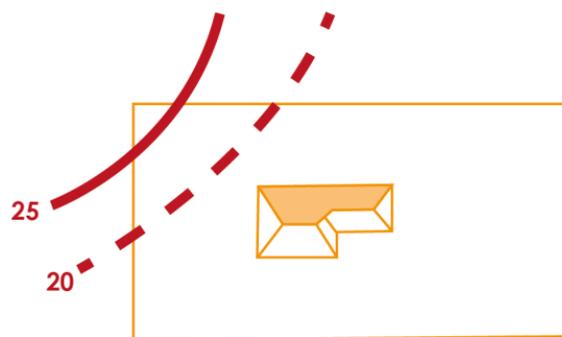
Figure BJ: Building Site Acceptability based on **ANEF** Zone

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

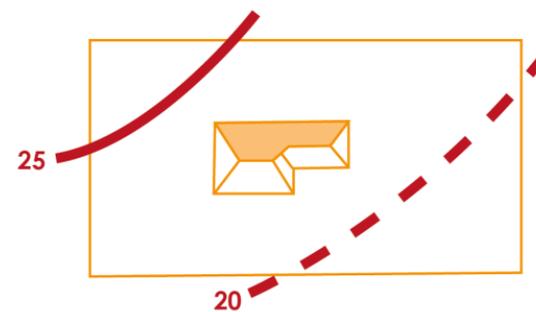
Figure BK: Indoor Design Sound Levels

Development type	Indoor Design Average Maximum Sound Level <i>dB(A)</i>
residential accommodation & caravan parks	
• sleeping areas & dedicated lounges	50
• habitable room other than sleeping areas & dedicated lounges	55
• bathrooms, toilets & laundries	60
tourist and visitor accommodation	
• relaxing & sleeping	55
• social activities	70
• service activities	75
educational establishments	
• libraries & study areas	50
• teaching & assembly areas	55
• workshop areas & gymnasias	75
respite day care centres & health facilities	
• wards, theatres, treatment & consulting rooms	50
• laboratories	65
• service areas	75
public buildings	
• places of public worship	50
• entertainment facility	40
• information & education facility	50
commercial buildings, offices & retail premises	
• private offices & conference rooms	55
• drafting & open offices	65
• typing & data processing	70
• shops, supermarkets & showrooms	75
industrial	
• inspection, analysis & precision work	75
• light machinery, assembly & bench work	80
• heavy machinery, warehouse & maintenance	85

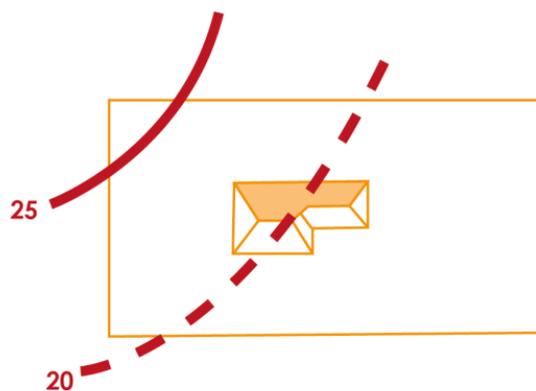
Figure BL: Illustration of Building Site Acceptability based on **ANEF** Zone



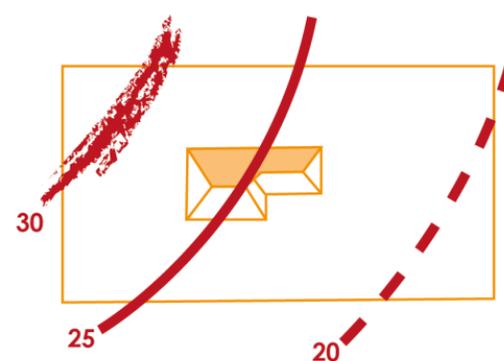
Acceptable - No design measures are required to reduce aircraft noise



Conditionally Acceptable - Design measures are required to reduce aircraft noise



Conditionally Acceptable - Design measures are required to reduce aircraft noise



Where the contour line is placed over part of a building the higher contour will be applied

Figure BM:
Aircraft Noise
Planning Map

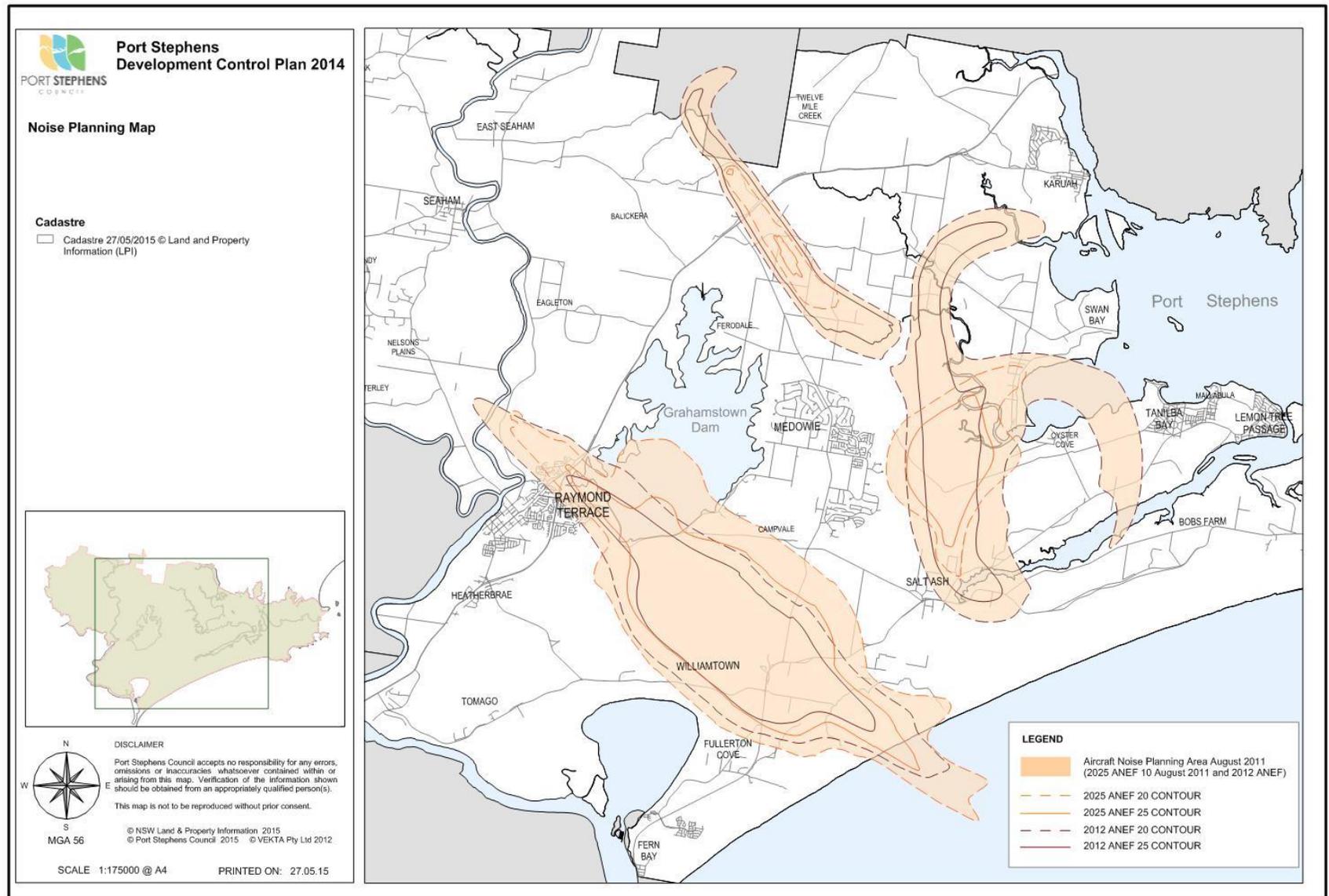


Figure BN:
Bird Strike
Zone

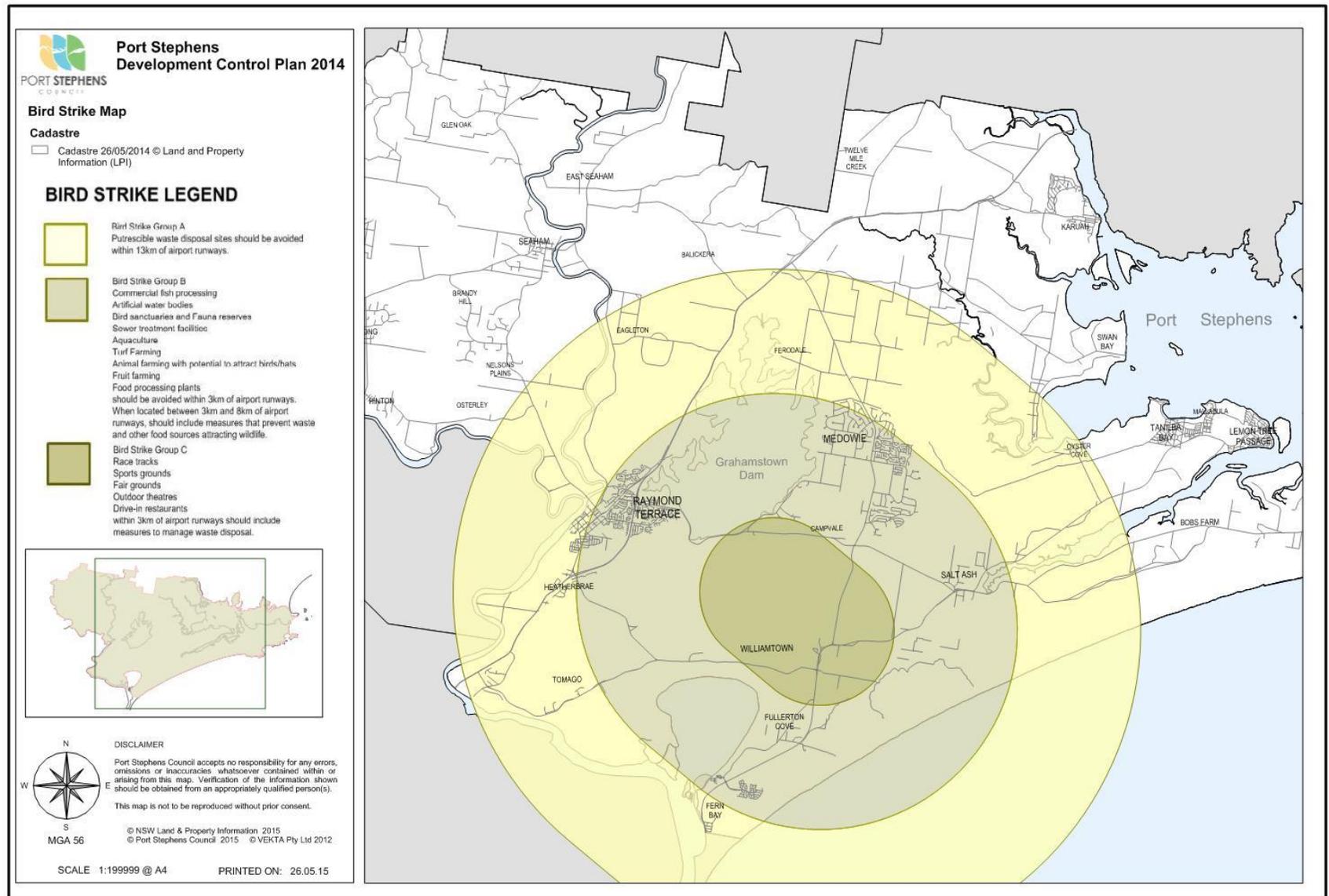


Figure B0:
RAAF Base
 Williamtown
 Obstacle
 Limitation or
 Operations
 Surface Map
 and Height
 Trigger Map

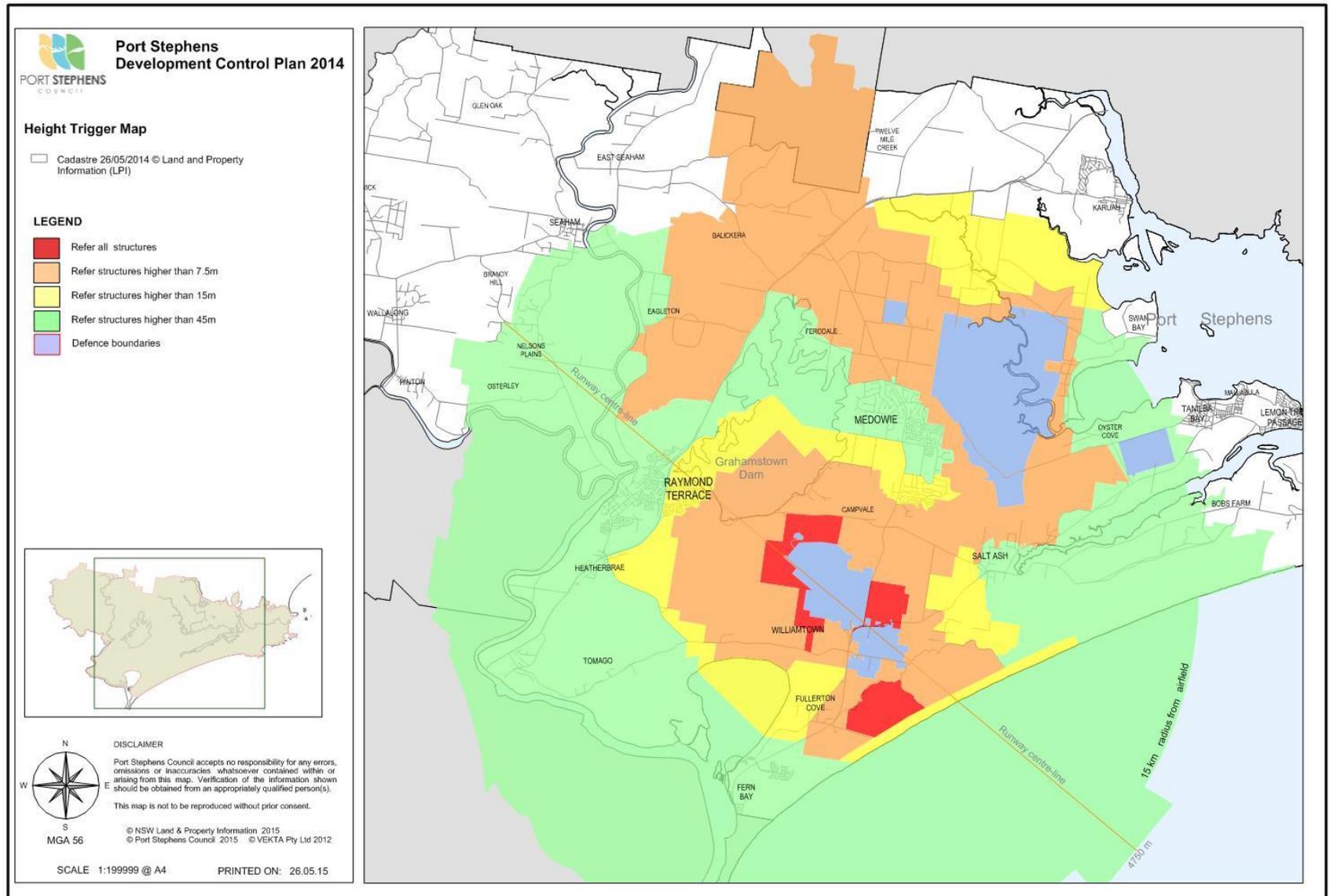


Figure BP:
Extraneous
Lighting Map 1

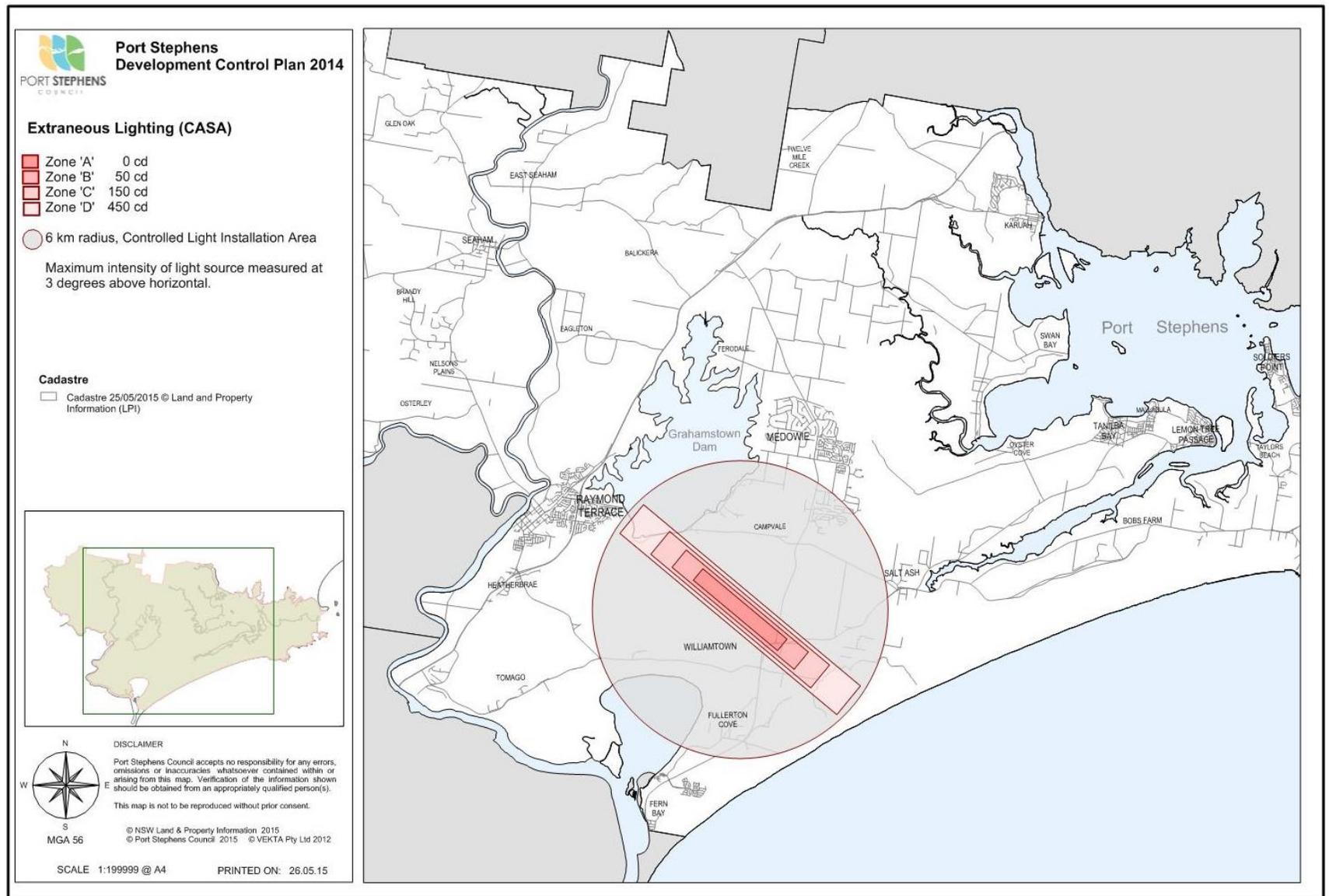
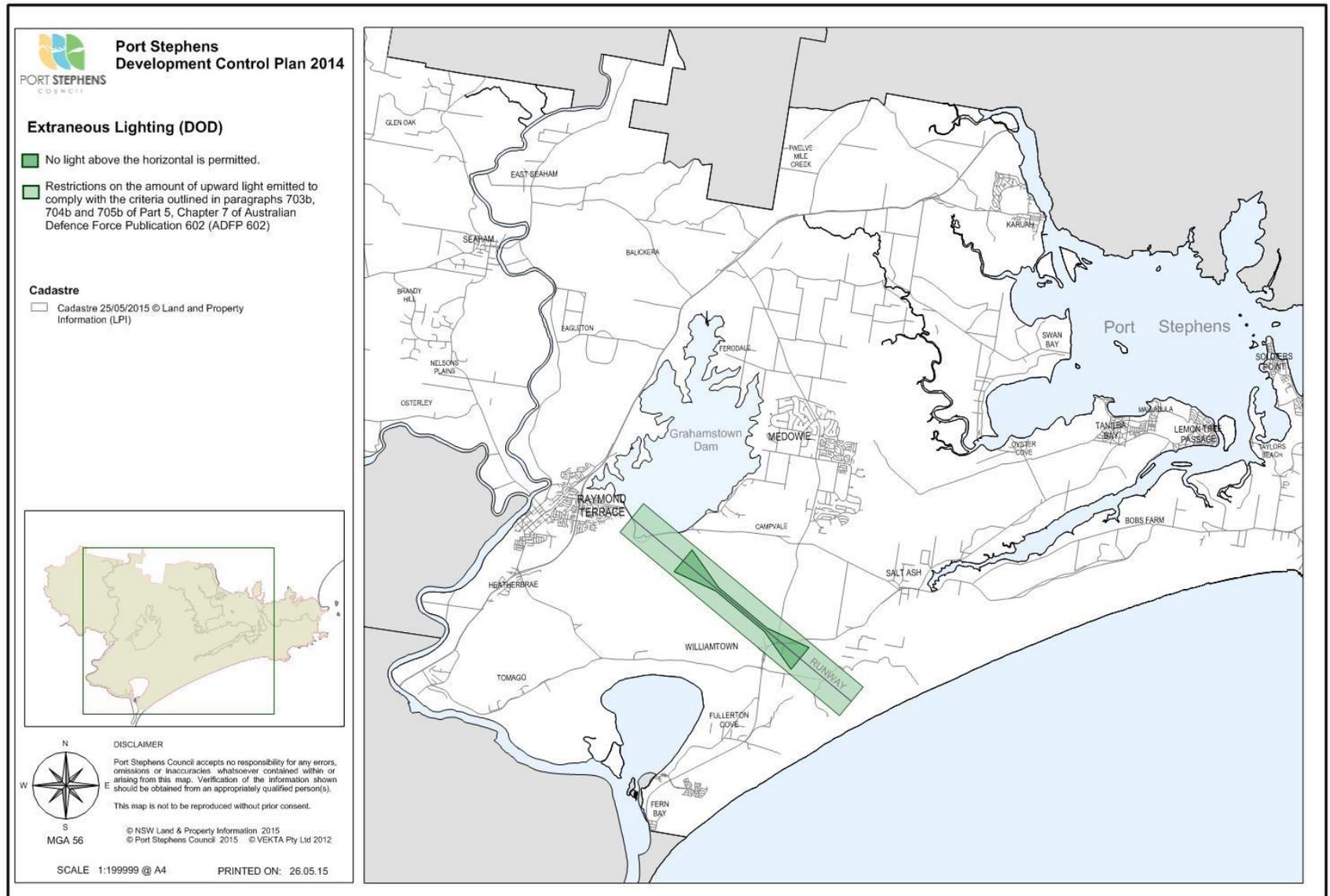


Figure BQ:
Extraneous
Lighting Map 2



B8 Heritage

Application		
This Part applies to development that is situated on land that contains a heritage item or within a heritage conservation area		
Objective		
B8.A	Heritage Impact	To ensure satisfactory consideration of the objectives for PSLEP 2013 clause 5.10
Requirements		
B8.1	<p>Development under PSLEP 2013 clause 5.10 that is likely to impact on the heritage significance of a heritage item provides a heritage impact statement with the development application that is consistent with the Office of Environment & Heritage, N/A, 'Statements of Heritage Impact'¹⁹</p> <ul style="list-style-type: none"> The heritage impact statement demonstrates how the proposed development conserves and mitigates for the protection of the identified heritage significance, based on the following principles: <ul style="list-style-type: none"> development is consistent with the statement of heritage significance for that item development protects the setting of the heritage item development retains the significant internal and external spaces and is to recycle, re-purpose and re-use fabric and building elements development avoids facadism by using all of the components of the building including, but not limited to, the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials development removes alterations and additions that are unsympathetic to the heritage significance of the heritage item reinstates missing building elements and details uses materials, finishes and colours that are appropriate to the architecture and stylistic period of the heritage item reinforces the dimensions, pattern, scale and style of the original windows, door openings and features of the heritage item maintains and repairs building elements in order to retain the heritage item in a serviceable condition commensurate with the statement of heritage significance reference to the <i>Heritage Act 1977</i> is required where highly significant archaeological items and relics are discovered and there is likely to be disturbance, damage or an item destroyed by excavation The preparation of heritage reports is to be undertaken by a suitably qualified consultant who has experience in heritage conservation matters and is registered on the NSW Office of Environment and Heritage Consultants Directory. 	
B8.2	<p>Development under PSLEP 2013 clause 5.10 that is likely to impact on the heritage significance of a heritage conservation area is to demonstrate how it is complementary to the statement of heritage significance for the heritage conservation area within the SEE</p>	
Objective		
B8.B	Minor Nature - Maintenance	To ensure that maintenance or repairs do not distract from the heritage significance of an existing item
Requirements		
B8.3	A development application is required under PSLEP 2013 clause 5.10(2), if the	

	<p>proposed development does not, in the opinion of Council satisfy the requirements of PSLEP 2013 clause 5.10(3)</p> <ul style="list-style-type: none"> • The following types of development are considered to be works of a minor nature or maintenance which would not adversely affect the heritage significance of the heritage item or property within a heritage conservation area for the purposes of Clause 5.10(3) <ul style="list-style-type: none"> - Maintenance or repairs, including painting of a heritage item or item located in the heritage conservation area that is consistent with the statement of heritage significance of the existing building or the heritage character of surrounding areas <ul style="list-style-type: none"> ○ Prior to undertaking these works the applicant is to complete the PSC. 2014, 'Notification – Heritage Minor Works or Maintenance'²⁴ <p>Note: SEPP (Exempt and Complying Development Codes) 2008 – Subdivision 25A Maintenance of buildings in draft heritage conservation areas allows for development to be defined as exempt development</p>	
Objective		
B8.C	Demolition	To ensure evidence is provided for the demolition of a building of heritage significance
Requirement		
B8.4	Development that proposes the partial or total demolition of a heritage item or item within a heritage conservation area for reasons of structural integrity is supported by a structural engineering assessment . An archival record may be required in accordance with the relevant Heritage Branch Guidelines	
Objective		
B8.D	Aboriginal Heritage	To ensure due diligence is followed before carrying out development that may harm Aboriginal objects
Requirement		
B8.5	<p>Where development involves significant cut, being greater than 2m under B3.7 the SEE addresses the following matters:</p> <ul style="list-style-type: none"> • A statement indicating the results of the Australian Heritage Information Management System (AHIMS) database search and any other sources of information • A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects • A statement indicating whether the proposed development is likely to harm Aboriginal objects • A statement indicating whether an Aboriginal Heritage Impact Permit (AHIP) is required. When required: <ul style="list-style-type: none"> - Prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed development on Aboriginal cultural heritage consistent with the Office of Environment & Heritage. N/A, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW'²⁵ <p>Note: Section 90 of the <i>National Parks and Wildlife Act 1974</i> requires an AHIP where harm to an Aboriginal object or Aboriginal place cannot be avoided. An AHIP can be issued under Part 6 of the <i>National Parks and Wildlife Act 1974</i></p>	

B9 Road Network and Parking

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

Objective		
B9.A	Traffic Impacts	To ensure that the impacts of traffic generating development are considered and that the existing level of service of the road network is maintained

Requirements	
B9.1	The SEE details: <ul style="list-style-type: none"> • car parking location, number and dimensions; • access arrangements; • traffic implications on the existing road network and junctions; • street features, such as trees, footpaths and pipes; and • pedestrian impacts and access for disabled persons.
B9.2	A Traffic Impact Assessment (TIA) is required for: <ul style="list-style-type: none"> • development for 20 or more dwellings; • development defined as traffic generating development; or • development deemed in Council's opinion to impact on the existing road network.
B9.3	A construction management plan is provided prior to the issuing of a construction certificate or subdivision works certificate when development will impact on traffic movements during the construction phase

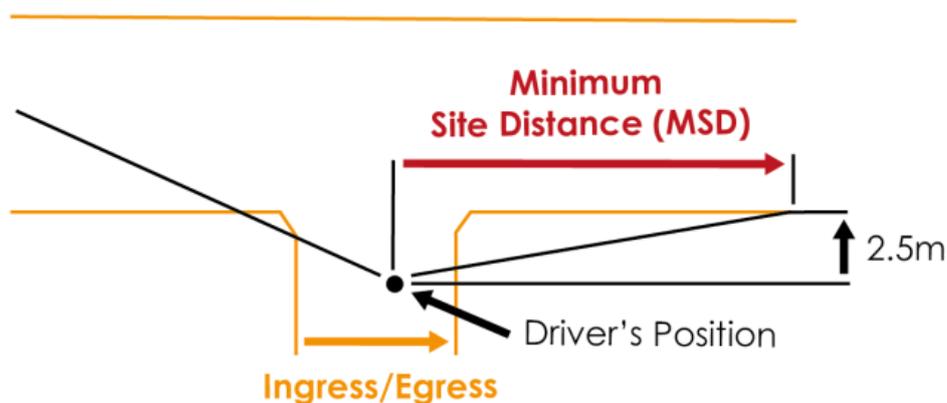
Objectives		
B9.B	On-Site Parking Provisions	<ul style="list-style-type: none"> • To ensure development provides adequate on-site parking, loading and servicing spaces • To ensure that vehicle access is in a safe location and has minimal impacts on existing transit movements • To ensure driveways have adequate sight distances for traffic and pedestrians on footpaths

Requirements	
B9.4	All development that has the potential to create demand for on-site parking must provide parking in accordance with Figure BT (p. B-56) <ul style="list-style-type: none"> • Where these parking requirements cannot be provided on-site in accordance with Figure BT (p. B-56), Council may consider alternative off-site arrangements for parking demand, such as: <ul style="list-style-type: none"> - Parking provision on another site in proximity - A planning agreement for contribution to common public parking areas in Raymond Terrace or Nelson Bay, if available • A reduction in the number of spaces required in accordance with Figure BT (p. B-56) may be considered when supported by a TIA in the following circumstances: <ul style="list-style-type: none"> - Parking has a negative visual impact on heritage - The current land-use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the

	<p>approved use calculated in accordance with Figure BT (p. B-56)</p> <ul style="list-style-type: none"> - Peak demand between commercial and residential development types is shared - An upgraded public transit facility, such as a bus stop, is provided in proximity to the site 					
B9.5	All internal driveways and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt					
B9.6	Walking routes through large car parks are to be delineated by markings, signage , grade separation and pedestrian crossings in accordance with AS 2890 – Parking facilities					
B9.7	<p>Parking for people with a disability is designed and constructed:</p> <ul style="list-style-type: none"> • in accordance with AS 2890 – Parking facilities and AS 1428 – Design for access and mobility • to be located as close to wheelchair accessible entrances/lifts and linked by an accessible/ continuous path 					
B9.8	<p>On-site parking is located behind the building line or setback by 1m</p> <p>Note: C4.18 requires a minimum garage setback of 1m behind the building line or setback</p>					
Objectives						
B9.C	On-Site Parking Access	<ul style="list-style-type: none"> • To ensure that vehicle access is located in a safe location, where it least impacts on existing transit movements • To ensure driveway exits maximise intersection sight distances for traffic and pedestrians on footpaths 				
Requirements						
B9.9	<p>The entry, exit and driveway separation widths of access points from a site to a street frontage is provided in accordance with these steps:</p> <ol style="list-style-type: none"> 1. Determine the class of parking, either being A, B or C 2. Determine the ingress/egress category by identifying whether that class is located on either an arterial road or local street and by referencing the number of parking spaces that are required, which is determined by B9.4 3. Determine entry, exit and driveway separation widths by using the ingress/egress category 					
Step 1.						
Class		Examples of Uses		Required Door Opening		
A		All-day parking – resident, employee, commuter parking and universities		Front door, first stop		
B		Medium-term parking – long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels and airport visitors		Front door, second stop		
C		Short-term parking – town Centre parking, shopping centres, department stores, supermarkets, hospitals and medical centres		Rear door, full-opening		
Step 2.						
Street Hierarchy		Number of Parking Spaces				
		<25	25-100	101-300	301-600	>600
Class		Ingress/Egress Category				

A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
B	Arterial	2	2	3	4	5
	Local	1	2	3	4	5
C	Arterial	2	3	4	4	5
	Local	1	2	3	4	4
Step 3.						
Ingress / Egress Category		Entry Width		Exit Width		Driveway Separation
1		Single Maximum: 3m Double Maximum: 4m		Combined		-
2		6- 9m		Combined		-
3		6m		4-6m		1-3m
4		6-8m		6-8m		1-3m
5		Direct connection from a dedicated public road via controlled intersection				
<p>Ingress/Egress dimensions may need to be increased to 6.5m for the first 6m inside the property boundary when:</p> <ul style="list-style-type: none"> ingress/egress exceeds 30m in length <ul style="list-style-type: none"> Ingress/Egress exceeding 30m in length provides passing bays at 30m intervals sight distance in accordance with Figure BR (p. B-53) cannot reasonably be achieved development provides direct access to an arterial road 						

Figure BR: Illustration of Ingress and Egress Minimum Site Distances

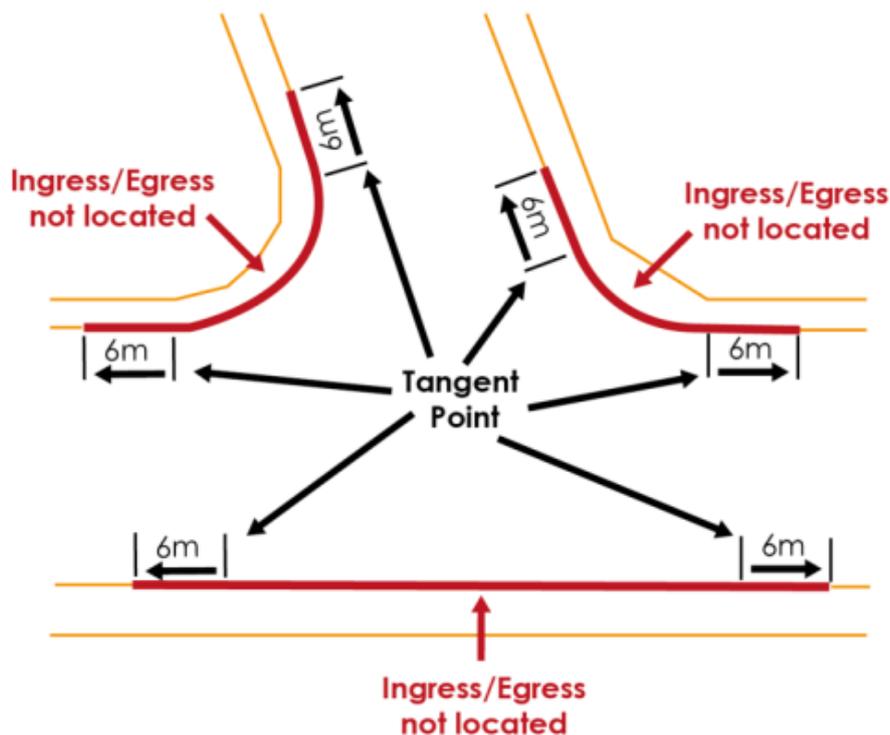


- B9.10 Ingress and egress to parking areas is:
- not located in proximity to intersections or where queuing and sight distances are restricted
 - not located opposite other **traffic generating developments**, unless separated by a median strip
 - not located within the sections of kerb illustrated by Figure BS (p. B-54)

- to provide a minimum of 0.5m from the **side boundary** at the **front property line** and minimum 0.5m clearance from the edge of existing street furniture
- intersect with the road between 70 to 90 degrees
- to provide a **driveway cross-fall** for the first 3 metres, which is to match the longitudinal gradient of the kerb/road pavement
- to ensure vehicles can enter and leave in a forward direction
- to provide the **Minimum Sight Distances (MSD)** required by Figure BR (p. B-53) in accordance with the following table:

Road Speed km/h	Large Car Park MSD		Residential MSD
	Safe Intersection Side Distance (SISD)	Stop Site Distance	
40	65	40	30
50	90	55	40
60	115	75	55
70	140	90	70
80	170	115	95
90	200	140	-
100	235	165	-

Figure BS: Ingress/Egress is not supported in identified locations



Objectives

B9.D	Visitor Parking & Loading Facilities	<ul style="list-style-type: none"> • To ensure visitor parking is conveniently located and easily identifiable • To ensure loading facilities do not adversely impact on the road network and are visually concealed
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Requirements

B9.11	Visitor parking is clearly marked, signposted and located in proximity to the main
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B9

ROAD NETWORK AND PARKING

	building of the development	
B9.12	Service areas, car parking and loading bays are provided: <ul style="list-style-type: none"> • At the basement or ground level at rear • Away from pedestrian public spaces • Away from residential areas • Separately to staff and customer parking 	
B9.13	Parking layouts provide direct pedestrian paths to building entries and street frontage and is screened from the street	
Objective		
B9.E	Access to Public Transport for 20 or more dwellings	To encourage more active lifestyles and ecologically sustainable development by providing convenient and accessible public transport options
Requirements		
B9.14	A development application for 20 or more dwellings shall demonstrate that bus stops and shelters are: <ul style="list-style-type: none"> • Existing and fully accessible to current standards within a 400m walking catchment or bus stops within a 400m catchment are able to be upgraded (at the proponents cost). • Located as close as possible to the common destination, being the development site, and are connected to the entry of the development by a continuous accessible footpath 	
B9.15	Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas for significant scale developments , such as educational establishments or commercial premises	
B9.16	Ensure clear crossing points adjacent to public transport stops that are designed for pedestrian desire lines <ul style="list-style-type: none"> • Development unable to demonstrate the above is required to liaise with the public transport providers and Transport for NSW to meet the requirements 	

Figure BT: *On-Site Parking* Requirements

Development Type	Parking Requirements	Accessible Parking
Commercial Premises		
bulky goods	<ul style="list-style-type: none"> 1 car space per 55m² floor area 1 bike space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
entertainment facilities and function centres	<ul style="list-style-type: none"> A traffic impact study is required 1 bike space per 20 employees 1 bike space per 20 visitors 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
food and drink premises, including restaurants, cafes and take-away drink premises	<ul style="list-style-type: none"> 1 car space per 25m² floor area within commercial premises 15 car spaces per 100m² floor area or 1 car space per 3 seats outside of commercial premises Minimum queuing area of 5 cars for drive-thru 1 bike space per 200m² 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
garden centre and plant nursery	<ul style="list-style-type: none"> 1 car space per 130m² nursery area 	<ul style="list-style-type: none"> 1 car space
hardware building supplies and industrial retail outlets	<ul style="list-style-type: none"> 1 car space per 55m² floor area 	<ul style="list-style-type: none"> No requirement
market	<ul style="list-style-type: none"> 2.5 car spaces per stall 	<ul style="list-style-type: none"> No requirement
motor showroom and vehicle sales or hire premises	<ul style="list-style-type: none"> 0.75 car spaces per 100m² vehicle display area 1 bike space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
office premises and business premises	<ul style="list-style-type: none"> 1 car space per 40m² floor area 1 bike space per 200m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
pub and registered clubs	<ul style="list-style-type: none"> 1 car space per 7m² of floor area within commercial centres 1 car space per 10m² courtyard / beer garden within commercial centres 1 car space per 3.5m² of floor area outside of commercial centres 1 bike space per 25m² bar area 1 bike space per 100m² courtyard/ beer garden 1 bike space per 20 accommodation rooms 	<ul style="list-style-type: none"> 1 car space per 20 parking spaces
roadside stall	<ul style="list-style-type: none"> 4 car spaces 	<ul style="list-style-type: none"> No requirement
rural supplies, timber yards, landscaping material supplies and wholesale supplies	<ul style="list-style-type: none"> 1 car space per 130m² of supplies area 1 bike space per 20 employees 	<ul style="list-style-type: none"> No requirement
service station	<ul style="list-style-type: none"> 4 car spaces per work bay 1 car space per 20m² floor area 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space

sex services premises	<ul style="list-style-type: none"> 2 car spaces per room used for prostitution 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
shop	<ul style="list-style-type: none"> 1 car space per 20m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
veterinary premises and health consulting rooms	<ul style="list-style-type: none"> 3 car spaces per practitioner 1 car space per 2 employees not a practitioner 2 bike space per 10 practitioners and other employees not practitioners 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
Industry		
heavy industrial storage establishments, heavy industry and general industry	<ul style="list-style-type: none"> 1 car space per 100m² floor area or 4 space per work bay 1 bike space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
light industry	<ul style="list-style-type: none"> 1 car space per 100m² 1 car space for each employee 1 bike space per 20 employees 	<ul style="list-style-type: none"> No requirement
rural industries	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> No requirement
vehicle body repair workshops and vehicle repair stations	<ul style="list-style-type: none"> 4 car spaces per work bay 	<ul style="list-style-type: none"> No requirement
warehouse or distribution centres, storage premises and depots	<ul style="list-style-type: none"> 1 car space per 200m² 1 bike space per 20 employees 	<ul style="list-style-type: none"> 1 car space
Infrastructure		
bowling alley	<ul style="list-style-type: none"> 3 car spaces per bowling alley 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
bowling green	<ul style="list-style-type: none"> 30 car spaces for first bowling green, then 15 for each additional bowling green 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
charter and tourism boating facilities	<ul style="list-style-type: none"> 4.5 car spaces per 100m² floor area or 1 space per 10 passengers 	<ul style="list-style-type: none"> 1 car spaces per 20 car spaces
child care centre	<ul style="list-style-type: none"> 1 car space for every 4 childcare places 	<ul style="list-style-type: none"> 1 car space
community facilities	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
educational establishment	<ul style="list-style-type: none"> 1 car space per employee 1 car space per 8 senior high school students 2 bike spaces per 20 employees and students 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
gymnasium	<ul style="list-style-type: none"> 5 car space per 100m² 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
indoor soccer/cricket/netball	<ul style="list-style-type: none"> 15 car spaces per pitch/court 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
marina	<ul style="list-style-type: none"> 0.6 spaces per wet berth 	<ul style="list-style-type: none"> No requirement

	<ul style="list-style-type: none"> • 0.2. spaces per dry storage berth • 0.2 spaces per swing mooring • 0.5 spaces per marina employee • 1 bike space per 15 employees 	
medical centres	<ul style="list-style-type: none"> • 1 car space per 25m² floor area 	<ul style="list-style-type: none"> • 1 car space per 10 car spaces
passenger transport facility	<ul style="list-style-type: none"> • Merit-based approach 	<ul style="list-style-type: none"> • 1 car space per 20 car spaces
place of public worship	<ul style="list-style-type: none"> • Merit-based approach • 2 bike spaces per 20 employees and visitors 	<ul style="list-style-type: none"> • 1 car space per 20 car spaces
squash/tennis courts	<ul style="list-style-type: none"> • 3 car spaces per tennis court • 1 bike space per 15 employees 	<ul style="list-style-type: none"> • 1 car space per 20 car spaces
Residential Accommodation		
boarding houses, secondary dwellings , supported accommodation and group homes	<ul style="list-style-type: none"> • Refer to State Environmental Planning Policy (Affordable Housing) 2009 • 1 car space per 20 rooms 	<ul style="list-style-type: none"> • Refer to SEPP (Affordable Housing) 2009
dwelling house, dual occupancy and semi-detached dwellings	<ul style="list-style-type: none"> • 1 car space for one and two bedroom dwellings • 2 car spaces for three > bedroom dwellings 	<ul style="list-style-type: none"> • No requirement
home business or home industry	<ul style="list-style-type: none"> • 1 car space, plus 1 car space for each employee 	<ul style="list-style-type: none"> • No requirement
hostels	<ul style="list-style-type: none"> • 1 car space per 10 beds • 1 car space for every 2 employees • 1 parking space for services and deliveries 	<ul style="list-style-type: none"> • No requirement
residential flat buildings , attached dwellings, multi dwelling housing and shop-top housing	<ul style="list-style-type: none"> • 1 car space for one and two bedroom dwellings • 2 car spaces for three > bedroom dwellings • 1 visitor space for every three dwellings 	<ul style="list-style-type: none"> • No requirement
seniors housing	<ul style="list-style-type: none"> • Refer to SEPP (Housing for Seniors or People with a Disability) 2004 	
Tourist and Visitor Accommodation		
backpackers accommodation	<ul style="list-style-type: none"> • 1 car space per 10 beds or 1 space per 5 rooms • 1 car space per 2 employees 	<ul style="list-style-type: none"> • 1 space per 20 parking spaces
bed and breakfast establishment and farm stay	<ul style="list-style-type: none"> • 1 car space per guest room 	<ul style="list-style-type: none"> • No requirement
camping ground and caravan park	<ul style="list-style-type: none"> • 1 car space per site • 1 visitor space for every 10 sites 	<ul style="list-style-type: none"> • No requirement
hotel or motel accommodation, and eco-	<ul style="list-style-type: none"> • 1 car space for each accommodation unit 	<ul style="list-style-type: none"> • 1 space per 20 parking spaces

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tourist facilities	<ul style="list-style-type: none">• 1 car space per 2 employees• 1 bike space per 20 accommodation units	
serviced apartments	<ul style="list-style-type: none">• Refer to PSLEP 2013 7.13 Serviced apartments	

B10

SOCIAL IMPACT

B10 Social Impact

Application		
This Part applies to development deemed to have a significant social impact		
Objectives		
B10.A	Social Impact	<ul style="list-style-type: none">• To promote community well-being and quality of life• To achieve intergeneration equity• To ensure social impacts are measured and effective mitigation strategies implemented• To implement the Port Stephens Council. 2014, 'Social Impact Policy'²⁷
Requirement		
B10.1	<p>A social impact assessment is required for development with the potential to have a significant social impact, which may include:</p> <ul style="list-style-type: none">• backpacker accommodation• boarding houses• caravans parks• entertainment facilities• hostels• major subdivisions• pubs• registered clubs• restricted premises• sex services premises• tourist and visitor accommodation• transitional group homes• any other development deemed by Council to have a significant social impact <p>Note: All development types are defined under the Local Environmental Plan with the exception of major subdivisions, which is defined under this Plan</p>	

C Development Types

The Parts listed below apply to all *land-use types* to which this Plan applies.

C Development Types			
No	Part	This Part applies to development that:	Page
C1	Subdivision	<ul style="list-style-type: none"> is defined as <i>subdivision</i> 	C-61
C2	Commercial	<ul style="list-style-type: none"> is defined as <i>commercial premises</i> 	C-66
C3	Industrial	<ul style="list-style-type: none"> is defined as <i>industry</i> and/or <i>development</i> within the Zone B5 Business Development. 	C-72
C4	Dwelling Houses, Secondary Dwelling, Dual Occupancy or Ancillary Structures	<ul style="list-style-type: none"> is defined as a <i>dwelling house</i> is defined as a <i>secondary dwelling</i> is defined as a <i>dual occupancy</i> is defined as an <i>ancillary structure</i>, which includes a <i>swimming pool</i>, shed, fence, retaining wall or shipping container 	C-76
C5	Multi Dwelling Housing or Seniors Housing	<ul style="list-style-type: none"> is defined as <i>multi dwelling housing</i> is defined as <i>seniors housing</i> 	C-83
C6	Home Business or Home Industry	<ul style="list-style-type: none"> is defined as <i>home business</i> or <i>home industry</i> 	C-92
C7	Restricted or Sex Services Premises	<ul style="list-style-type: none"> is defined as <i>restricted premises</i> is defined as <i>sex services premises</i> 	C-93
C8	Signage	<ul style="list-style-type: none"> is defined as <i>signage</i> 	C-95

C1 Subdivision

Application														
This Part applies to development that is defined as subdivision														
Objectives														
C1.A	Block and Street Layout	<ul style="list-style-type: none"> 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 												
Requirements														
C1.1	Block Dimensions	A block seeks to achieve the following dimensions:												
		<table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum depth</th> <th>Maximum length</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>80m</td> <td>160m</td> </tr> <tr> <td>Commercial</td> <td>50m</td> <td>80m</td> </tr> <tr> <td>Industrial</td> <td>120m</td> <td>200m</td> </tr> </tbody> </table>	Zone	Maximum depth	Maximum length	Residential	80m	160m	Commercial	50m	80m	Industrial	120m	200m
		Zone	Maximum depth	Maximum length										
		Residential	80m	160m										
Commercial	50m	80m												
Industrial	120m	200m												
C1.2	Technical Specifications	Street layout complies with the road network specifications in infrastructure specification – design ¹¹												
C1.3	Street Layout Attributes	<p>The street layout addresses the following:</p> <ul style="list-style-type: none"> All street components are integrated, such as kerbing, pavement type, width, street tree planting, footpaths, on road cycleway, shared paths, lighting and seating are provided as specified in infrastructure specific – design¹¹ Road widths accommodate the necessary movements of service and emergency vehicles Driveways and footpaths are provided at subdivision as a part of the subdivision works Footpaths and shared paths follow desire lines Street layout is interconnected to provide a grid-like structure Street layout is informed by street connections for future subdivisions on adjacent lands Street layout enables each lot to front a street and for corner lots to face both streets Street layout seeks to provide a perimeter road between residential dwellings and; <ul style="list-style-type: none"> bush fire prone land open space defined as a regional park, district park or local park Street layout ensures public access to public open space is maintained and encouraged Street layout responds to the topographical features of the site, such as: 												

		<ul style="list-style-type: none"> - where land slopes at a grade of 6% or more the predominant street alignment is perpendicular to the contours - straight or gently curved to frame vistas <p>Note: Development should have consideration for the Port Stephens Pathways Plan.</p>
C1.4	Cul-de-sacs	<p>Cul-de-sacs are generally only supported where:</p> <ul style="list-style-type: none"> • the existing street layout does not permit a through street • connectivity to an adjoining street is not required • the cul-de-sac has a maximum length of 75m • access is provided to no more than 10 allotments • clear line of sight is provided from the nearest intersection
C1.5	Street Tree Requirements	<p>Street trees are required as a component of the road reserve for the following:</p> <ul style="list-style-type: none"> • residential subdivisions • commercial subdivisions • industrial subdivision creating 10 or more lots <ul style="list-style-type: none"> - Street trees are provided in accordance with the tree technical specification¹ <ul style="list-style-type: none"> ○ Attachment 1 – Tree Planting Guidelines of the tree technical specification¹ provides guidance to the application of Attachment 2 to determine the total number of trees to be provided
Objective		
C1.B	Lot Size and Dimensions	To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provisions of necessary services and other requirements
Requirements		
C1.6	Lot Size	Subdivision adheres with Local Environmental Plan Part 4
C1.7	Rectangular Footprint	A residential lot is capable of supporting a rectangular building footprint of 15m x 8m or 10m x 12m as illustrated by Figure CA (p. C-66)
C1.8	Battle-axe Lots	<p>All lots provide direct street frontage</p> <ul style="list-style-type: none"> • Battle-axe lots are only considered when there is no practical way to provide direct street frontage • Right of carriageway is constructed prior to the issuing of a subdivision certificate and is provided in accordance with Figure CB (p. C-66) <ul style="list-style-type: none"> - Alternative solutions are to be considered for lots created prior to the Local Environmental Plan, but only where safety is not impeded
C1.9	Splay Corners	<p>Splay corners are provided for corner lots and must be a minimum of:</p> <ul style="list-style-type: none"> • 4m x 4m for residential zones • 8m x 8m for commercial and industrial zones • 6m x 6m or merit-based approach for other zones

Objective					
C1.C	Solar Access	To maximise solar access for residential dwelling s			
Requirement					
C1.10	Solar Access	Residential subdivision addresses the following guidelines for solar access . Any inconsistency clearly justifies how alternative energy efficiency is achieved <ul style="list-style-type: none"> • Where possible, lots should be oriented to provide one axis within 30 degrees east and 20 west of true solar north • Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side of the dwelling • Topography and landform should inform the subdivision layout in order to maximise solar access opportunities 			
Objectives					
C1.D	Public Open Space	<ul style="list-style-type: none"> • To provide a hierarchy of public open space in accordance with public open space hierarchy • To provide parks that are multi-functional • To ensure parks achieve centrality by being located near transport nodes, public buildings, waterfronts, libraries or places of public worship • To ensure public open space meets the demands of the local community to encourage usability and critical mass 			
Requirements					
C1.11	Open Space Hierarchy	Council may require the provision of public open space in accordance with the following:			
			Category	Area	Catchment
		A	regional park	merit-based approach	merit-based approach
		B	district park	1-2ha	500 -800m
		C	local park	0.5ha	150-400m
D	corridor open space	merit-based approach	-		
C1.12	Open Space Reduction	The quantity of public open space may be reduced if: <ul style="list-style-type: none"> • accessibility is improved through such measures as providing extended connections to the wider pedestrian network; • value of open space is improved through such measures as an increased amount and/or quality of park furniture, amenities, play equipment, sports infrastructure; or 			
C1.13	Open Space Attributes	Public open space for the purpose of a local park, district park or regional park must: <ul style="list-style-type: none"> • be of regular shape (rectangle/square) to maximise recreation opportunities; <p>Note: Long narrow open spaces are not acceptable unless used for linkages.</p> <ul style="list-style-type: none"> • be generally flat and centrally located near transport nodes, public buildings, waterfronts, libraries or places of 			

		<p>public worship to maximise accessibility for all members of the public;</p> <ul style="list-style-type: none"> • 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 CPTED principles; and • include access for services (e.g. garbage collection, maintenance, water, sewerage and electricity) <p>Note: The provision of playgrounds is assessed on a case by case basis by primarily considering proximity to other community and recreation facilities.</p> <p>Note: Further attributes specific to a local park, district park and regional park are provided in Part E1 of the PSDCP 2014.</p>
C1.14		<p>Land that may be deemed unsuitable as public open space for the purposes of a local park, district park or regional park includes:</p> <ul style="list-style-type: none"> • 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).
C1.15		<p>Corridor open spaces are drainage reserves classified as operational land under the <i>Local Government Act 1993</i></p>
Objective		
C1.E	Infrastructure	To ensure detailed consideration is provided to the provision of integrated and quality public infrastructure
Requirements		
C1.16	Technical Specifications	Infrastructure in accordance with the infrastructure specification – design ¹¹ is identified on the Concept Utility Plans or more detailed Preliminary Engineering Plans
C1.17	Public Infrastructure	<p>Subdivision provides public infrastructure within the adjoining road or public land, including kerb/gutter, stormwater drainage, footpaths, street lighting, street trees and bus shelters, excluding:</p> <ul style="list-style-type: none"> • Public utilities, such as water and electricity, are kept within private lot boundaries and are not located within the road reserve
C1.18	Lifecycle and Maintenance	<p>Lifecycle and maintenance costs are a key determinant when considering alternative methods, products and manufacturers to those specification in the infrastructure specification – design¹¹</p> <ul style="list-style-type: none"> • Council will request life cycle costing and maintenance manual details for infrastructure to assist in ongoing maintenance

Objective		
C1.F	Public Scale Drainage	To ensure further guidance is provided for subdivision that is consistent with B4 Drainage and Water Quality
Requirements		
C1.19	Inter-allotment Drainage	Each lot must be able to be gravity drained through the drainage system to public drainage
C1.20		Inter-allotment drainage may be required for subdivision where a lot does not drain directly to the road kerb
C1.21	Drainage Reserves	An overland flow path is provided for the 1% Annual Exceedance Probability(AEP) storm event and is a drainage reserve dedicated to Council as operational land

Figure CA: Residential Block Dimensions and Rectangular Building Footprint

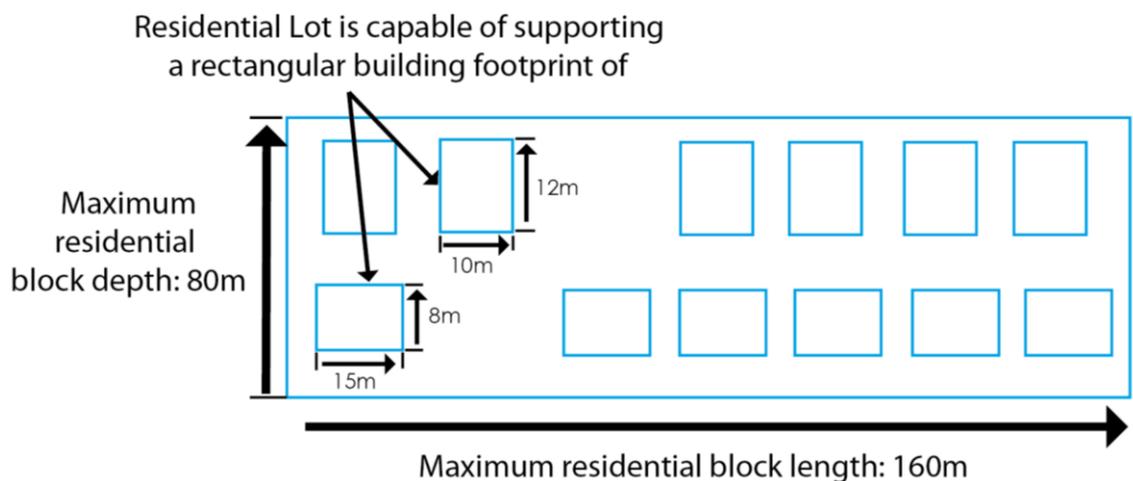


Figure CB: *Battle-axe Lot* Requirements

	Entry Width	Max Length	Misc.	Torrens
<ul style="list-style-type: none"> ▪ Dwelling house ▪ Dual occupancy 	3.6m	30m	Max 2 dwelling s	Max 3
<ul style="list-style-type: none"> ▪ Multi dwelling housing ▪ Residential flat building 	6m	50m	-	-
<ul style="list-style-type: none"> ▪ Business ▪ Industrial 	10m	-	-	Max 3
<ul style="list-style-type: none"> ▪ Rural less than 2 lots 	6.5m	200m	-	Max 3
<ul style="list-style-type: none"> ▪ Rural greater than 3 lots 	10m	200m	-	Max 3

C2 Commercial

Application	
This Part applies to development defined as commercial premises	
<ul style="list-style-type: none"> This Part also provides additional requirements for bulky goods premises 	

Objectives		
C2.A	Height	<ul style="list-style-type: none"> To ensure development is of an appropriate height that minimises privacy loss and over-shadowing To ensure that floor to ceiling height allows for flexible uses over time

Requirements		
C2.1	Building Height	Building height is provided in accordance with the Local Environmental Plan clauses 4.3 and 5.6
C2.2	Floor to Ceiling Height	Minimum ground floor to ceiling height for all new development within a commercial zone is 3.5m
C2.3		Minimum first floor and above floor to ceiling height for commercial premises is 3m
C2.4		Minimum first floor and above floor to ceiling height for residential accommodation is 2.7m
C2.5		Ground level (finished) must be between 100-500mm above adjacent footpath levels

Objective		
C2.B	Site Frontage and Setbacks	To ensure development provides continuity and consistency to the public domain

Requirements		
C2.6	Site Frontage for buildings higher than 10.5m	Minimum 20m site frontage where development is proposed to be more than 10.5m in height
C2.7	Front Setback and Façade Articulation	Development is built to the front property line for the ground and first floor
C2.8		Minimum 3m front setback from the front property line for the second floor and above
C2.9		Minimum 3.5m front setback from the front property line for mixed use development for second floor and above
C2.10		Parts of a building may give variation in setback to provide design articulation
C2.11	Side Setback	Development should be built to the side boundary to maximise continuous activate street frontage , except where side access is provided
C2.12	Rear Setback	Commercial premises 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

C2.13		Rear setback is built for purpose and informed by a site analysis plan
C2.14	Longitudinal gradient	Where there is a level of change in excess of 500mm at the front property boundary the floor plate and rooflines of development steps with the longitudinal grade of street
Objective		
C2.C	Building Form and Massing	To ensure development reinforces, compliments and enhances the visual character of the street
Requirements		
C2.15	Amenity	Building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain
C2.16	Proportions	Building proportion is complimentary to the form, proportions and massing of existing building patterns
Objectives		
C2.D	Facades	<ul style="list-style-type: none"> To ensure street activation and passive surveillance through active street frontage To facilitate development that is safe and secure for pedestrians and contributes to public domain safety by incorporating principles of Crime Prevention through Environmental Design (CPTED), such as: <ul style="list-style-type: none"> - Territorial Re-enforcement - Surveillance - Access Control - Space/Activity Management To ensure the bulk of large floor plate development is concealed by a sleeve of smaller buildings fronting the street
Requirements		
C2.17	Materials	Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting
C2.18	Active Street Frontage	<ul style="list-style-type: none"> Development provides continuity of an 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 Part D- Specific Areas An active street frontage provides the following: <ul style="list-style-type: none"> - Maximum unarticulated wall is 2m in length - Minimum 50% of ground floor front is windows, which does not include false windows <p>Note: C1.3 requires that the street layout enable each lot to front a street or corner lots to face both streets</p>
C2.19		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
		Note: C2.K provides additional requirements for bulky goods premises

C2.20		Development incorporates Crime Prevention through Environmental Design (CPTED) principles by providing passive surveillance to public spaces through building design and orientation
C2.21	Public Footpath	Development provides paving to the public footpath for the entire length of the development street frontage
Objectives		
C2.E	Awnings	<ul style="list-style-type: none"> To ensure continuous awnings along pathways to provide shelter where most pedestrian activity occurs To ensure awning design is integrated with the building façade to integrate with adjoining buildings
Requirements		
C2.22	Awnings	<p>Awnings must be provided over pedestrian pathways</p> <ul style="list-style-type: none"> New awnings must maintain the same dimensions, alignment and materials of existing awnings along the street A continuous or stepped solid box awning should be provided for the full extent of the building frontage with awnings 3m in width or setback 750mm from the curb, whichever is less Under awning height will be between 3.2m and 3.6m Awnings on sloping sites should be a cantilevered steel box section that steps with street slope Awnings are varied when there is a need to highlight the location of a major building entrance
Objective		
C2.F	Building Entries	To provide clear direction to access points
Requirements		
C2.23	Access Points	<p>Provide a recognisable entry from the primary street</p> <ul style="list-style-type: none"> Entries on corner sites address both streets by providing a splayed entry on that corner A separate and secure access point that provides a clear sense of building address is provided for the residential component of mixed-use development
C2.24	Entry Structures	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
Objective		
C2.G	Building Facilities and Services	To appropriately locate building facilities and services that do not adversely impact on the public domain
Requirement		
C2.25	Location of Building Facilities and Services	Plant, equipment, storage areas, communication structures and servicing areas are located at the rear of a building and not be visible from streets, parks and other public spaces, except for service lanes

C2.26	Public Toilets	Commercial development with a capital investment value over \$2 million shall provide toilets that are accessible to the public
Objective		
C2.H	Public Art	To ensure that features of the public domain contribute to identity, character, safety, amenity and accessibility
Requirements		
C2.27	Public Art	Commercial development with a capital investment value over \$2 million and that provides frontage to the public domain shall incorporate public art in accordance with Council's <i>Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens</i> Note: Evidence must be provided with a commercial development application value over \$2 million demonstrating that the developer has obtained Public Art Approval from Council.
Objective		
C2.I	Shipping Container Stacks	To ensure development that proposes the use of shipping containers does not impact upon the amenity of the area
Requirements		
C2.28	Scale and Height	The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.
C2.29	Siting	Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.
C2.30	Formation	Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.
Objectives		
C2.J	Landscaping	<ul style="list-style-type: none"> 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 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 emission by providing shading of untendered 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

Requirements		
C2.31	Landscaping Coverage	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 10% of the site area consisting of deep soil planting 30% shading over car park areas <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
C2.32	Landscaping Dimensions	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
C2.33	Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works incorporate adequate screening from the street and adjacent neighbours; Corner lots provide landscaping to both street frontages; Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas 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 the Port Stephens Council tree technical specification¹
C2.34	Rear Setback	<p>The rear setback area is to be:</p> <ul style="list-style-type: none"> a deep soil landscape planting area where the development adjoins a residential zone or land used for residential purposes; or assessed by a merit-based approach where the development does not adjoin a residential zone or land used for residential purposes
C2.35	Species Selection	Landscape species are to be selected in accordance with the Landscape Technical Specification ⁴
Objectives		
C2.K	Bulky Goods Premises	<ul style="list-style-type: none"> Establish requirements for bulky goods premises Ensure the design of bulky goods contributes positively to the streetscape and public domain through quality architecture, materials and finishes
Requirements		
C2.36	Bulky Goods Premises Principles	<p>Bulky goods premises are to be designed to:</p> <ul style="list-style-type: none"> incorporate detail and architectural interest avoid creating ambiguous external spaces with poor pedestrian amenity and security provide a clearly identifiable and dedicated pedestrian access to the building and across the site from the primary street frontage provide pick-up areas next to the entrance to reduce unnecessary movement of heavy objects across the site

Figure CC: Illustration of Commercial Awning Dimensions

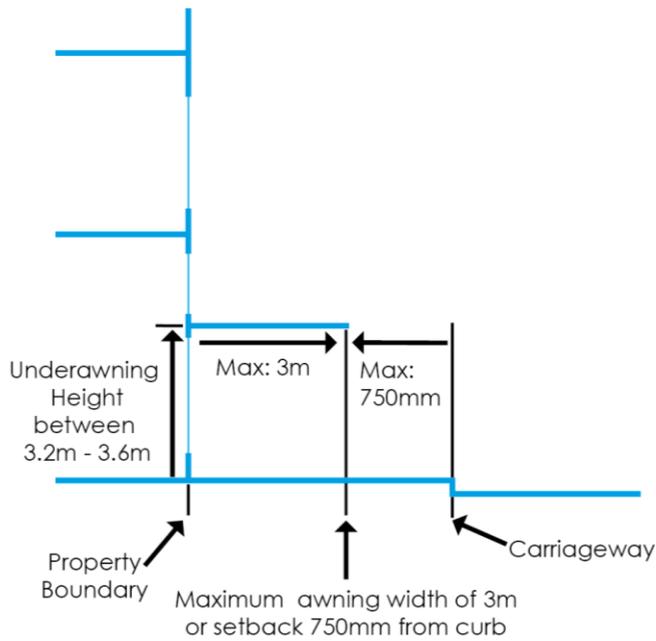
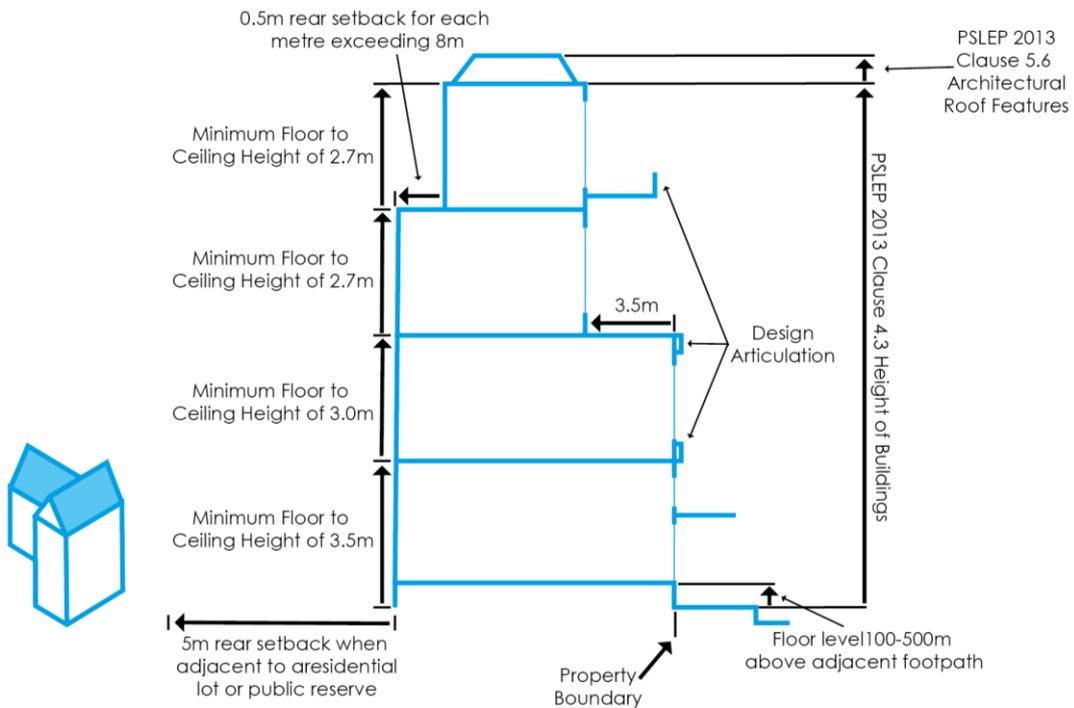


Figure CD: Illustration of Commercial Building Envelope



C3 Industrial

Application		
This Part applies to development defined as industry and/or development within the Zone B5 Business Development.		
Objectives		
C3.A	Height	<ul style="list-style-type: none"> 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
Requirement		
C3.1	Building Height	<p>Development must not exceed a height of 15m</p> <p>Note: The Local Environmental Plan clause 4.3 Height of buildings overrides this requirement, if a height is specified</p>
Objective		
C3.B	Building Siting and Design	To ensure development is situated within an appropriate building envelope
Requirements		
C3.2	Front Setback	Maximum 6m front setback from the front property line or in line with the existing average building line
C3.3		<p>Single storey offices and display rooms within the front setback must:</p> <ul style="list-style-type: none"> not exceed 50% of the front setback area ensure sightlines are maintained for pedestrian and vehicle movement
C3.4	Side Setback	Side boundary setbacks are to be in accordance with the BCA
C3.5	Rear Setback	Merit-based approach to rear setback with a 1.5m buffer zone provided to drainage reserves
Objective		
C3.C	Shipping Container Stacks	To ensure development that proposes the use of shipping containers does not impact upon the amenity of the area
Requirements		
C3.6	Scale and Height	The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.
C3.7	Siting	Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.
C3.8	Formation	Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.

Objective		
C3.D	Fencing	To avoid the dominance of fences on the streetscape and similar hostile design, and to soften the built environment in industrial areas
Requirements		
C3.9	Fencing Height	Fencing forward of the building line must not exceed a height of 1.2m.
C3.10	Fencing Materials	Fencing forward of the building line must be constructed of masonry or dark coloured picket in combination with vegetation
C3.11	Security Fencing	Security gates and other fencing may be utilised behind the setback, provided that it does not exceed a height of 2m
Objectives		
C3.E	Facades and Articulation	<ul style="list-style-type: none"> To ensure facades consist of appropriate materials and colours that contribute to streetscape amenity To ensure weather protection is provided at building entrances
Requirements		
C3.12	Colours and Materials	Building colours and materials are sympathetic to the natural environment and existing site context
C3.13	Awnings	Weather protection awnings are provided for building entrances
C3.14	Building Access	The building access point provides a clear sense of building address for residents and their visitors
C3.15	Building Frontage	Offices, showrooms and customer service areas are located towards the front of the development
C3.16		Parking and driveway areas do not occupy more than 60% of the site frontage
C3.17		Buildings face the street and provide clear entry points
C3.18	Blank Walls	Blank walls are minimised by incorporating an opening or change in the wall's articulation. This should include a combination of change in materials, setback variation, architectural details or landscaping
C3.19	Screening	Screening of poorly designed buildings with vegetation is not an acceptable streetscape treatment. A combination of quality building design and landscaping is to be used to provide a positive contribution to the streetscape
Objectives		
C3.F	Landscaping	<ul style="list-style-type: none"> 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

		<p>and road corridors</p> <ul style="list-style-type: none"> 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
Requirements		
C3.20	Landscaping Coverage	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 20% of the site area consisting of deep soil planting 30% shading over car park areas <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
C3.21	Landscaping Dimensions	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
C3.22	Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works 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 development's 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 Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹
C3.23	Species Selection	Landscape species are to be selected in accordance with the Landscape Technical Specification ⁴

Figure CE: Landscape design requirements for **industry development**

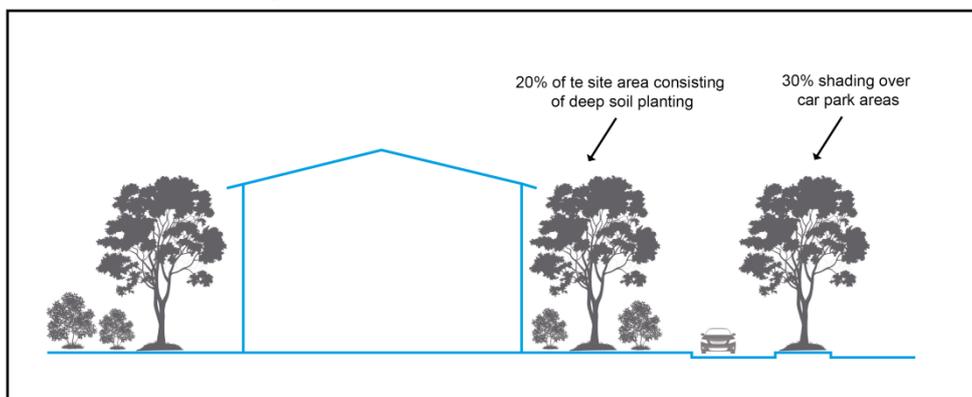
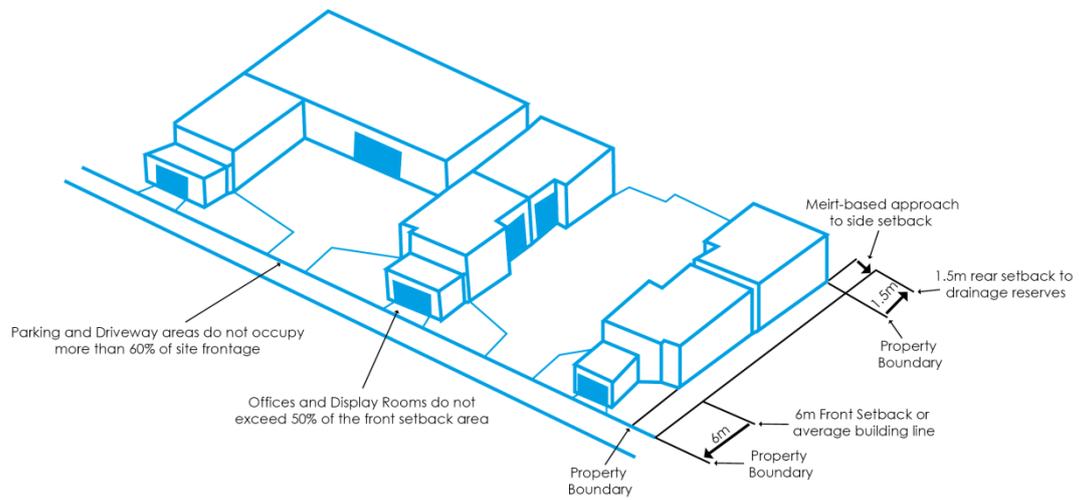


Figure CF: Illustration of Industrial Building Principles



C4 Dwelling House, Secondary Dwelling, Dual Occupancy or Ancillary Structures

Application		
This Part applies to development that is defined as a dwelling house, secondary dwelling, dual occupancy or ancillary structure , which includes a swimming pool , shed, fencing, retaining wall or shipping container		
Objectives		
C4.A	Height	<ul style="list-style-type: none"> 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 use structure
Requirements		
C4.1	Building Height	<p>Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under Local Environmental Plan clause 4.3</p> <p>Note: C2.4 requires a minimum first floor and above ceiling height for residential accommodation in a commercial zone of 2.7m</p>
Objective		
C4.B	Setbacks	<ul style="list-style-type: none"> To ensure development provides continuity and consistency to the public domain To ensure development contributes to the streetscape and does not detract from the amenity of the area
Requirements		
C4.2	Front Setback	Minimum 4.5m front setback from the front property line for a greenfield site within a residential or RU5 Rural Village zone
C4.3		Minimum 4.5m front setback or the average building line from the front property line for an infill site, whichever is less, within a residential or RU5 Rural Village zone
C4.4		Minimum 10m front setback from the front property line for rural (other than RU5 Village), environmental or R5 Large Lot Residential zones
C4.5		Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck
C4.6		Development for a secondary dwelling must be located behind the building line of the principal dwelling it is in conjunction with
C4.7		Secondary Setback (Corner Lots)
C4.8	Minimum 10m secondary setback for rural (other than RU5 Village) or environmental zones	
C4.9	Maximum 1m encroachment to secondary setback for architectural features, such as an entry porch or deck	

C4

DWELLING HOUSE, SECONDARY DWELLING, DUAL OCCUPANCY OR ANCILLARY STRUCTURES

C4.10	Side Setback – ground level (finished)	Minimum 0.9m side boundary setback for the ground level (finished)
C4.11		Minimum 5m side boundary setback for the ground level (finished) in rural (other than RU5 Village) or environmental zones
C4.12	Side Setback – upper storey	Minimum 2m side boundary setback for an upper storey
C4.13		Minimum 5m side boundary setback for an upper storey in rural (other than RU5 Village) or environmental zones
C4.14	Rear Setback – ground level (finished)	Minimum 2m rear setback for the ground level (finished)
C4.15		Minimum 5m rear setback for the ground level (finished) in rural (other than RU5 Village) or environmental zones
C4.16	Rear Setback – upper storey	Minimum 6m rear setback for an upper storey
C4.17		Minimum 5m rear setback for an upper storey in rural (other than RU5 Village) or environmental zones
C4.18	Garage Setback	Minimum 1m behind the building line or setback
C4.19	Public Reserve and Waterfront Setback	Minimum 3m setback from a public reserve boundary
C4.20		Minimum 4.5m setback from a waterfront reserve boundary
C4.21		Minimum 1m setback from waterfront land from the access boundary
C4.22	Battle-axe Lot Handle	Minimum 1m setback from a battle-axe lot handle, access corridor or easement that is required for access Note: C1.13 details when battle-axe lots are provided
C4.23	Adjoining Agricultural Buffers	An agricultural buffer of 150m or greater should be provided between a rural dwelling house , secondary dwelling or an ancillary structure for habitable purposes to adjoining land in separate ownership that is used or capable of being used for agricultural purposes <ul style="list-style-type: none"> Where the 150m buffer or greater cannot be achieved the planting of a 30m wide native vegetation strip is to be provided between the proposed development building envelope and the adjacent agricultural land Note: B2.1 requires a suitable buffer on the land which is the subject of development to items of environmental significance
Objective		
C4.C	Streetscape and Privacy	To ensure development activates the streetscape to provide passive surveillance and privacy.
Requirements		
C4.24	Passive Surveillance	Development is to address the street by having at least one habitable room front the street and/or adjoining public spaces
C4.25		Development on corner lots is to address both street frontages by having habitable rooms face both streets
C4.26	Streetscape Character	To be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials and roof configuration

C4

DWELLING HOUSE, SECONDARY DWELLING, DUAL OCCUPANCY OR ANCILLARY STRUCTURES

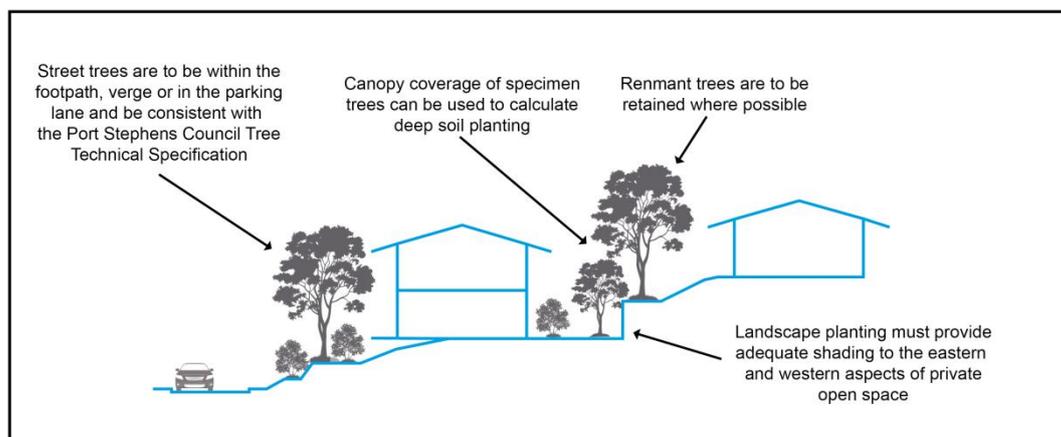
C4.27	Privacy and Two-Storey Development	Two storey development is to include a balcony or deck facing the street on the upper floor at least 1.5m deep across 25% of the dwelling frontage
C4.28		Balconies are to be located to minimise overlooking of adjoining properties
C4.29		Privacy screens are required for balconies and patios, which result in unreasonable privacy impacts to properties
C4.30		Privacy screens , high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties
Objective		
C4.D	Private Open Space	To ensure private open space with solar access is provided to allow opportunity for passive and active outdoor recreation
Requirements		
C4.31	Private Open Space Dimensions	Minimum of 50m ² of ground floor private open space comprising a minimum of 35m ² that is usable. Private open space is considered usable if it: <ul style="list-style-type: none"> • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front setback; and • has a northerly aspect.
C4.32		Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 20m ² with a minimum width of 3m for the use as private open space
C4.33	Solar Access	Minimum of 2 hours sunlight to the principal private open space area between the hours of 9am-3pm midwinter
C4.34		Minimum of 30% of private open space of adjoining dwelling s must remain unaffected by any shadow for a minimum of 3 hours between 9am-3pm midwinter
Objective		
C4.E	Car Parking and Garages	To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation
Requirements		
C4.35	Driveway Width	A driveway should have a minimum width of 3.6m Note: B9.9 requires ingress/egress widths to provide the listed dimensions
C4.36	Garage Dimensions	Maximum garage door width of 6m for residential lots or 50% of the building frontage, whichever is less
C4.37		Maximum garage width of 9m for lots exceeding 1,500m ²
Objectives		
C4.F	Landscaping	<ul style="list-style-type: none"> • 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

		<p>screening.</p> <ul style="list-style-type: none"> To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. To create and enhance vegetation links between natural areas and reduce weed potential to environmentally sensitive areas 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
Requirements		
C4.38	Dwelling House	<p>Development located on land that slopes at more than 18 degrees to the horizontal or that is within 50m of land that contains:</p> <ul style="list-style-type: none"> a SEPP 14 Wetland; or koala habitat; or species or communities listed within the TSC Act <p>must provide landscaping that:</p> <ul style="list-style-type: none"> will enhance the environmental constraints of the site; retains trees within the outer protection area of the APZ identified by a bushfire report; and constrains turf areas within the inner protection area of the APZ identified by a bushfire report.
C4.39	Dual Occupancy Landscaping Coverage	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 20% of the site area; or 40% of the site area where development is located within 50m of: <ul style="list-style-type: none"> a SEPP 14 Wetland; or koala habitat; or species or communities listed within the TSC Act; or a public reserve; and 30% shading over uncovered car park areas
C4.40	Dual Occupancy Landscaping Dimensions	<p>To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.</p>
C4.41	Dual Occupancy Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works incorporate adequate screening from the street and adjacent neighbours. Corner lots provide landscaping to both street frontages. Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting.

		<ul style="list-style-type: none"> Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹ Landscape planting must provide adequate shading to the eastern and western aspects of private open space Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
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C4.42	Species Selection	Landscape species are to be selected in accordance with the Landscape Technical Specification ⁴
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Figure CG: Landscape design requirements for dual occupancy development



Objective

C4.G	Site Facilities and Services	To ensure development provides appropriate facilities and services in the most appropriate site location
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Requirements

C4.43	Waste Storage	An adequately screened waste storage and recycling area is to be provided behind the building line
C4.44	Clothes Drying	A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line with a northerly aspect

Objective

C4.H	Ancillary Structures	<ul style="list-style-type: none"> To provide further guidance for ancillary structures to ensure consistent and desired amenity is attained To ensure ancillary structures do not adversely impact upon the amenity of the surrounding area To ensure ancillary structures are consistent in terms of height, bulk and scale with the surrounding area
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Requirements

C4.45	Sheds (Residential)	<p>Development in a residential zone (except R5 Large Lot Residential) adheres to a:</p> <ul style="list-style-type: none"> maximum gross floor area of 72m²; minimum side and rear setback of 0.9m; and minimum 1m behind the building line or setback <p>Note: SEPP (Exempt and Complying Development Codes)</p>
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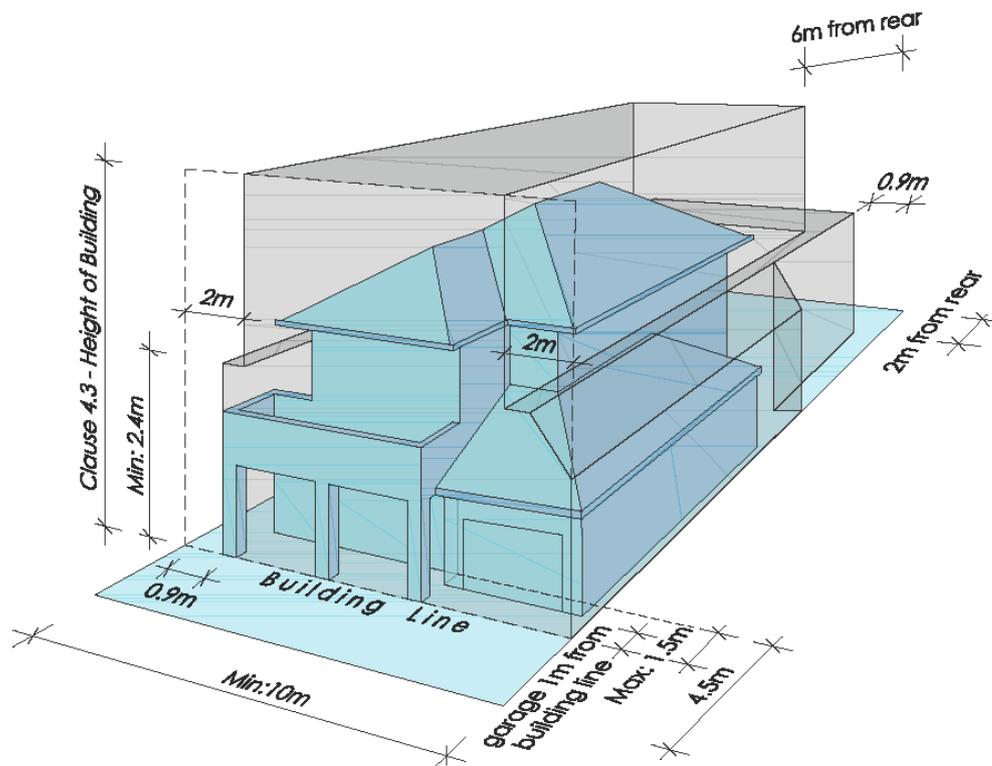
		2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 20m ² in a residential zone to be exempt development																		
C4.46	Sheds (R5 Large Lot Residential)	Development in the R5 Large Lot Residential zone, adheres to the following:																		
		<table border="1"> <thead> <tr> <th>R5 Large Lot Residential</th> <th>Site < 4,000m²</th> <th>Site ≥ 4,000m²</th> </tr> </thead> <tbody> <tr> <td>Maximum floor area</td> <td>120m²</td> <td>merit-based approach</td> </tr> <tr> <td>Maximum height</td> <td>4.8m</td> <td>merit-based approach</td> </tr> <tr> <td>Minimum front setback</td> <td>Behind the front building line of the dwelling</td> <td>15m</td> </tr> <tr> <td>Minimum side boundary and rear setback</td> <td>5m</td> <td>5m</td> </tr> <tr> <td>Colour scheme</td> <td>Consistent with the existing character of the area.</td> <td>Consistent with the existing character of the area.</td> </tr> </tbody> </table>	R5 Large Lot Residential	Site < 4,000m ²	Site ≥ 4,000m ²	Maximum floor area	120m ²	merit-based approach	Maximum height	4.8m	merit-based approach	Minimum front setback	Behind the front building line of the dwelling	15m	Minimum side boundary and rear setback	5m	5m	Colour scheme	Consistent with the existing character of the area.	Consistent with the existing character of the area.
		R5 Large Lot Residential	Site < 4,000m ²	Site ≥ 4,000m ²																
		Maximum floor area	120m ²	merit-based approach																
		Maximum height	4.8m	merit-based approach																
		Minimum front setback	Behind the front building line of the dwelling	15m																
		Minimum side boundary and rear setback	5m	5m																
Colour scheme	Consistent with the existing character of the area.	Consistent with the existing character of the area.																		
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Maximum height	4.8m	merit-based approach																		
Minimum front setback	Behind the front building line of the dwelling	15m																		
Minimum side boundary and rear setback	5m	5m																		
Colour scheme	Consistent with the existing character of the area.	Consistent with the existing character of the area.																		
Note: SEPP (Exempt and Complying Development Codes) 2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m ² in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be exempt development																				
C4.47	Sheds (Rural)	<p>Development in a rural zone adheres to a:</p> <ul style="list-style-type: none"> • minimum 10m side boundary and rear setback; • minimum 5m setback from another building; and • colour scheme consistent with the existing character of the area. <p>Note: SEPP (Exempt and Complying Development Codes) 2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m² in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be exempt development</p>																		
C4.48	Swimming Pools	The water edge must be setback at least 1m from the side and rear boundaries																		
C4.49		Maximum decking height of 1.4m in height if the pool is located more than 600mm above the ground level (finished)																		
C4.50	Front (Including Forward of the Building Line)	Maximum height of 1.2m and is not of solid infill construction																		
C4.51		Maximum height of 1.5m along main roads and secondary street frontages																		
C4.52		Compatible with street facilities, such as mailboxes, and allow easy access to public utilities																		
C4.53	Side and Rear Fences	Maximum height of 1.8m																		
C4.54		Side fences must not encroach on the front setback area of																		

C4

DWELLING HOUSE, SECONDARY DWELLING, DUAL OCCUPANCY OR ANCILLARY STRUCTURES

		any dwelling
C4.55		Solid sheet fencing is not be used
C4.56		Fences within the root zone of an existing tree must be constructed of light weight suspended panels supported by posts with pier footings
C4.57	Retaining Walls	Maximum height of 1m
C4.58		Masonry construction within 0.9m of the property boundary when greater than 0.6m in height
C4.59		Retaining walls are wholly contained within the site
C4.60	Shipping Containers	Shipping containers are to be sited behind existing buildings, not be located in front of the established or proposed building line and be screened from view from any adjoining property.
C4.61		The total number of shipping containers for residential accommodation development must not exceed more than 2 per lot.
C4.62		Shipping containers are to be placed at ground level only and may not be stacked on top of another shipping container.

Figure CH: **Dwelling House** Building Envelope



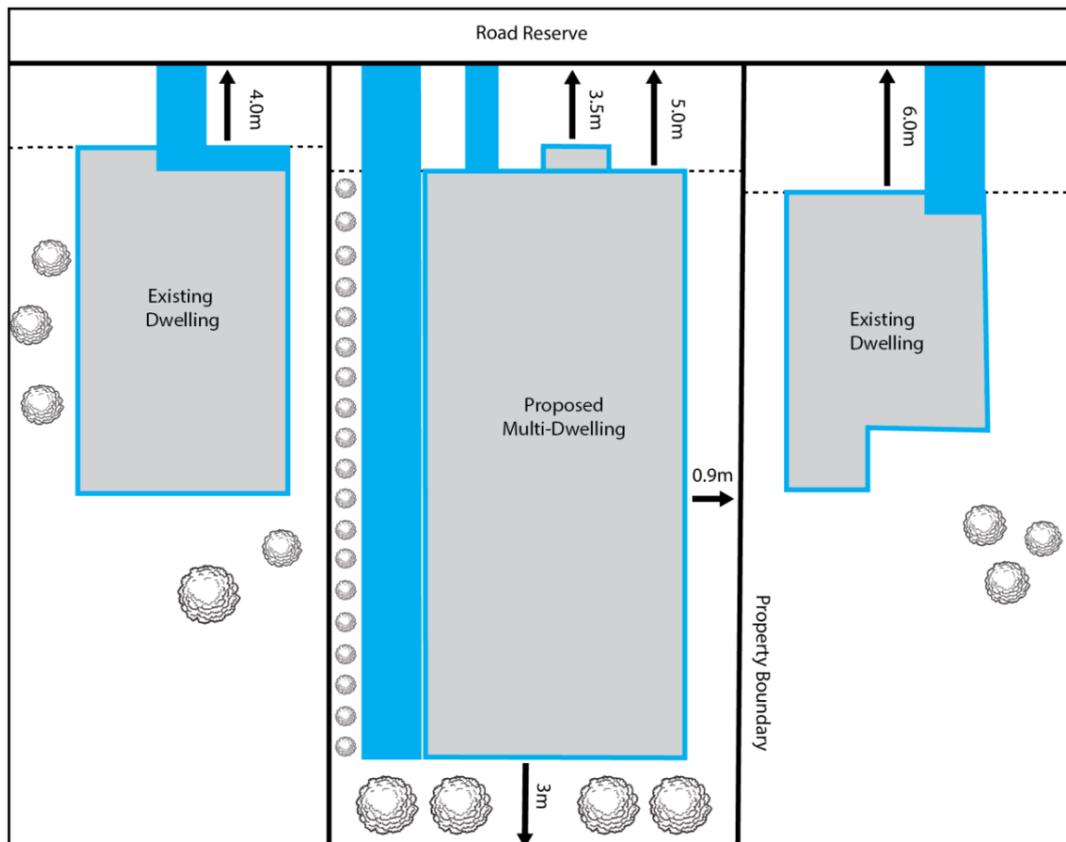
C5 Multi Dwelling Housing or Seniors Housing

Application		
<p>This Part applies to development that is defined as multi dwelling housing or seniors housing</p> <p>Note: Development defined as a residential flat building refers to SEPP No 65 – Design Quality of Residential Apartment Development</p>		
Objectives		
C5.A	Landscaping	<ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees. To encourage landscaping between buildings for screening. To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff
Requirements		
C5.1	Landscaping Coverage	<p>Landscape area is provided as follows:</p> <ul style="list-style-type: none"> 15% of the site area consisting of deep soil planting where the lot is equal to or less than 250m² and zoned R1 – General Residential or R2 – Low Density Residential; or 20% of the site area consisting of deep soil planting where the lot is greater than 250m² and zoned R1 – General Residential or R2 – Low Density Residential; or 10% of the site area consisting of deep soil planting when the site is zoned R3- Medium Density Residential or B4 – Mixed Use; and <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p> <ul style="list-style-type: none"> 50% of the landscaped area must be located behind the building line to the primary road; and 30% shading over uncovered car park areas
C5.2	Landscaping Dimensions	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
C5.3	Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works incorporate adequate screening from the street and adjacent neighbours.

		<ul style="list-style-type: none"> • Corner lots provide landscaping to both street frontages. • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. • 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 the Port Stephens Council tree technical specification¹
Objectives		
C5.B	Height	<ul style="list-style-type: none"> • To ensure building height 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 ceiling heights achieve sufficient ventilation and daylight access. • To ensure ceiling heights increase the sense of space and provides for well-proportioned rooms. • To ensure ceiling heights contribute to the flexibility of building use over the life of the building.
Requirements		
C5.4	Building Height	<p>Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under the Local Environmental Plan clause 4.3</p> <p>Note: C2.4 requires a minimum first floor and above ceiling height for residential accommodation in a commercial zone of 2.7m</p>
C5.5	Floor to Ceiling Height	Minimum floor to ceiling heights of 2.4m
Objective		
C5.C	Setbacks	<ul style="list-style-type: none"> • To ensure development provides continuity and consistency to the public domain. • To ensure adequate space between buildings to enable effective landscaping. • To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation. • To reduce the visual bulk of buildings from the street. • To maintain the rhythm and built form on the street.
Requirements		
C5.6	Front Setback	<p>Minimum 4.5m front setback from the front property line or the existing average building line for 75% of the building façade.</p> <p>The remaining 25% of the façade may allow a 2m encroachment provided the encroachment contains habitable rooms, terraces, balconies or bay windows.</p>
C5.7		Podium structures and basement car parks are not to be within the front setback area

C5.8		Setback areas area not to be used for at grade parking.
C5.9		Minimum 5.5m front setback from the front property line for a garage to enable a parked car to be situated in front of the garage.
C5.10	Secondary Setback (Corner Lots)	Minimum 3m secondary setback , except for an open veranda, porch or deck which must be setback a minimum of 2m
C5.11	Side Setbacks	Minimum 0.9m side boundary setback for any part of a building at or below 5.5m in height
C5.12		Minimum 3m side boundary setback for any part of a building above 5.5m in height
C5.13		<p>Despite the above requirements, a dwelling may be built to a side boundary if within a commercial zone or the zone R3 – Medium Density Residential, if the following is achieved:</p> <ul style="list-style-type: none"> • The maximum wall height is 6m and the maximum wall length is 6m and there will be no impact on privacy, use of private open space and solar access for adjoining properties unless these properties have approval/are proposed for medium density residential. • 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.

Figure C1: Ground level (finished) setbacks for the existing average building line



Note: The Figure C1 demonstrates application of the formula: $C = (A + B)/2$

C5.14	Rear Setbacks	For the ground level (finished) , rear setback must not exceed whichever of the following is greater: <ul style="list-style-type: none"> • Minimum 3m from the rear boundary, or • 25% of the average of the length of the side boundaries.
C5.15		Minimum 4m rear setback for the upper levels.
C5.16		Despite the above requirements, development may be built to the rear boundary on lots that have rear lane access.
C5.17		Podium structures and basement car parks are not to be placed in the rear setback area.
C5.18	Driveway Setback	Minimum 0.9m side boundary setback to provide for landscaping, which can be included in calculations.

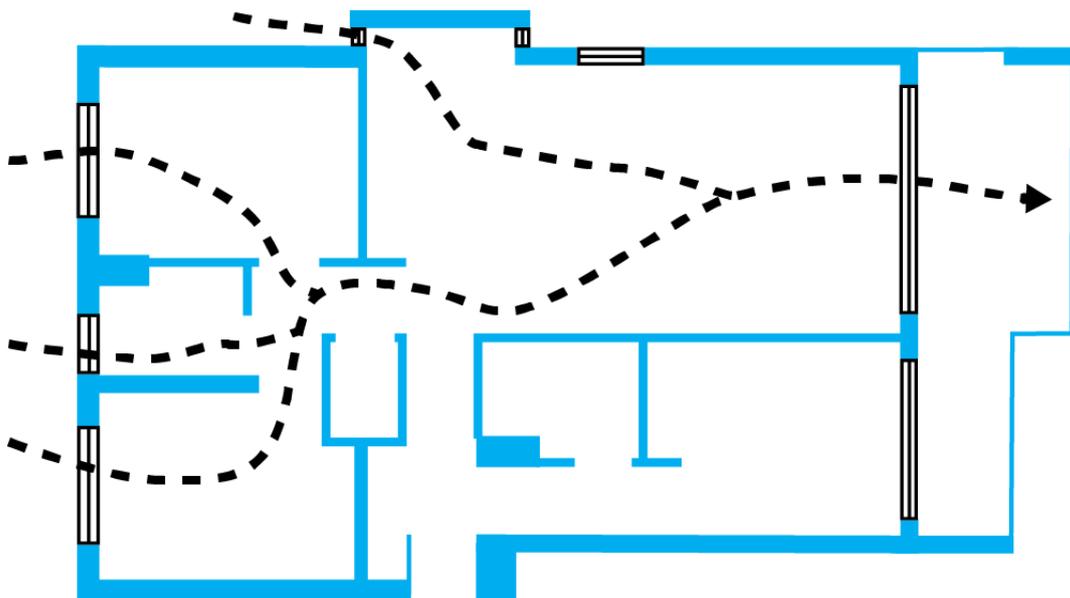
Objectives

C5.D	Natural Ventilation	<ul style="list-style-type: none"> • To ensure all habitable rooms are naturally ventilated. • To ensure a comfortable indoor environment is created for residents.
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Requirements

C5.19	Natural Ventilation	The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms .
C5.20		Depths of habitable rooms support natural ventilation.
C5.21		Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: <ul style="list-style-type: none"> • Adjustable windows with large effective openable areas; • A variety of window types that provide safety and flexibility such as awnings and louvres; and • Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors.

Figure CJ: Cross-Ventilation

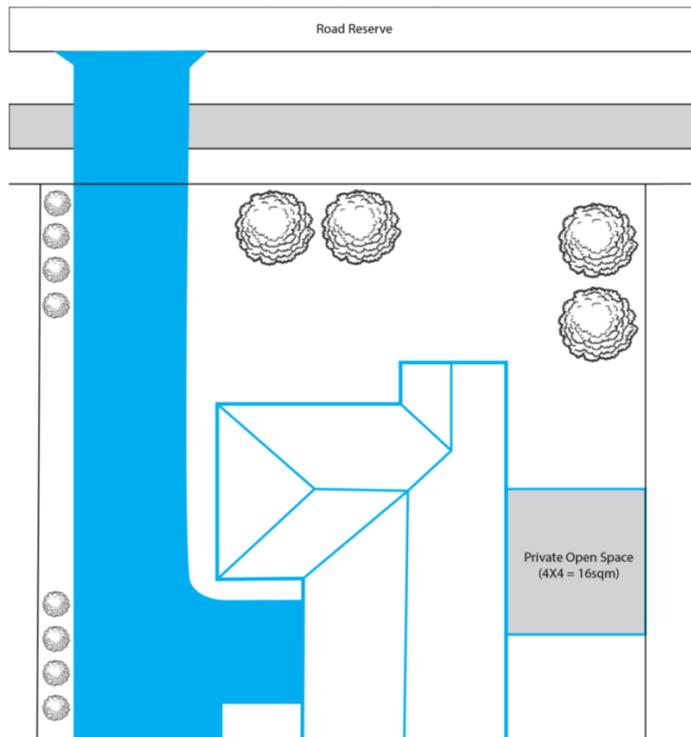


Objective		
C5.E	Streetscape and Privacy	To ensure development activates streetscape to provide passive surveillance and privacy
Requirements		
C5.22	Access	Dwellings that have street frontage provide direct and legible pedestrian access from the street to the front entry. Note: Development should have consideration for the Port Stephens Pathways Plan.
C5.23	Openings	The front door entrance of each dwelling must be sheltered and be located forward of the designated car parking space
C5.24		Windows and walls are located to avoid noise sources from adjacent lots and streets
C5.25		Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings
C5.26		Privacy screens , high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties.
C5.27	Colour Schemes	Building colours should adopt a colour scheme to express building massing, articulation and detailed façade elements
C5.28	Corner Lots	Development on a corner lot has one or more dwellings facing each street frontage.
C5.29	Façade	The façade 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 pattern continuity of the overall building.
C5.30		Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.
C5.31		The dwelling with street frontage provides a recognisable pedestrian entry point from the street.
C5.32	Privacy	Balconies, terraces and decks must include privacy screens where they face onto side boundaries or are orientated to avoid direct overlooking onto adjoining lots.
Objectives		
C5.F	Noise	<ul style="list-style-type: none"> To minimise noise transfer through the siting of buildings and building layout To ensure noise impacts are mitigated within units through layout and acoustic treatments
Requirements		
C5.33	Noise	Window and door openings are generally oriented away from noise sources
C5.34		Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas
C5.35		Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources

C5.36		The number of part walls (a common wall shared with another dwelling) are limited and are appropriately insulated
Objectives		
C5.G	Car Parking and Garages	<ul style="list-style-type: none"> To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation. To ensure vehicular access has minimal impacts on neighbouring dwellings. To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers.
Requirements		
C5.37	Driveway Width and Access	Where a common driveway is to be provided it is to have a minimum width of 3.6m
C5.38		Where a common driveway is not provided and individual driveways connect to the street, the garage is to be setback 5.5m to allow for a parked car to be situated in front of the driveway door.
C5.39		Visual impact of long driveways should be minimised through changing alignments and screen planting
C5.40		Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.
C5.41		<p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> changes in surface materials; level changes; the use of landscaping for separation.
Objective		
C5.H	Private Open Space	To ensure private open space with solar access is provided to allow the opportunity for passive and active outdoor recreation
Requirements		
C5.42	Private Open Space Dimensions	<p>Minimum of 16m² of ground floor private open space for each dwelling containing one or two bedrooms that:</p> <ul style="list-style-type: none"> has minimum dimensions of 4m x 4m; has direct access from internal living areas; is not located within a front setback; and has a northerly aspect.
C5.43		<p>Minimum area of 25m² of ground floor private open space for each dwelling containing three or more bedrooms that:</p> <ul style="list-style-type: none"> has minimum dimensions of 4m x 4m; has direct access from internal living areas; is not located within a front setback; and has a northerly aspect.

C5.44		Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 16m ² with a minimum width of 2.4m and minimum depth of 1.5m for the use as private open space
C5.45	Private Open Space Dimensions for Seniors Housing	Despite the above requirements, ground floor private open space for each dwelling in development for seniors housing may be reduced to a minimum area of 9m ² and minimum dimensions of 3m x 3m
C5.46	Solar Access	Minimum of two hours sunlight to the private open space area between the hours of 9am-3pm midwinter
C5.47		Minimum of 50% of private open space of adjoining dwellings is not affected by any shadow for a minimum of three hours between 9am-3pm mid-winter
Objective		
C5.1	Site facilities and services	To ensure development provides appropriate facilities and services in the most appropriate site location
Requirements		
C5.48	Equipment	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
C5.49	Waste Storage	Adequately screened waste storage and recycling area are to be provided behind the building line or setback of a dwelling
C5.50	Mail boxes	Mail boxes are adjacent to the major entrance
C5.51	Street Numbers	Street/unit numbers are identifiable form the street
C5.52	Clothes Drying	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
C5.53	Site Facilities & Services	The provision of electricity and gas for new dwellings should be provided underground.
C5.54	Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <ul style="list-style-type: none"> • 6m³ for one bedroom units • 8m³ for two bedroom units • 10m³ for three or more bedroom units

Figure CK: Private open space requirements for one or two bedroom *dwelling*s.



Note: *Dwellings* containing three or more bedrooms must provide a minimum **private open space** area of 25m²

Objective

C5.J	Additional Requirements for Seniors Housing	<ul style="list-style-type: none"> To establish additional requirements for seniors housing development To ensure development for seniors housing provides adequate area for communal open space To provide communal open space within seniors housing development that is accessible from dwellings and promotes interaction between residents To allow a merits based assessment of communal open space dependant on the quality of facilities, accessibility, furniture, and landscaping and feature elements To ensure adequate community facilities are provided for residents in seniors housing development
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Requirements

C5.55	Communal Open Space	<p>Development for seniors housing must provide communal open space that:</p> <ul style="list-style-type: none"> has a minimum area equal to 25% of the site or a merit-based approach; is clearly identifiable and easily accessible to all residents; is overlooked by windows of habitable rooms; incorporates a landscaped area between 10% and 25% of the total communal open space area. Landscaped areas should be vegetated with native species; provides seating areas connected to dwellings by a continuous sealed pathway according with AS 1428.1 – Design for access and mobility;
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		<ul style="list-style-type: none"> contains ornamental features such as sculptures, ponds, water features, art work and the like; and provides a barbeque area for development of 20 or more dwellings.
C5.56	Community Facilities	<p>Community facilities such as common rooms, libraries, gyms and the like are to facilitate use by on-site residents and should comply with the following:</p> <ul style="list-style-type: none"> A minimum floor to ceiling height of 3m; Be accessible from common areas; Be serviced by a minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty dwellings, whichever is the greater; and Meet enhanced access and mobility requirements of AS 1428.2 – Design for access and mobility.
C5.57		Outdoor community or common facilities/spaces are to meet the requirements of AS1428.1 and are to include accessible access options such as ramps or lifts into swimming pools .
C5.58		Where dwelling s are serviced by contractors such as cleaners, rubbish collectors or the like, storage and support structures may be centralised.

C6 Home Business or Home Industry

Application		
This Part applies to development that is defined as home business or home industry		
Objective		
C6.A	Operational Requirements	To ensure operating hours do not adversely impact on residential amenity
Requirements		
C6.1	Hours of Operation	Hours of operation merit-based or considered: <ul style="list-style-type: none"> • Monday to Friday, 8am-6pm • Saturday, 9am-12pm • Sunday or Public Holidays, not allowed to operate <ul style="list-style-type: none"> - Hours of operation may be further restricted depending on the location and nature of the development
C6.2	Goods Storage	Storage of goods or equipment must be contained within the confines of the building
Objective		
C6.B	Vehicle Repair and Trucking Operations	To ensure adequate consideration is given to the impacts of vehicle repair operations on neighbourhood amenity
Requirements		
C6.3	Vehicles and Trailers	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
C6.4		Only one trailer per truck is permitted
C6.5	Vehicle Storage	Vehicle storage areas are located behind the building line

C7 Restricted or Sex Services Premises

Application		
This Part applies to development that is defined as restricted premises or sex services premises		

Objective – Restricted Premises		
C7.A	Building Entries	To provide clear direction to access points and ensure they are appropriately located
Requirements – Restricted Premises		
C7.1	Building Entries	The building entrance should be located 400m from: <ul style="list-style-type: none"> • a dwelling on land zoned residential; • a child care centre, community facility, education establishment, hospital or place of public worship; and • another restricted premises
C7.2		Building Entrance must be discrete and unobtrusive
Objective – Restricted Premises		
C7.B	Signage	To ensure signage provides identification to a premises in a manner that is discrete and complimentary to the streetscape
Requirement – Restricted Premises		
C7.3	Offensive Content	The business identification sign is to be devoid of sexually explicit images, language or objects

Objectives – Sex Services Premises		
C7.C	Design of Premises	<ul style="list-style-type: none"> • To provide clear direction to access points and ensure they are most appropriately located • 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 Crime Prevention through Environmental Design (CPTED)
Requirements – Sex Services Premises		
C7.4	Building Entries	The building entrance should be: <ul style="list-style-type: none"> • 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 entrance to the premises located at the front of the building <p>Note: The Local Environmental Plan may also provide higher order guidance as to the location of sex services premises</p>
C7.5		Duress Alarm

C7.6	Reception Area	The premises is to be provided with an adequate reception area/waiting room with a minimum area of 20m ² to prevent clients from loitering outside
C7.7	Maximum Rooms	No more than five rooms are to be provided in which acts of prostitution are to take place
C7.8	Staff Facilities	Staff facilities must include a communal lounge or rest area and a bathroom for staff use only
C7.9	Toilet and Bathroom Facilities	Toilet and bathroom facilities must be provided within the premises and not be shared with any other premises within the building
C7.10	Noise	<p>Sex services premises must be designed to minimise noise transmission, measures include:</p> <ul style="list-style-type: none"> • Grouping room uses according to the noise level generated • Using storage or circulation zones within the premises to buffer noise from adjacent apartments, mechanical equipment or corridors and lobby areas • Incorporating appropriate noise shielding or attenuation techniques into the design of the building where appropriate
Objective – Sex Services Premises		
C7.D	Signage	To ensure signage provides identification to a premises in a manner that is complimentary to streetscape
Requirement – Sex Services Premises		
C7.11	Offensive Content	A business identification sign is to be devoid of sexually explicit images, language or objects

C8 Signage

Application		
This Part applies to development that is defined as signage		
Objective		
C8.A	General	To ensure signage is complimentary to its surroundings
Requirements		
C8.1	Local Environmental Plan	The Local Environmental Plan Schedule 2 Exempt Development details what signage is defined as exempt development
C8.2	Integration	Signage is integrated with the building facade
C8.3	Types of Signage	<p>The following types of signage are generally not supported:</p> <ul style="list-style-type: none"> • Flashing signs • Roof signs • Vehicular signs where the primary use of the vehicle is for advertising. • Above awning signs • Anchored balloons or airborne signs • Inflatable signs • Hoarding signs <p>Note: Flashing signs may be permitted in the road reserve if the text is a road safety message</p>

D

SPECIFIC AREAS

D Specific Areas

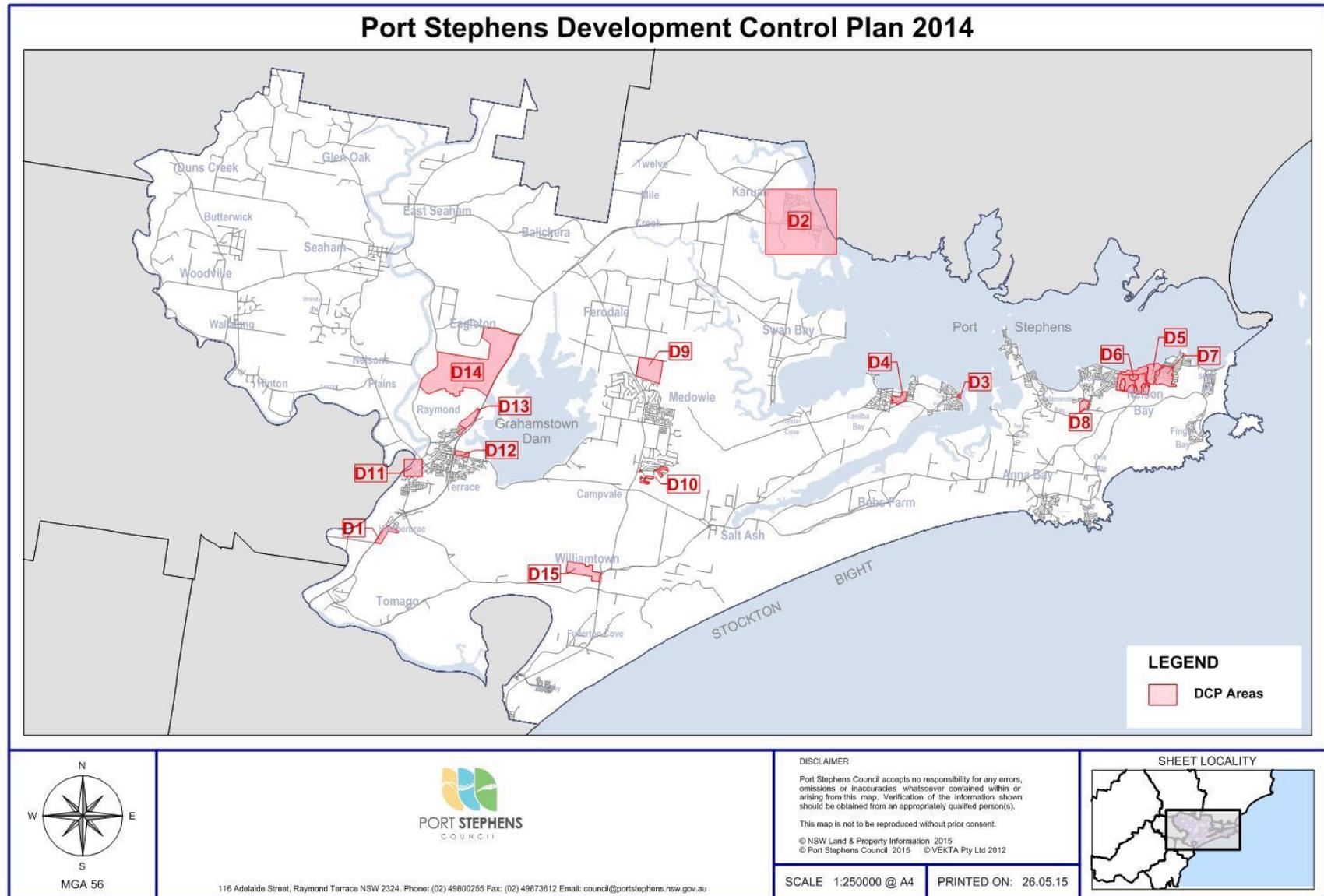
The Parts listed in the table below apply to **development** proposed within the relevant Land Application Map.

D Specific Areas			
No	Part	This Part applies to development that:	Page
D1	Heatherbrae Industrial	<ul style="list-style-type: none"> is situated within Heatherbrae Industrial 	D-98
D2	Karuah	<ul style="list-style-type: none"> is situated within Karuah 	D-102
D3	Lemon Tree Passage	<ul style="list-style-type: none"> is situated within Lemon Tree Passage 	D-106
D4	Koala Bay - Tanilba Bay	<ul style="list-style-type: none"> is situated within Koala Bay –Tanilba Bay 	D-110
D5	Nelson Bay Centre	<ul style="list-style-type: none"> is situated within Nelson Bay Centre 	D-112
D6	Nelson Bay West	<ul style="list-style-type: none"> is situated within Nelson Bay West 	D-118
D7	Seabreeze Estate – Nelson Bay	<ul style="list-style-type: none"> is situated within Seabreeze Estate – Nelson Bay 	D-122
D8	Salamander Bay Shopping Centre – Nelson Bay	<ul style="list-style-type: none"> is situated within Salamander Bay – Nelson Bay 	D-124
D9	North Medowie - Medowie	<ul style="list-style-type: none"> is situated within North Medowie 	D-126
D10	Pacific Dunes - Medowie	<ul style="list-style-type: none"> is situated within Pacific Dunes - Medowie 	D-130
D11	Raymond Terrace Centre	<ul style="list-style-type: none"> is situated within Raymond Terrace Centre 	D-136
D12	Richardson Rd – Raymond Terrace	<ul style="list-style-type: none"> is situated within Richardson Rd – Raymond Terrace 	D-142
D13	Rees James Rd – Raymond Terrace	<ul style="list-style-type: none"> is situated within Rees James Rd – Raymond Terrace 	D-146
D14	Kings Hill – Raymond Terrace	<ul style="list-style-type: none"> is situated within Kings Hill – Raymond Terrace 	D-151
D15	William Defence and Airport Related Employment Zone	<ul style="list-style-type: none"> is situated within Williamtown Defence and Airport Related Employment Zone (DAREZ) 	D-164
D16	Medowie Planning Strategy (Precinct E)	<ul style="list-style-type: none"> is situated within Medowie Planning Strategy (Precinct E) 	D-168

D

SPECIFIC AREAS

Figure DA:
D Specific
Areas - Land
Application
Map



D1 Heatherbrae Industrial

Application		
This Part applies to the land identified in Figure DB (p. D-101) as Heatherbrae Industrial		
Objective		
D1.A	Setback	To ensure development has regard to the Pacific Hwy
Requirements		
D1.1	Pacific Highway Setback	Provide a minimum 10m front setback from the Pacific Highway road reserve
D1.2	Landscaping	Provide 5m of landscaping from the building line or setback and define this as a 'restriction to user' under section 88D of the <i>Conveyancing Act 1919</i>
Objective		
D1.B	Street Trees	To ensure suitable street trees are appropriately sited
Requirement		
D1.3	Street Trees	Development continues the row of Hills Figs on the western side and replicates the row of Hill Figs on the eastern side of the Pacific Highway, Heatherbrae Note: C1.5 requires street trees as a component of the road reserve at subdivision
Objective		
D1.C	Street Layout	To ensure a permeable and connected street network with safe access from the Pacific Hwy
Requirements		
D1.4	Street Layout	Street layout adheres with Figure DC (p. D-102) <ul style="list-style-type: none"> Giggins Road connects to Griffin Street Extension of Camfield Drive
D1.5		Access to the Pacific Highway is restricted to those two intersections identified on Figure DC (p. D-102)
D1.6		Internal intersections contain concrete mediums with either a give-way or stop treatment Note: C1.7 ensures the street layout adheres to the infrastructure specific –design ¹¹
Objective		
D1.D	Drainage	To mitigate for negative impacts on water quality
Requirement		
D1.7	Water Quality Control Measures	Water quality measures comply with the <i>Hunter Water Regulation 2015</i> given the area's location within the Tomago Sandbeds Catchment. Note: B4.5 requires water quality measures to provide further guidance to clauses in the relevant Local Environmental Plan relating to water quality

D1

HEATHERBRAE INDUSTRIAL

Objective		
D1.E	Airport Operational Requirements	To ensure that the operational needs of the Williamtown RAAF Base are provided consideration in the development of lands in proximity to the Airport
Requirement		
D1.8	General Requirements	Note: Heatherbrae is located within the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map. B7 provides requirements relating to the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map
Objective		
D1.F	Gateway Signage	To ensure the location of gateway signage is appropriately sited to signify an entry point
Requirement		
D1.9	Gateway Signage	Gateway signage is provided in the locations identified on Figure DC (p. D-102)

Figure DB:
Heatherbrae
Industrial Land
Application
Map

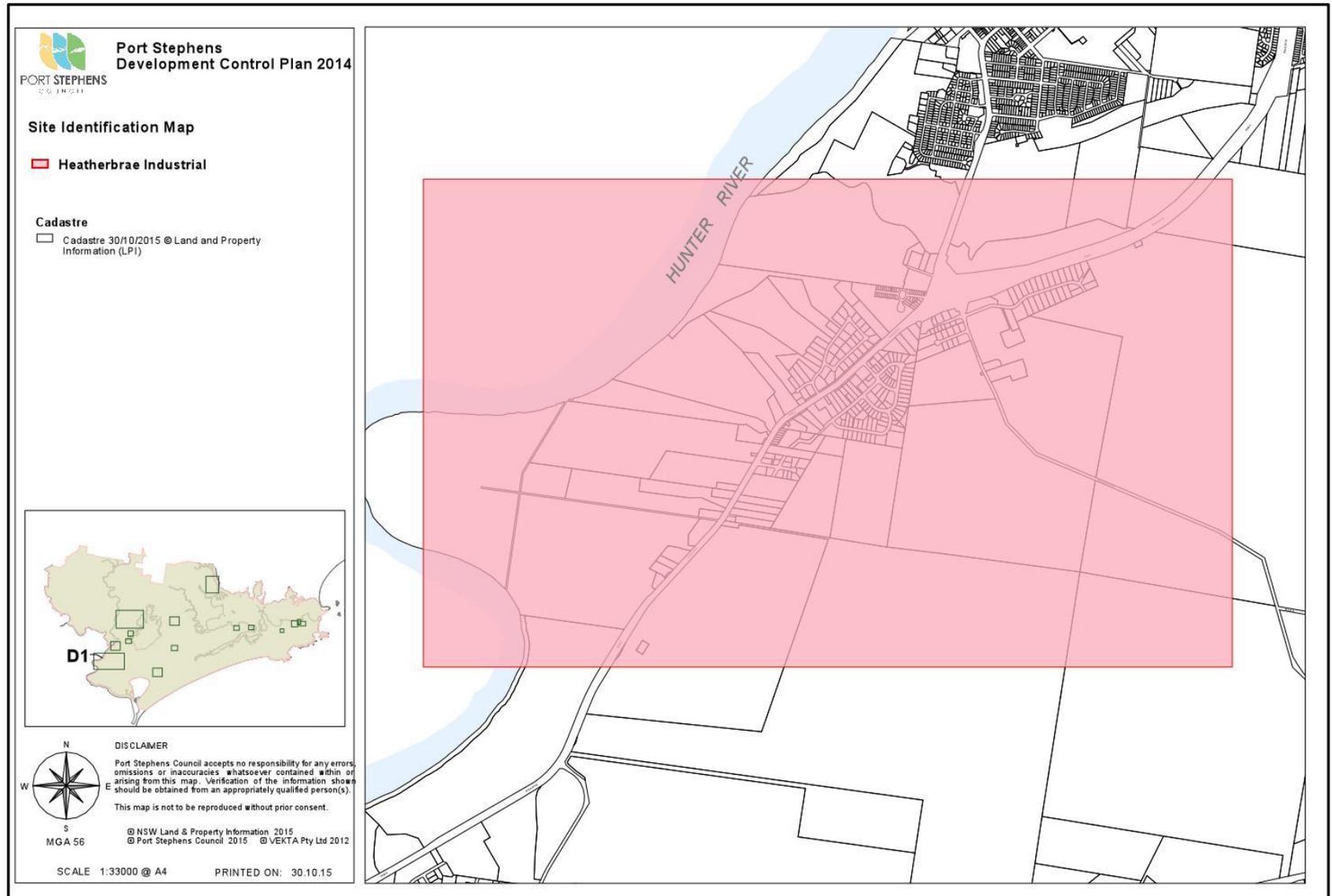
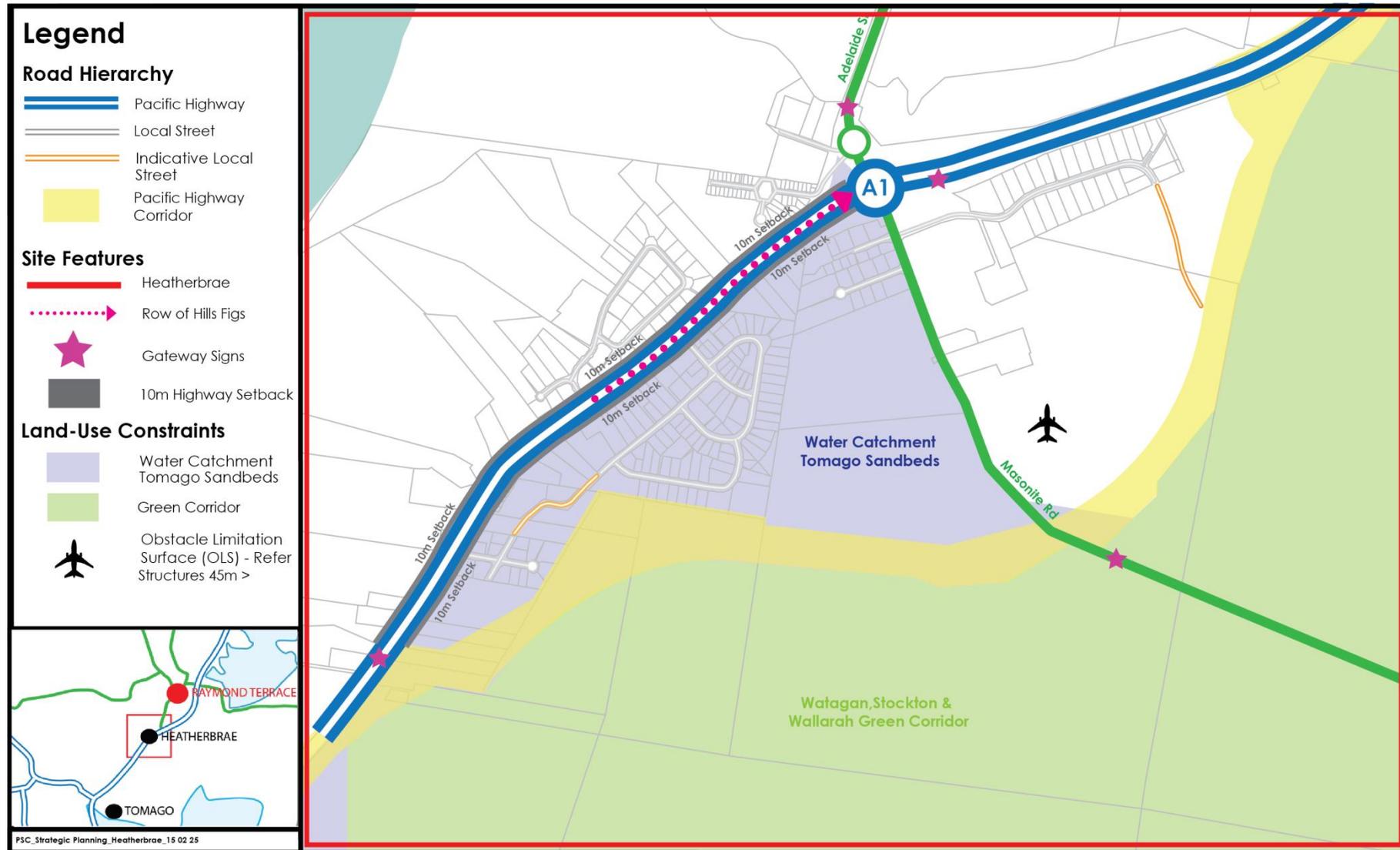


Figure DC: Heatherbrae Industrial Locality Controls Map



D2 Karuah

Application		
This Part applies to the land identified in Figure DD (p. D-105) as Karuah		
Objective		
D2.A	Staging	To ensure the Karuah Growth Strategy informs subdivision through adherence to the staging plan
Requirement		
D2.1	Staging	Staging of residential subdivision is consistent with Figure DE (p. D-106) Note: The Local Environmental Plan requires a staging plan
Objective		
D2.B	Street Layout	To ensure development contributes to the existing compact and interconnected street pattern
Requirements		
D2.2	Street Layout	The street layout is consistent with Figure DE (p. D-106) <ul style="list-style-type: none"> Where proposed streets are not outlined on Figure DE (p. D-106) they should have a minimum of one connection to the existing township
D2.3		Shared paths are consistent with Figure DE (p. D-106)
D2.4		Street design considers the parking and manoeuvring of long vehicles, such as boats and caravans Note: C1.3 requires the street network to be interconnected to provide a grid-like structure
D2.5		Intersections to Tarean Road are informed by Traffic Impact Assessment (TIA) with consideration provided to Tarean Road as a local road managed by Council Note: B9.2 requires development deemed in Council's opinion to impact on the existing road network to provide a TIA
Objective		
D2.C	Commercial	To ensure commercial development is in-keeping with the existing scale and character of Karuah
Requirements		
D2.6	Public Domain	Public domain works are consistent with the Karuah Commercial Centre Landscape Plan ²²
D2.7	Building Articulation	Facades should be articulated with timber and masonry finishes Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting
D2.8	Awnings	Awnings are provided for commercial development identified as primary commercial on Figure DE (p. D-106)

D2.9		Awnings are not required for commercial development identified as secondary commercial on Figure DE (p. D-106) Note: C2.22 requires awnings to be provided over pedestrian pathways for commercial development
Objective		
D2.D	Biodiversity Management	To ensure a suitable buffer is provided on land subject to the development to decrease impacts to areas of environmental significance
Requirement		
D2.10	Boundary Impacts	<ul style="list-style-type: none"> • A suitable buffer of between 50-100m is to be provided between development and areas of environmental significance • The suitable buffer provides consideration to land identified for bio-banking, which is located within the Stockton to Watagans Green Corridor and legally described as: <ul style="list-style-type: none"> - Lot 55 & 85 DP 753196 - Lot 2 DP 573068 - Lot 1 & 2 DP 552739 - Lot 1 & 2 DP 1167919 <p>Note: B2.1 requires development in proximity to items of environmental significance to provide a suitable buffer on the land subject to the development</p>
Objective		
D2.E	Infrastructure Provision	To ensure development is supported by essential services being water, electricity, sewerage, stormwater drainage and road access
Requirements		
D2.11	Stormwater Drainage	Development provides consideration to localised constraints on public drainage Note: B4.1 requires development that increases impervious surfaces to provide a stormwater drainage plan
D2.12	Water Quality	Water quality management takes into consideration development impacts both during construction and occupancy on neighbouring SEPP 14 wetlands Note: B4.C & B4.D requires development to provide water quality measures and buffers to riparian corridors

D2

KARUAH

Figure DD:
Karuah Land
Application
Map

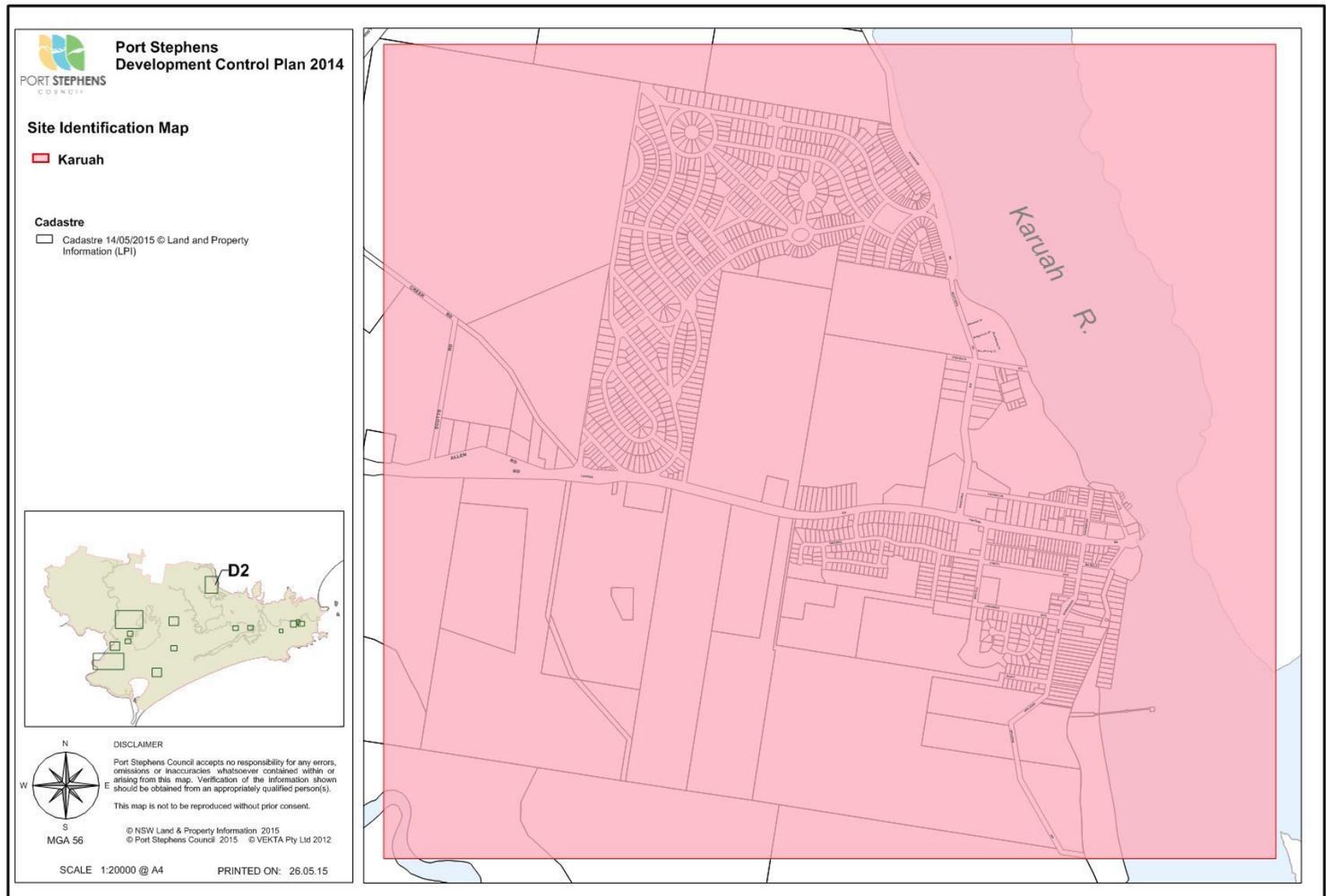
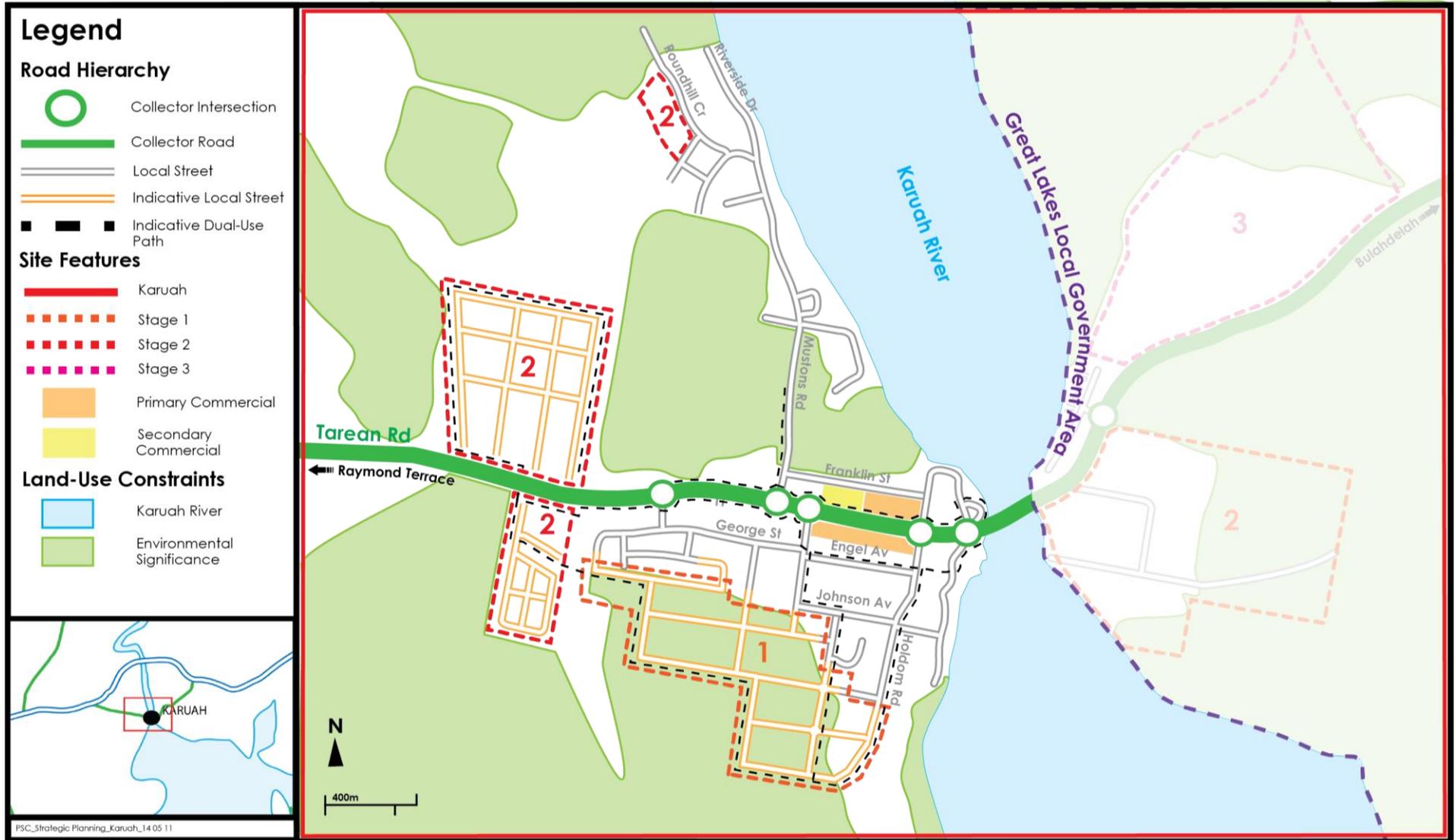


Figure DE: Karuah Locality Controls Map



D3 Lemon Tree Passage

Application	
<ul style="list-style-type: none"> This Part applies to the land identified in Figure DF (p. D-109) as Lemon Tree Passage 	

Objective		
D3.A	Waterfront Precinct	To ensure that development retains and supports waterfront commercial uses and the integration of facilities for maritime activities

Requirements		
D3.1	Public Access and Boardwalks	Development seeks to provide a 6m wide public access for identified laneways as identified on Figure DG (p. D-110)
D3.2		Allow for a 3m boardwalk along the waterfront as identified on Figure DG (p. D-110) Note: These requirements are reflective of NSW Coastal Planning Guideline and SEPP 71 – Coastal Protection to maintain access to Foreshore and to public open space
D3.3	Pavilion Buildings	Pavilion buildings within the Commercial Precinct should display the following design characteristics to limit bulk and scale: <ul style="list-style-type: none"> Minimum roof pitch of 22° Maximum 10m boardwalk frontage Gross floor area of 100m² Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting

Objective		
D3.B	Mixed-Use Precinct	To ensure development compliments the commercial main street of Cook Parade

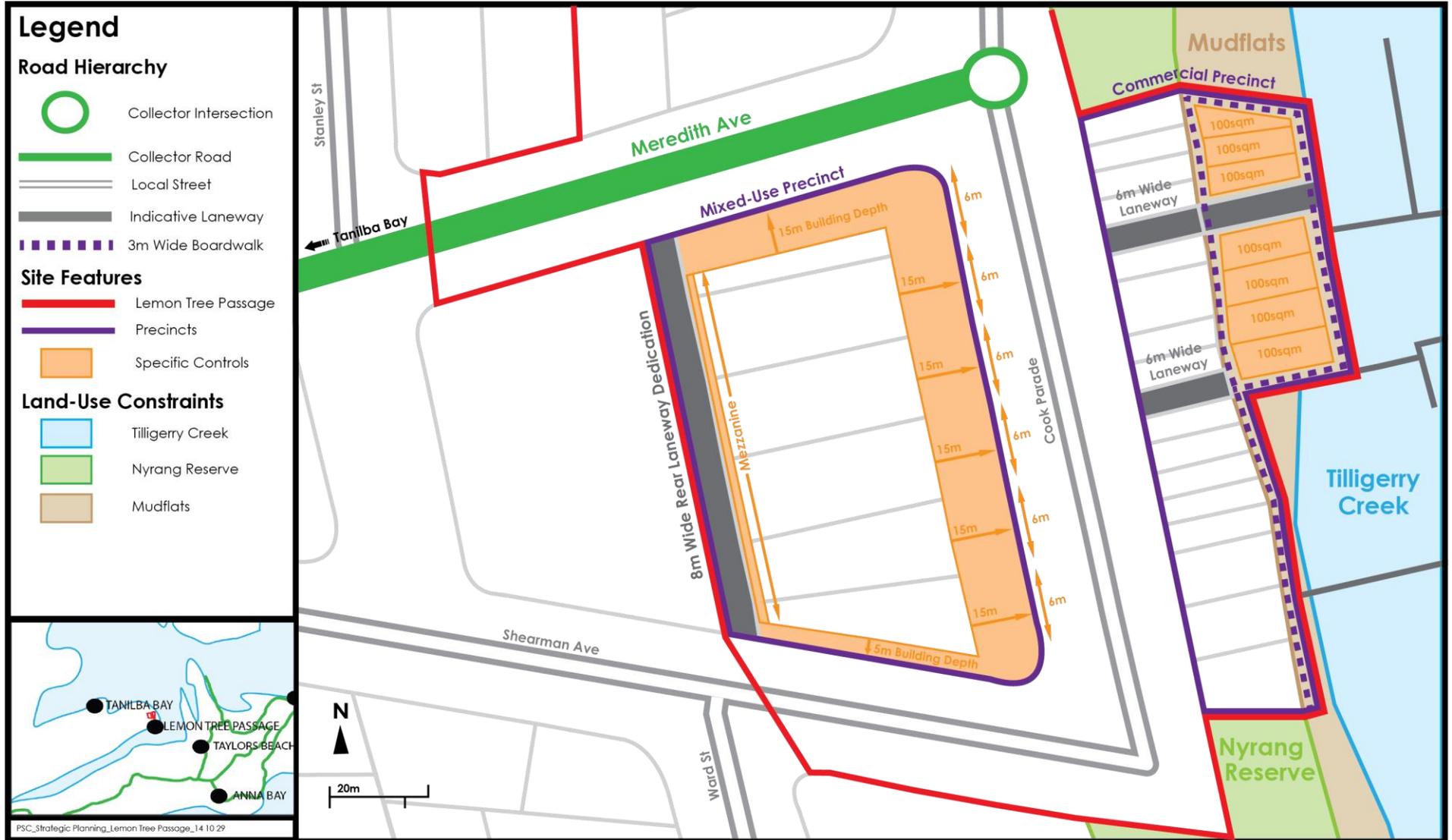
Requirements		
D3.4	Road Dedication	Development provides a 8m wide road dedication for rear access as identified on Figure DG (p. D-110) Note: C1.2 requires streets to comply with Infrastructure Specification – Design ¹¹
D3.5	Building Depth	Minimum building depth of 15m along Cook Parade and Meredith Avenue
D3.6		Minimum building depth of 5m along Shearman Avenue Note: C2.7 requires no minimum depth
D3.7	Floor Level	Floor level must be a maximum of 300mm above the adjacent footpath Note: C2.5 requires ground level (finished) to be between 100-500mm above adjacent footpath
D3.8	Site Frontage	Maximum site frontage of 6m along Cook Parade Note: C2.6 requires a minimum 20m site frontage where

D3

LEMON TREE PASSAGE

		development is proposed to be more than 10.5m in height
D3.9	Mezzanine and Abutting Laneway	A mezzanine area abutting the rear laneway provides a minimum floor level of 2.5m Australian Height Datum (AHD) Note: B5.1 requires development to be compatible with the flood hazard of the land
D3.10		Development is within 5m of the road reserve
D3.11		Minimum 2.4m ground floor to ceiling height
D3.12	Roof Pitch	Minimum roof pitch of 22° Note: C2.16 requires that building proportion is complimentary to the form, proportions and massing of existing building patterns

Figure DG: Lemon Tree Passage Locality Controls Map



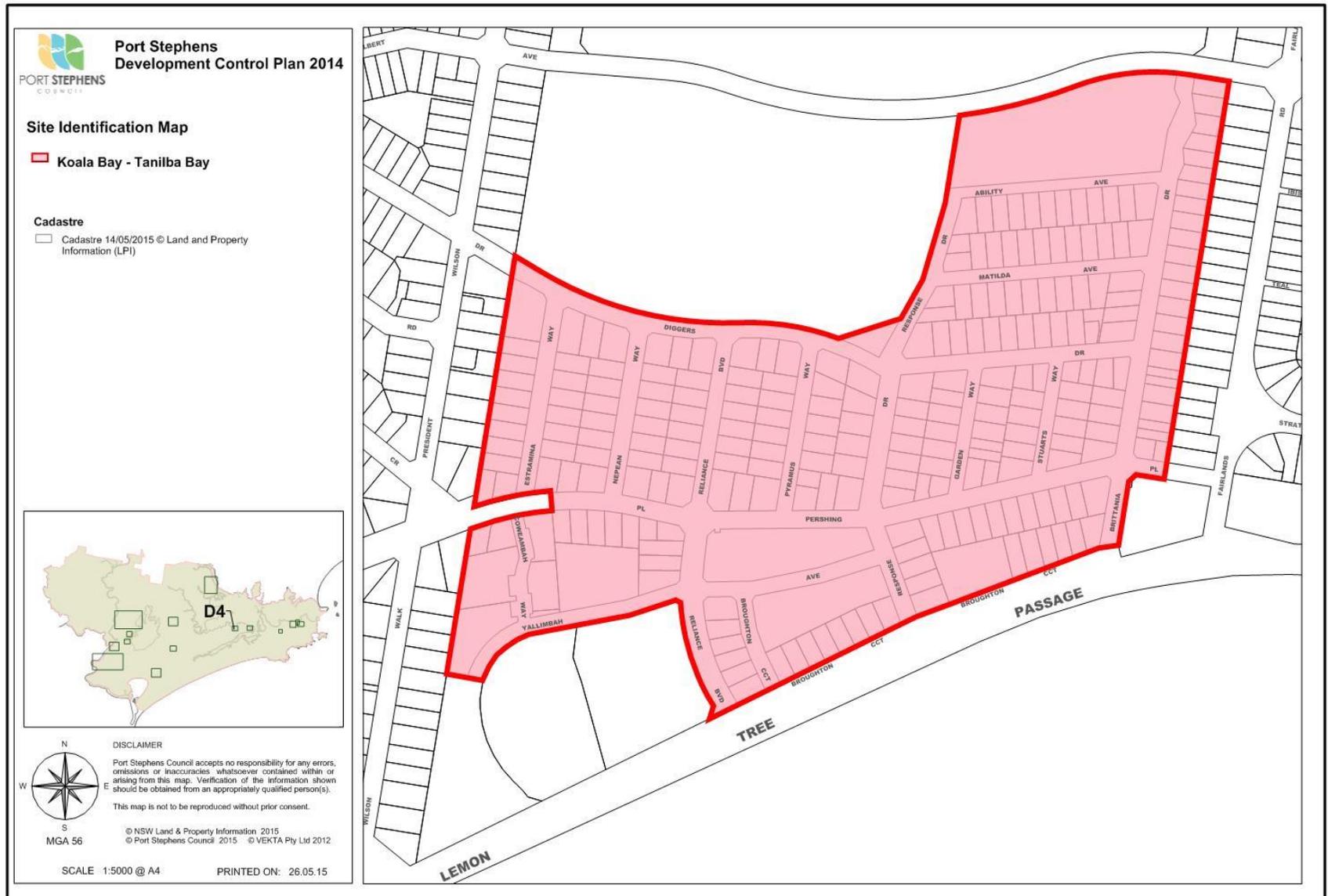
D4 Koala Bay – Tanilba Bay

Application		
This Part applies to the land identified in Figure DH (p. D-112) as Koala Bay – Tanilba Bay		
Objective		
D4.A	Setbacks	To ensure development provides continuity and consistency to the public domain
Requirement		
D4.1	Front Setback	Minimum front setback of 6m
Objectives		
D4.B	Biodiversity Management	<ul style="list-style-type: none"> To encourage the proper conservation and management of areas of natural vegetation that provide koala habitat To ensure landscaping is informed by setting
Requirements		
D4.2	Landscaping	<p>A development application is accompanied by a Landscape Plan, which provides consideration to:</p> <ul style="list-style-type: none"> Development not adjoining Lemon Tree Passage Road incorporates SEPP 44 Trees in the front and rear yards Front and rear yards are turfed and planted predominately with local native species, shrubs and trees
D4.3	Covenants	<p>To assist in the conservation of koalas a section 88B covenant may be created over the land prohibiting dogs</p> <p>Note: B2.4 requires consideration to the Port Stephens Comprehensive Koala Plan of Management¹⁰ performance criteria</p>
D4.4	Swimming Pools	<p>Swimming pools are to provide:</p> <ul style="list-style-type: none"> 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. <p>Note: C4.48-49 discusses requirements for swimming pools and B2.4 requires development that is located in koala habitat to consider the Port Stephens Comprehensive Koala Plan of Management¹⁰</p>
D4.5	Fencing	<p>Fences should avoid restricting wildlife movements by:</p> <ul style="list-style-type: none"> planting native vegetation hedges instead of fencing; or maintaining a 300mm gap under the fence, or installing any style fencing with a post and bridge system over the fence at 10-20 metre intervals; or installing post and rail with a minimum gap of 300mm between rails. <p>Note: C4.53 requires that side fencing not exceed 1.8m in height and not be of a solid appearance</p>

D4

KOALA BAY – TANILBA BAY

Figure DH:
Koala Bay –
Tanilba Bay
Land
Application
Map



D5 Nelson Bay Centre

Application		
This Part applies to the land identified in Figure DI (p. D-117) as Nelson Bay Centre		
Objectives		
D5.A	General Precinct Provisions	<ul style="list-style-type: none"> To provide general provisions that apply to all precincts identified in the Nelson Bay Centre 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
Requirements		
D5.1	Significant Vistas	<p>Development preserves the important vistas identified by Figure DJ (p. D-118)</p> <p>Note: C1.3 requires street layout to respond to the topographical features of the site</p>
D5.2	Street Layout	<p>The street layout is consistent with Figure DJ (p. D-118)</p> <p>Note: C1.3 requires the street network to be interconnected to provide a grid-like structure</p>
D5.3	Roof Design	<p>Development is to ensure that roof tops do not adversely impact on the public domain when:</p> <ul style="list-style-type: none"> Viewed from buildings at higher elevations When approaching the town centre Viewed from the street <p>Note: C2.1 requires building height to be in accordance with the Local Environmental Plan, clauses 4.3 and 5.6</p>
D5.4	NSW Coastal Planning Guidelines	<p>Building materials are reflective of existing buildings with reference made to the NSW Coastal Planning Guidelines¹²</p> <p>Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale</p>
Objectives		
D5.B	Desired Character - Village Precinct	<ul style="list-style-type: none"> To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide development within the Village Precinct as identified by Figure DJ (p. D-118) 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 Crime Prevention through Environmental Design (CPTED), such as: <ul style="list-style-type: none"> Territorial Re-enforcement Surveillance Access Control

- Space/Activity Management		
Requirement		
D5.5	Desired Character – Village Precinct	<p>Development within the Village Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> • Magnus Street is a pedestrian focused main street and acts as a focal point for the town centre • Development is fine grained and intensive retail and commercial that presents street activation <ul style="list-style-type: none"> - Development provides continuity of an activated street frontage for localities where business or retail premises predominately face the street and have direct pedestrian access from the street <p>Note: C2.18 requires street activation for those localities identified in Part D – Specific Areas</p> <ul style="list-style-type: none"> • 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 have setbacks above the street and are designed to ensure that they do not visually dominate at the street level <ul style="list-style-type: none"> - Facades should be detailed to promote clearly defined ground floor, first floor and second floor elements to manage the proportion of building height - Articulation of the ground floor should maintain the rhythm of the traditional main street shop fronts <p>Note: C2.8 requires a minimum front setback of 3m from the front property line for the second floor</p>
Objectives		
D5.C	Desired Character – Town Living and Commercial Precinct	<ul style="list-style-type: none"> • To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide development within the Town Living and Commercial Precinct as identified by Figure DJ (p. D-118) • To encourage a diversity of residential accommodation types to provide critical mass to support the role of the village precinct
Requirement		
D5.6	Desired Character – Town Living and Commercial Precinct	<p>Development within the Town Living and Commercial Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> • A wide range of uses including residential, retail and business development will occur in the precinct. This 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, that may not be suitable for the Village Precinct • The mix of uses may encourage residential living with live-work opportunities and boutique commercial office space • Development will have regard for adjacent precincts that provide a change in scale

		<ul style="list-style-type: none"> Mature street plantings are to assist in enclosing the street for pedestrians and reducing the scale of large style buildings located in this area <p>Note: C1.5 requires that street trees be provided in accordance with the tree technical specification¹</p>
Objectives		
D5.D	Desired Character – Tourism and Leisure Precinct	<ul style="list-style-type: none"> To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide development within the Tourism and Leisure Precinct as identified by Figure DJ (p. D-118) To facilitate tourism and leisure precinct that provides consideration to the roles of adjoining precincts
Requirement		
D5.7	Desired Character – Tourism and Leisure Precinct	<p>Development within the Tourism and Leisure Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> Development fronting Apex Park is to provide activate street fronts, facilitate access to adjoining precincts and contribute linking the Town Centre through Apex Park to the Foreshore <p>Note: C2.18 requires street activation for those localities identified in Part D – Specific Areas</p> <ul style="list-style-type: none"> Development for a hotel and conference centre would be appropriate in this location
Objectives		
D5.E	Desired Character – Foreshore Precinct	<ul style="list-style-type: none"> To provide character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide development within the Foreshore Precinct as identified by Figure DJ (p. D-118) To encourage development to address the waterfront and to provides an attractive safe pedestrian environment To encourage the establishment of a destination development that will integrate with established and future pedestrian circulation patterns
Requirement		
D5.8	Desired Character – Foreshore Precinct	<p>Development within the Foreshore Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> Development provides legibility, which reinforces the visual and cultural importance of the waterfront <ul style="list-style-type: none"> Development incorporates public art, which can act as landmarks <p>Note: C2.27 requires commercial development of a significant scale and that provides frontage to the public domain to incorporate public art in accordance with Council's <i>Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens</i></p> <ul style="list-style-type: none"> Water and marine related activities are complimentary to commercial and leisure related uses Accessible area that attracts a range of users

Objectives		
D5.F	Desired Character – Green Link Precinct	<ul style="list-style-type: none"> To provide a range of character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide development within the Green Link Precinct as identified by Figure DJ (p. D-118) To encourage the establishment of a destination development that will integrate with established and future pedestrian circulation patterns
Requirement		
D5.9	Desired Character – Green Link Precinct	<p>Development within the Green Link Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> The Green Link at Nelson Bay's central meeting place is reinforced by connecting paths and as a future location of cyclist end of trip facilities A transition area that facilitates movement between the Town Centre and Foreshore This green space is appropriate for passive and small scale active recreation uses

Figure D1:
Nelson Bay Centre Land
Application Map

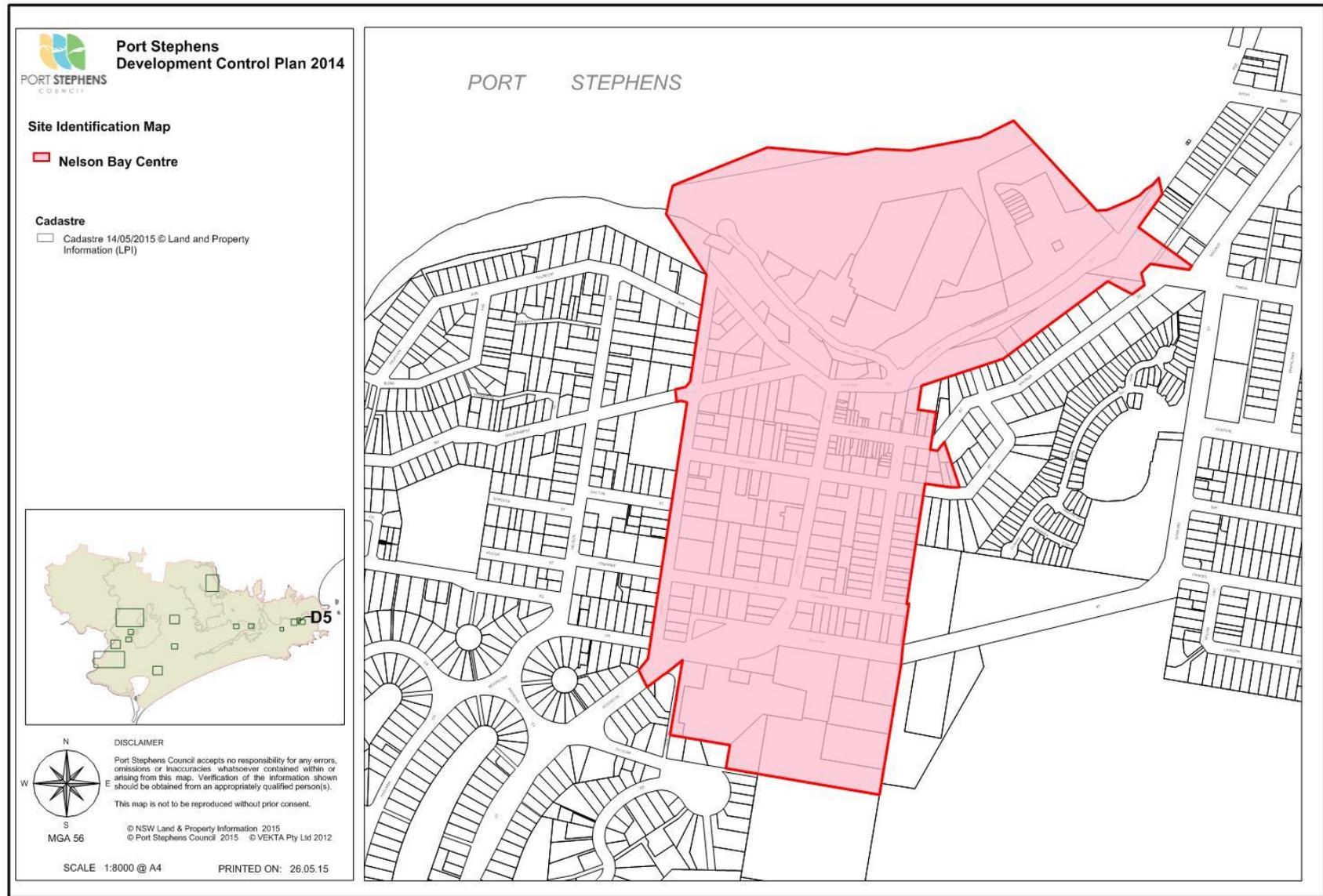
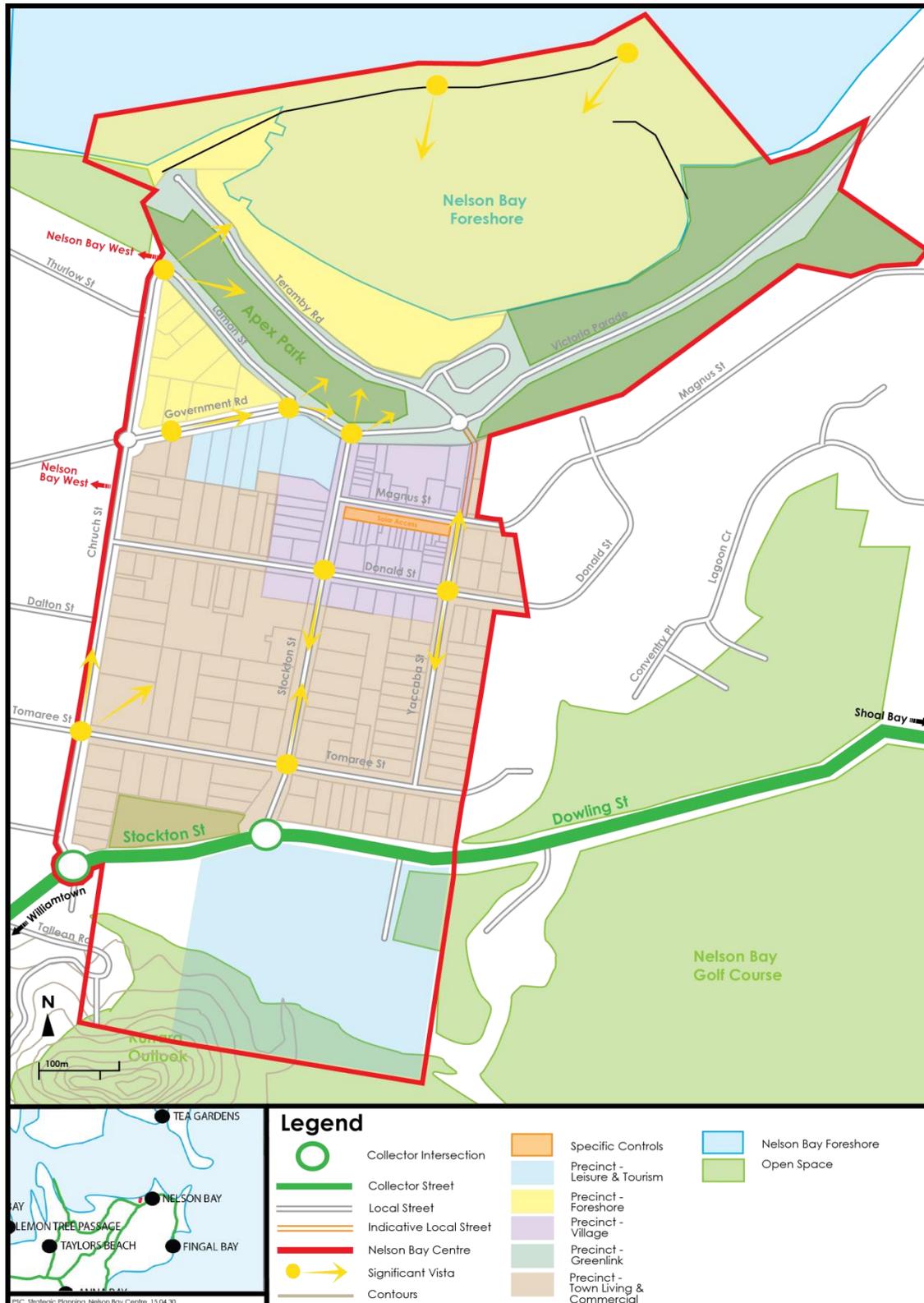


Figure DJ: Nelson Bay Centre Locality Controls Map



D6 Nelson Bay West

Application					
This Part applies to the land identified in Figure DK (p. D-121) as Nelson Bay West					
Objective					
D6.A	Setbacks	To ensure development provides continuity and consistency to the public domain			
Requirements					
D6.1	Front Setback	Minimum front setback of 6m			
D6.2	Secondary Setbacks (Corner Lots)	Minimum secondary setback of 3m			
D6.3	Side Setback	Minimum side setback of 2m for Town Centre Edge, Foreshore, Wahgunyah Neighbourhood and Lower Slopes			
D6.4		Minimum side setback of 3m for Upper Slopes and Hill Tops Note: C4.10 requires a minimum ground level (finished) side setback of 0.9m			
Objective					
D6.B	On-site Detention	To regulate the impacts on the capacity of the public drainage system			
Requirement					
D6.5	Impervious surfaces	<p>On-site detention is required where impervious surfaces exceed the listed percentage of site area:</p> <ul style="list-style-type: none"> • Town Centre Edge – 75% • Foreshore – 60% • Wahgunyah – 65% • Lower Slopes – 65% • Upper Slopes and Hilltops – 50% <p>Note: B4.2 requires on-site detention where impervious surfaces exceed the total percentage of site area as listed under Figure BD (p. B-29)</p>			
Objective					
D6.C	Landscaping	To ensure landscaping is within context through the appropriate selection of species and site coverage			
Requirement					
D6.6	Landscape Coverage	A Landscape Plan within Nelson Bay West achieves the following site area percentage coverage targets:			
		Location	Landscape Area	Endemic Species	Native Vegetation
		Town Centre Edge	25%	10%	N/A
		Foreshore	40%	20%	N/A

D6

NELSON BAY WEST

		Wahgunyah	34%	20%	N/A
		Lower Slopes	34%	20%	N/A
		Upper Slopes	50%	35%	70%
		Hill Tops	50%	35%	90%

Figure DK:
Nelson Bay
West Land
Application
Map

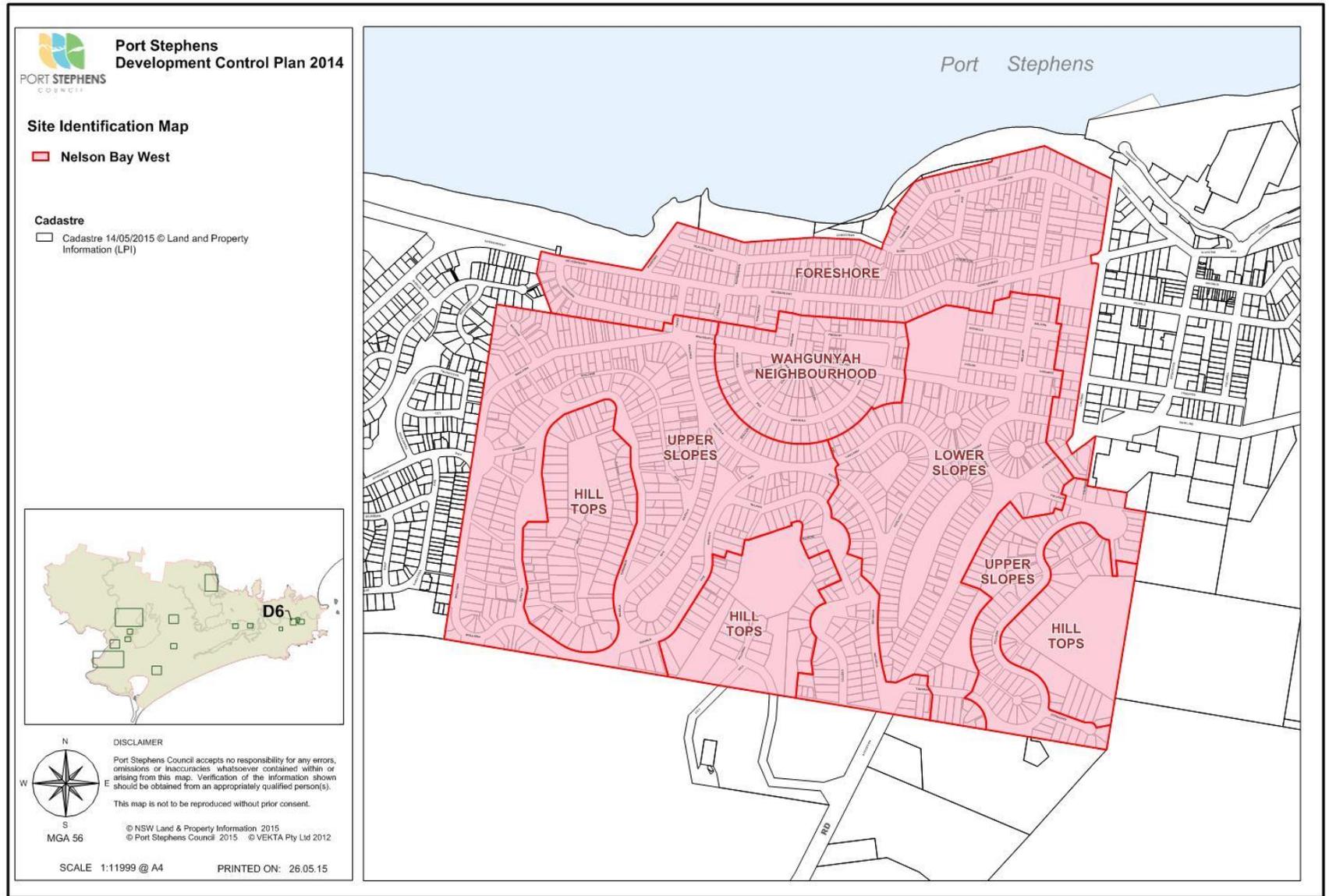
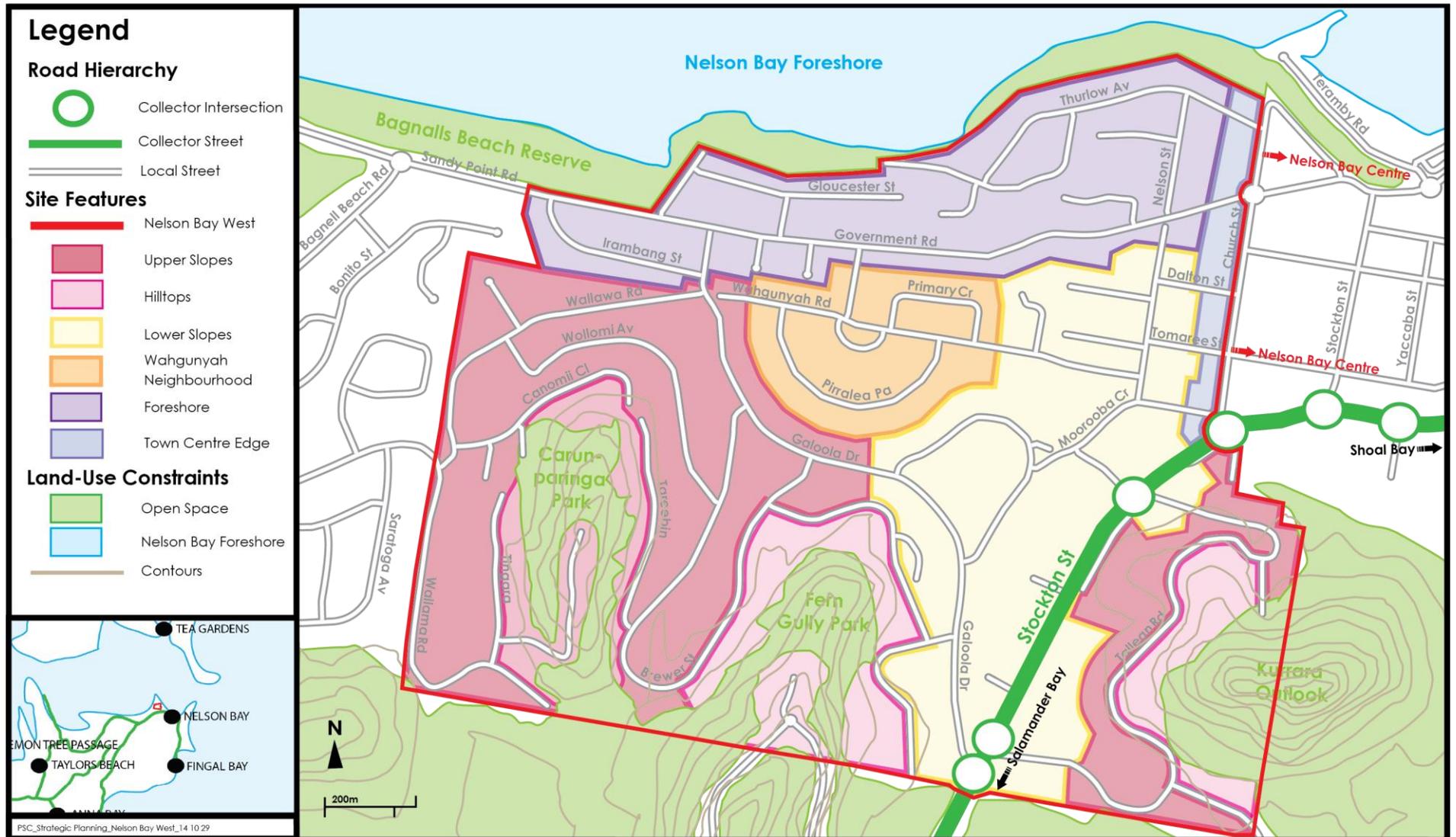


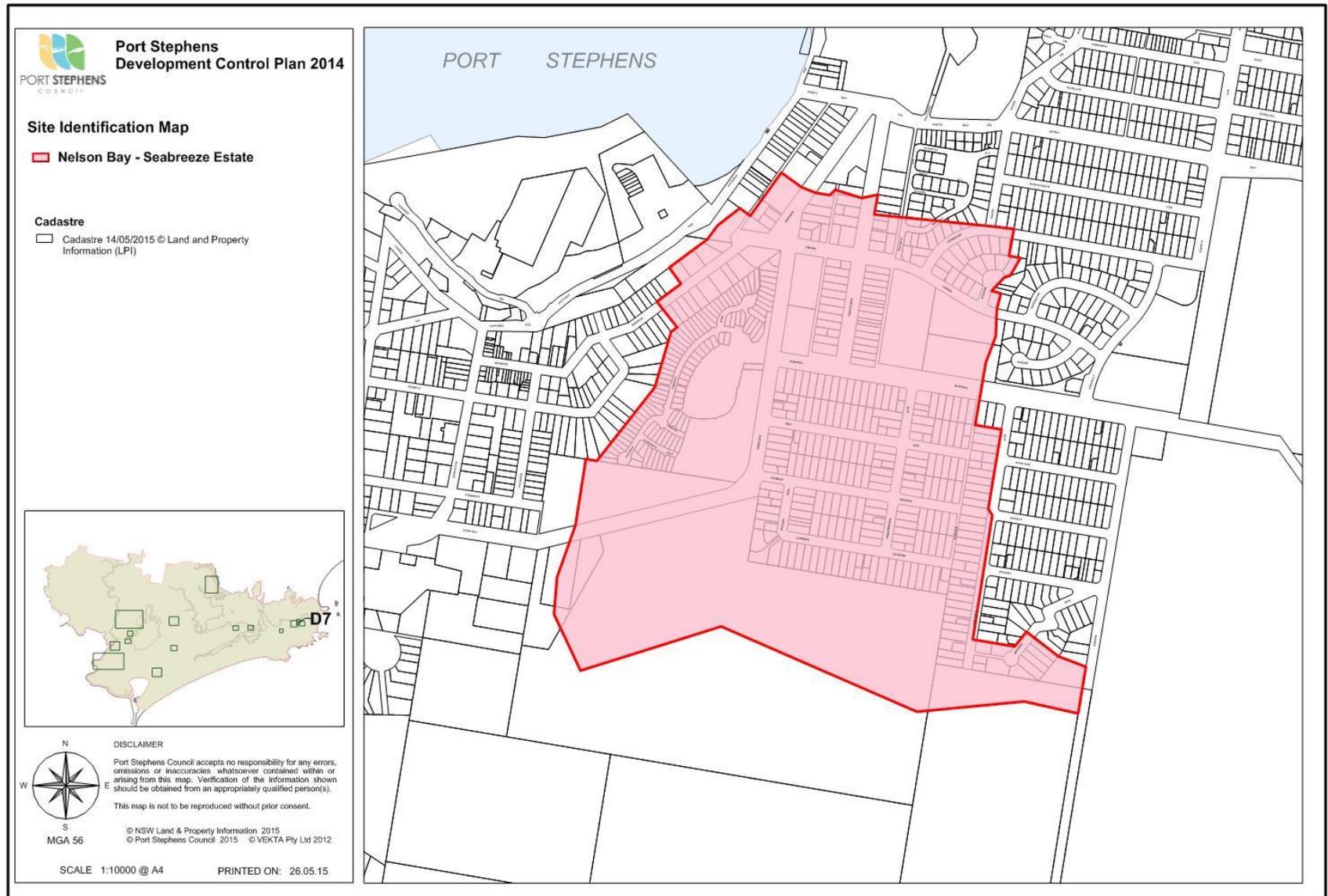
Figure DL: Nelson Bay West Locality Controls Map



D7 Seabreeze Estate – Nelson Bay

Application		
This Part applies to the land identified in Figure DM (p. D-124) as Seabreeze Estate – Nelson Bay		
Objectives		
D7.A	Drainage and Water Quality	<ul style="list-style-type: none"> 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 To reduce the need for portable water to irrigate
Requirements		
D7.1	Water Tanks	<p>Minimum water tank storage volume of 5,000L per unit</p> <ul style="list-style-type: none"> Water tanks are to be configured to allow use of the water for non-potable purposes Over-flow should be directed to on-site infiltration system
D7.2	Increase in impervious surfaces by more than 10% or 50m ²	<p>Development that increases impervious surfaces by more than 5% or 40m² is to provide on-site infiltration</p> <ul style="list-style-type: none"> On-site infiltration is designed to cater for all storm events up to and including the 1% Annual Exceedance Probability (AEP) with durations up to 72 hours considered to calculate capacity The stormwater drainage plan demonstrates the following details regarding on-site infiltration: <ul style="list-style-type: none"> location and type of infiltration system demonstrated volume of maximum AEP pipes, pits, overland flow and discharge points which discharge to either one of the following: <ul style="list-style-type: none"> on-site detention system where soil conditions are not suitable for infiltration discharge into underground infiltration systems where the soils are suitable to infiltrate directly onto the ground surface, if adjacent properties are not affected surface grates and maintenance access points orifice type, location and screening facility slope/gradient of the land <ul style="list-style-type: none"> on-site detention is required where it can be demonstrated that soil conditions are not suitable for on-site infiltration <p>Note: B4.2 requires on-site detention when development proposes to increase impervious surfaces</p>

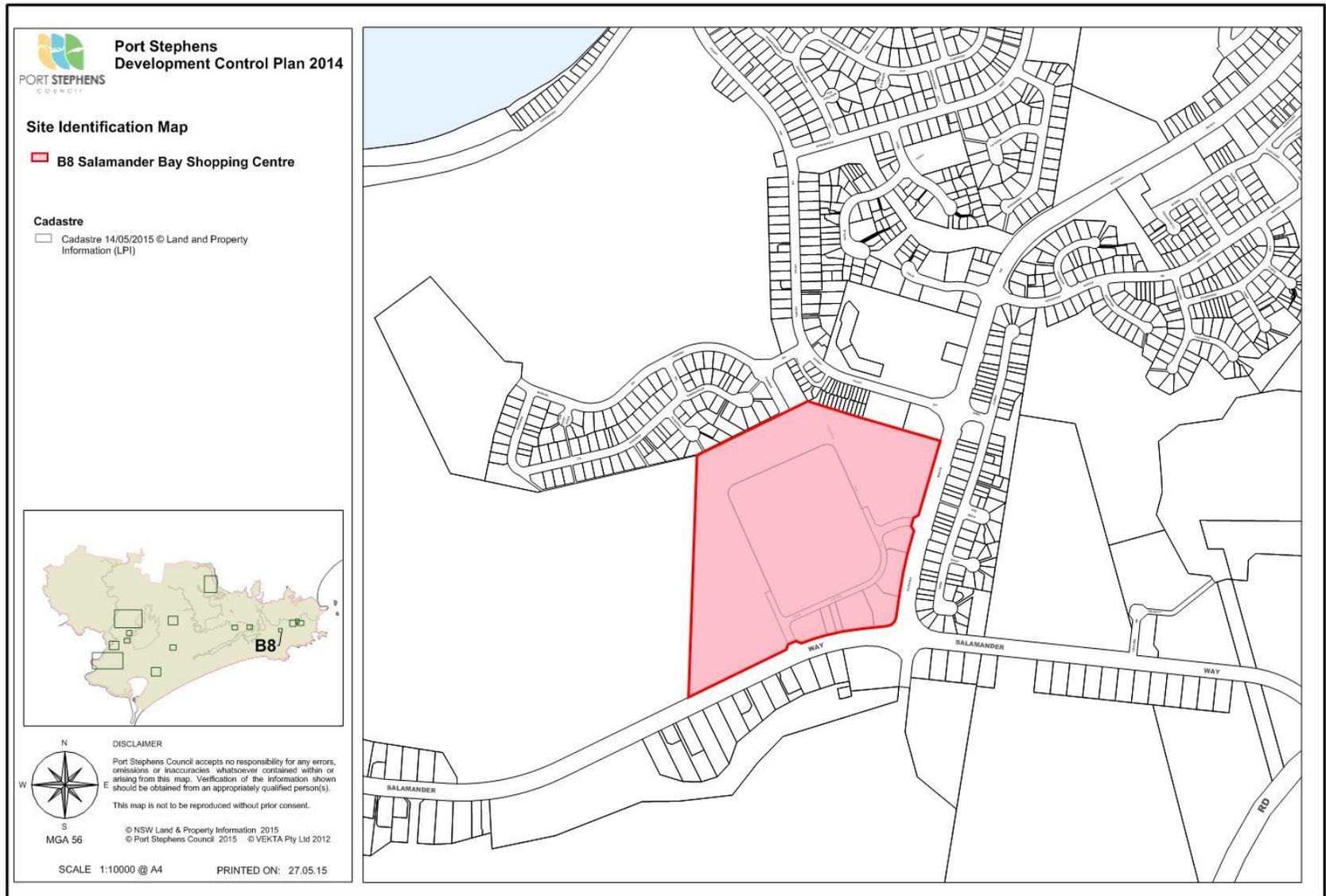
Figure DM:
Seabreeze Estate –
Nelson Bay
Land
Application
Map



D8 Salamander Bay Shopping Centre – Nelson Bay

Application		
This Part applies to the land identified in Figure DN (p. D-126) as Salamander Bay Shopping Centre		
Objective		
D8.A	Planning Principles	To provide planning principles that provide further guidance to the development of the Salamander Bay Shopping Centre Precinct
Requirements		
D8.1	Identity Hub	To create a sense of identity for a unified community and commercial precinct
D8.2	Integration	To ensure future development is sympathetically integrated with the existing surrounds and appropriately activates the precinct
D8.3	Connectivity	To ensure an integrated pedestrian and vehicular network promotes improved connectivity between developments within the precinct, and reaffirms the precinct as a hub
D8.4	Access Points	To ensure appropriate intersections are considered to accommodate for the expansion of the precinct
D8.5	Friendly	To ensure future development respects neighbours and users of the precinct
D8.6	Environment	To ensure future development protects the ecological systems within and adjacent to the precinct
D8.7	Safety	To ensure future development is designed with the safety of neighbours and users in mind
D8.8	Community	To ensure future development supports and is consistent with community activities
D8.9	Aesthetics	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
D8.10	Economic Development	To ensure future development offers economic advantages to the community in the immediate and long term

Figure DN:
Salamander
Bay Land
Application Map

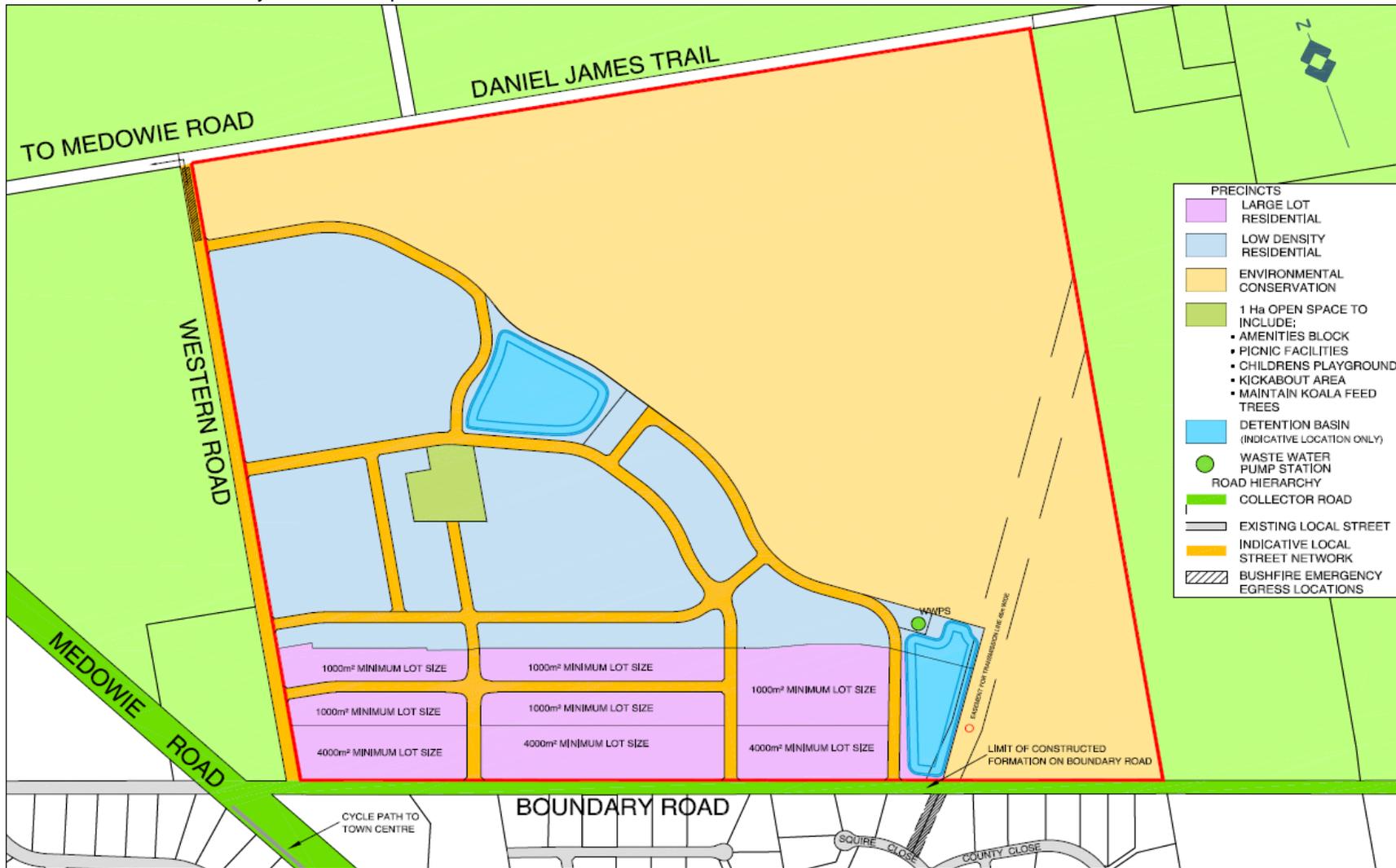


D9 North Medowie – Medowie

Application		
This Part applies to the land identified in Figure DO (p. D-129) as North Medowie		
Objective		
D9.A	Dwellings and ancillary structures	<ul style="list-style-type: none"> To provide a consistent approach to the development of dwellings and ancillary structures within the Low Density Residential Precinct. To provide a consistent approach to the development of dwellings and ancillary structures within the Large Lot Residential Precinct.
Requirements		
D9.1		Development for dwellings and ancillary structures is guided by the general DCP provisions of Part C4 unless otherwise provided by this chapter.
D9.2		Dwelling setbacks in the Large Lot Residential Precinct (1,000m ² minimum lot size) are: <ul style="list-style-type: none"> Minimum front setback 9m. Minimum side setback 1.5m. Minimum rear setback 5m.
D9.3		Ancillary structures in the Large Lot Residential Precinct (1,000m ² minimum lot size) satisfy the general DCP provisions for ancillary structures in the R2 Low Density Residential Zone.
Objective		
D9.B	Staging	To ensure the timely and efficient release of urban land, making provision for necessary infrastructure spending and sequencing.
Requirements		
D9.4		Staging for major subdivision is implemented in accordance with the relevant existing development consent (including as amended).
Objective		
D9.C	Transport Movement	To provide a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
Requirements		
D9.5		Major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport pedestrians and cyclists are to be provided in general accordance with Figure DP.
Objective		
D9.D	Landscaping	To provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for the public and private domain.

Requirement		
D9.6		A landscape plan for major subdivision is provided that satisfies the provisions of Part C1.
Objective		
D9.7	Active and Passive Recreation Areas	To ensure the provision of an adequate area public open space and amenity for residents.
Requirement		
D9.8		An area of public open space of approximately 1 hectare is to be located in general accordance with Figure DP and include the following features: amenities block; picnic facilities; children's playground; kick-about area; and the retention of koala feed trees.
Objectives		
D9.9	Stormwater and Water Quality Management	<ul style="list-style-type: none"> To ensure development does not impact on water quality. To safeguard the environment by improving the quality of stormwater run-off. To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures. To minimise impacts on water balance, surface water and groundwater flow and volume regimes and flooding.
Requirements		
D9.10		Development is to satisfy the provisions of Part B4.
D9.11		Detention basins are to be located generally in accordance with Figure DP.
Objective		
D9.12	Natural Hazards	To ameliorate natural and environmental hazards and to provide for the safe occupation of, and evacuation from, any land so affected.
Requirements		
D9.13		Development satisfies the provisions of <i>Planning for Bushfire Protection 2006</i> .
D9.14		Bushfire emergency egress locations are provided in general accordance with Figure DP
Objective		
D9.15	Williamtown RAAF Base – Aircraft Noise and Safety	To ensure that the operational needs of the Williamtown RAAF Base are considered.
Requirement		
D9.16		<ul style="list-style-type: none"> Development satisfies the requirements of Part B7 <i>Williamtown RAAF Base - Aircraft Noise and Safety</i> (note: RAAF Base Williamtown Limitation or Operations Surface Map applies - structures higher than 7.5m require referral to the Commonwealth Department of Defence for comment).

Figure DP: North Medowie Locality Controls Map



D10 Pacific Dunes – Medowie

Application		
This Part applies to the land identified in Figure DQ (p. D-135) as Pacific Dunes - Medowie		
Objectives		
D10.A	Lodgement Requirements	<ul style="list-style-type: none"> To ensure development is informed by an analysis of its setting To provide for development that is dominated by native planting that complements the existing vegetation of the area and enhances natural attributes
Requirement		
D10.1	Landscape Plan	<p>A development application is accompanied by a Landscape Plan, which provides consideration to:</p> <ul style="list-style-type: none"> Native trees, shrubs, groundcovers, mulched and planted areas within the front and rear vegetated zones in accordance with the Precinct Design Guidelines³⁷
Objectives		
D10.B	Flooding	<ul style="list-style-type: none"> To satisfy the provisions of the Local Environmental Plan relating to flooding, such as minimising the flood risk to life and property associated with the use of land To provide for resident safety and amenity by ensuring that minimum floor levels are set above the flood planning level
Requirement		
D10.2	Flood Planning Level	<p>The habitable floor level of any dwelling is constructed 500mm above the 1% Annual Exceedance Probability (AEP) of 9.5m as contained within the Pacific Dunes Flood Assessment Report³⁸</p> <p>Note: B5.1 provides consideration to how flood hazard is to be considered</p>
Objectives		
D10.C	Setbacks	<ul style="list-style-type: none"> To ensure development provides continuity and consistency to the public domain To provide a consistent setback to encourage street activation
Requirements		
D10.3	Setbacks – Country Club Precinct	Minimum front setback of 4.5m
D10.4		Minimum front setback of 5.5m for garages Note: C4.18 requires a minimum front setback for garages of 1m behind the building line or setback
D10.5		Minimum rear setback of 4.5m
D10.6		Minimum side setback of 1m or no minimum side setback garages

D10

PACIFIC DUNES - MEDOWIE

D10.7	Setbacks – Lakes, Links, Portmarnock Precincts	Minimum front setback of 6m
D10.8		Minimum front setback of 7m for garages Note: C4.18 requires a minimum front setback for garages of 1m behind the building line or setback
D10.9		Minimum rear setback of 4.5m
D10.10		Minimum side setback of 1.2m for the Links
D10.11		Minimum side setback of 1m for the Lakes and Portmarnock Precincts
D10.12		Minimum side setback of 1m or no minimum side setback for garages in Portmarnock Precinct
D10.13		Setbacks – Hillside and The Greens Precincts
D10.14	Minimum front setback of 6m for The Greens	
D10.15	Minimum front setback of 10m for garages in Hillside	
D10.16	Minimum front setback of 7m for garages in The Greens Note: C4.18 requires a garage to be a minimum of 1m behind building line or setback	
D10.17	Minimum rear setback of 5m in Hillside	
D10.18	Minimum rear setback of 4.5m in The Greens	
D10.19	Minimum side setback of 1.2m, except for 0.9m for The Ridge	
D10.20	Secondary Setbacks (Corner Lots)	Minimum secondary setback of 1.2m
Objective		
D10.D	Building Character	To ensure Pacific Dunes Estate will be developed with a consistent character with a visual coherence of built form through consistent requirements for building envelope, materials and streetscape
Requirements		
D10.21	Garages	Garages are designed to be unobtrusive through the following design requirements: <ul style="list-style-type: none"> • Maximum 5m garage door width • Garage door is panel lift finished in colorbond or timber of plain profile Note: C4.18 requires a minimum 1m behind building line or setback
D10.22	Driveway Width	A driveway should have a maximum width of 3.5m and be of a grey exposed aggregate in charcoal coloured concrete, except for: <ul style="list-style-type: none"> • Maximum width of 5m in the Country Club Precinct
D10.23	Articulation	Residential accommodation seeks to incorporate the following design elements: <ul style="list-style-type: none"> • Entry features • Pergolas, balconies and verandahs Note: C4.26 requires that development be sympathetic to the existing landscape character and built-form with regard to

		<p>design, bulk, scale, form, materials and roof configuration</p> <ul style="list-style-type: none"> Windows from habitable rooms that face the street and golf course <p>Note: C4.24 requires that development is to address the street by having at least one habitable room, such as a living area to front the street and/or adjoining public spaces</p> <ul style="list-style-type: none"> Secondary frontage to address both streets and golf course <p>Note: C4.25 requires development on corner lots to address both street frontages by having habitable rooms face both streets</p> <ul style="list-style-type: none"> Verandahs and pergolas with low window sills of less than 1200mm
D10.24	Roofing	<p>Roofing displays the following features:</p> <ul style="list-style-type: none"> Roofs are hipped or gabled Colorbond custom orb or flat-profile tile Minimum 450mm eave overhangs Minimum pitch of 22 degrees Roof mounted hardware, such as satellite dishes and antennae are to be mounted in locations least visible from the street and golf course
D10.25	Colours and Materials	<p>Colours and materials are sympathetic to existing development through the following features:</p> <ul style="list-style-type: none"> Rendered or bagged brickwork Feature colours enhance building articulation Selections are in accordance with the Precinct Design Guidelines³⁷ <p>Note: C4.26 requires development to be sympathetic to the existing character and built-form</p>
Objectives		
D10.E	Fencing and Retaining Walls	<ul style="list-style-type: none"> To ensure consistency and urban amenity outcomes To provide for a consistent character throughout the development that allows the soft landscaping elements to dominate
Requirements		
D10.26	Front Fences	No fencing to front or secondary (corner lot) setbacks
D10.27	Side and Rear Fences	<p>Side and rear fencing is lapped and capped timber fencing to a maximum height of 1.8m</p> <ul style="list-style-type: none"> Maximum 1m behind the front facade <p>Note: C4.55 requires solid fencing not be used</p>
D10.28	Golf Course Fences	Golf course fencing is to be 1.2m high palisade fencing in accordance with the Precinct Design Guidelines
D10.29	Retaining Walls	<p>Retaining walls visible from the public domain are:</p> <ul style="list-style-type: none"> masonry construction; or rendered or bagged and painted dark grey or a colour to match the residence <p>Note: C4.58 requires retaining walls to be of a masonry construction within 0.9m of the property boundary when greater</p>

D10

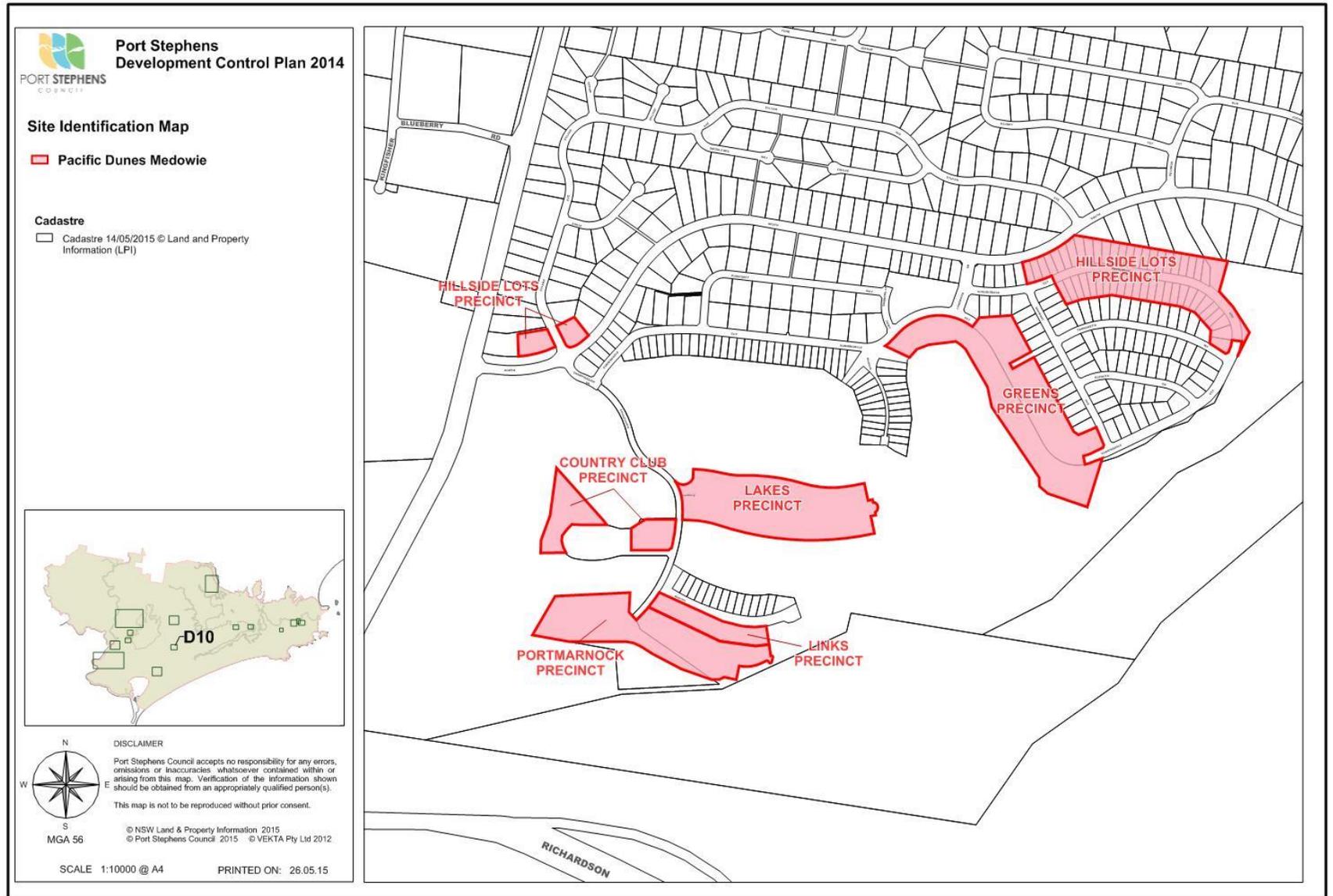
PACIFIC DUNES - MEDOWIE

		than 0.6m in height
D10.30	Letterboxes	A letterbox is rendered masonry to the detail provided in the Precinct Design Guidelines ³⁷ Note: C4.26 requires development to be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale form, materials and roof configuration
Objective		
D10.F	Street Layout	To ensure local streets are well-connected to the street network with obvious pedestrian and cycle links to higher order streets
Requirement		
D10.31	Street Layout	Road layout and shared paths are consistent with Figure DR (p. D-136) Note: C1.2 requires streets to comply with Infrastructure Specification – Design ¹¹

D10

PACIFIC DUNES - MEDOWIE

Figure DQ:
Pacific Dunes
- Medowie
Land
Application
Map



D10

PACIFIC DUNES - MEDOWIE

Figure DR: Pacific Dunes - Medowie Locality Controls Map



D11 Raymond Terrace Town Centre

Application		
This Part applies to the land identified in Figure DS (p. D-141) as Raymond Terrace Town Centre		
Objective		
D11.A	Residential Setbacks	To provide a consistent setback to encourage street activation
Requirements		
D11.1	Garage Setback	A garage in a residential zone and within the heritage conservation area is to provide a minimum front setback of 2m for that garage Note: C4.18 requires a minimum garage setback of 1m behind the building line or setback
Objective		
D11.B	Facades	To provide an active street frontage
Requirement		
D11.2	Pedestrian Corridors	Pedestrian corridors, such as those within the town centre, provide a direct line of sight from entry to exit Note: C2.D requires development to be safe and secure for pedestrians and contributes to the public domain safely by incorporating principles of Crime Prevention through Environmental Design (CPTED)
Objective		
D11.C	Solar Access	To ensure solar access to the public domain
Requirement		
D11.3	William Street	Development does not impede solar access to the southern side and northern sides of William Street from 11am-4pm, Australian Eastern Standard Time Note: C1.15 seeks to ensure subdivision provides consideration to solar access
Objectives		
D11.D	King Street	<ul style="list-style-type: none"> To provide development that is in-keeping with the existing heritage character of King Street To ensure development is consistent with the identified Masterplan for the King Street Precinct To provide incentives for the retention and redevelopment of King Street heritage listed items, such as reduced parking requirements
Requirements		
D11.4	King Street Heritage Character	Development that provides a frontage to King St will be in accordance with the King Street Masterplan, which is included as Figure DT (p. D-142)

D11.5	King Street Heritage Character	<p>Development that provides frontage to King St is in accordance with the following key design principles:</p> <ul style="list-style-type: none"> • Establish precinct character through: <ul style="list-style-type: none"> - the retention/reinstatement of identified heritage/character items; - a cohesive riverfront built edge which reflects the area's river port origins; and - public domain elements, such as street trees, landscaping, signage, lighting and street furniture, are consistent with the proposed Streetscape Design Guideline. <p>Note: The proposed Streetscape Design Guidelines is an action of the Raymond Terrace and Heatherbrae Strategy 2015-2031</p> <ul style="list-style-type: none"> • Creation of a public urban riverfront park in the open space fronting Barrier Lane and King Street incorporating the Marriage Trees and edged by the Bond Store and the Masonic Lodge <p>Note: The Raymond Terrace and Heatherbrae Strategy identifies this site as suitable for passive open space/urban plaza within the town centre</p> <ul style="list-style-type: none"> • Creation of an accessible riverfront boardwalk that is 1 metre below the flood planning level (approximately at 4.3 AHD) stretching between William and Bourke Streets. The boardwalk is to be located above the levee and all development should consider this aspect as an integral part of their river frontages • Reinforce the existing views and introduce new vistas and pedestrian connections to the river • Minimise vehicular entry points along King Street to maintain integrity of streetscape. Consider development incentives of integrated solutions such as common entry/egress points • Retention of existing post verandahs and cantilevered awnings and the integration of these features into new additions where possible • Incorporation of light weight construction materials consistent with existing buildings <p>Note: B8.2 requires works on a heritage item or item located in the heritage conservation area consistent with the statement of heritage significance of the existing building or the heritage character of the area</p>
D11.6	King Street Parking Requirements	<p>Development within the King Street Precinct as identified by Figure DT (p. D-142) receives a 100% reduction in the total parking required by B9.4.</p> <p>This reduction is off-set by a 75% increase in bike parking as required by B9.4</p>
D11.7		<p>On-site car parking is to be screened from King Street frontage and not provided above the Flood Planning Level (FPL)</p> <p>Note: B9.4 requires that all development that has the potential to create demand for on-site parking provides parking in accordance with Figure BT (p. B-56)</p>

D11

RAYMOND TERRACE TOWN CENTRE

D11.8	Colours	Finishes are earth colours or light tones
D11.9		Roofs are to be light grey/galvanised
D11.10	Materials	Development is to be of timber wharf style construction for boardwalk along the riverfront
Objective		
D11.E	Street Layout	Development contributes to existing compact and interconnected street patterns
Requirements		
D11.11	Street Layout	Development of riverside lots on the northern side of King St provides waterfront access
D11.12		Bourke St is extended from Adelaide St to Port Stephens St to continue the grid-like network <ul style="list-style-type: none"> This requires the reconfiguration of the Bourke to Adelaide Street intersection to a signalised intersection to allow full turning movements, including right turn from Adelaide St
D11.13		Carmichael St is extended from the existing cul-de-sac to Bourke St Note: C1.3 requires the street layout to be interconnected to provide a grid-like structure
Objectives		
D11.F	Pedestrian and Cycling	<ul style="list-style-type: none"> To provide interconnected and accessible pedestrian and cycle paths to encourage walkability To ensure pedestrian and cycle paths are provided in accordance with the technical specifications for durability and safety
Requirement		
D11.14	Pedestrian and Cycle Paths	Pedestrian and Cycle Paths are provided in accordance with the Draft Raymond Terrace Pedestrian and Cycling Strategy Note: B9 requires engineering works to be provided in accordance with the Infrastructure Specification – Design¹
Objective		
D11.G	Street Trees	To ensure suitable street trees are appropriately sited
Requirements		
D11.15	Street Trees	Development along Jacaranda Avenue protects and enhances Jacaranda Palms
D11.16		Development along the southern road reserve of Adelaide Street protects and enhances Poplars
D11.17		Development from Swan Street to Kangaroo Street provides pear trees in the verge of the road reserve and consistent planting in the central median
D11.18		Development along Port Stephens Street provides Phoenix Palms and protects within the median strip
D11.19		Development enhances and is designed to complement the King Street Marriage Trees
D11.20		Development provides street trees in accordance with the Adelaide St, Port Stephens St and William St Master plans,

D11

RAYMOND TERRACE TOWN CENTRE

		<p>which are actions of the Raymond Terrace and Heatherbrae Strategy 2015-2031</p> <p>Note: C1.5 requires street trees as a component of the <i>road reserve</i> at <i>subdivision</i></p>
Objective		
D11.H	Open Space	To ensure an appropriate site is identified, acquired and protected for the purpose of a Town Park
Requirement		
D11.21	Town Park	<p>One of the three sites identified by the Draft Raymond Terrace and Heatherbrae Strategy is identified for acquisition to be developed as a Town Park</p> <ul style="list-style-type: none"> This park considers the relocation of the skate park that is currently positioned at 112 Adelaide Street, Raymond Terrace, Lot 1, DP 1156304 to this Town Park as an alternative to Boomerang Park <p>Note: C1.18 specifies requirements for a <i>local park</i>, <i>district park</i> and <i>regional park</i></p>
Objectives		
D11.I	Flood Hazard	<ul style="list-style-type: none"> To ensure that <i>development</i> within the <i>flood planning area</i> does not contribute to the flood hazard To satisfy the provisions of the <i>Local Environmental Plan</i> relating to flooding, such as minimising the flood risk to life and property, which are associated with the use of land
Requirement		
D11.22	Flood Hazard	<p><i>Development</i> is to be constructed to 5.3m <i>AHD</i></p> <p>Note: B5.1 requires <i>development</i> to be compatible with the <i>flood hazard</i> of the land</p>
Objective		
D11.J	Drainage and Water Quality	To effectively manage stormwater to ensure downstream impacts are minimised
Requirement		
D11.23	Detention Basin	Land indicatively drawn on Figure DT (p. D-142) is reserved for the purpose of a retention basin

Figure DS:
Raymond Terrace
Centre Land
Application
Map

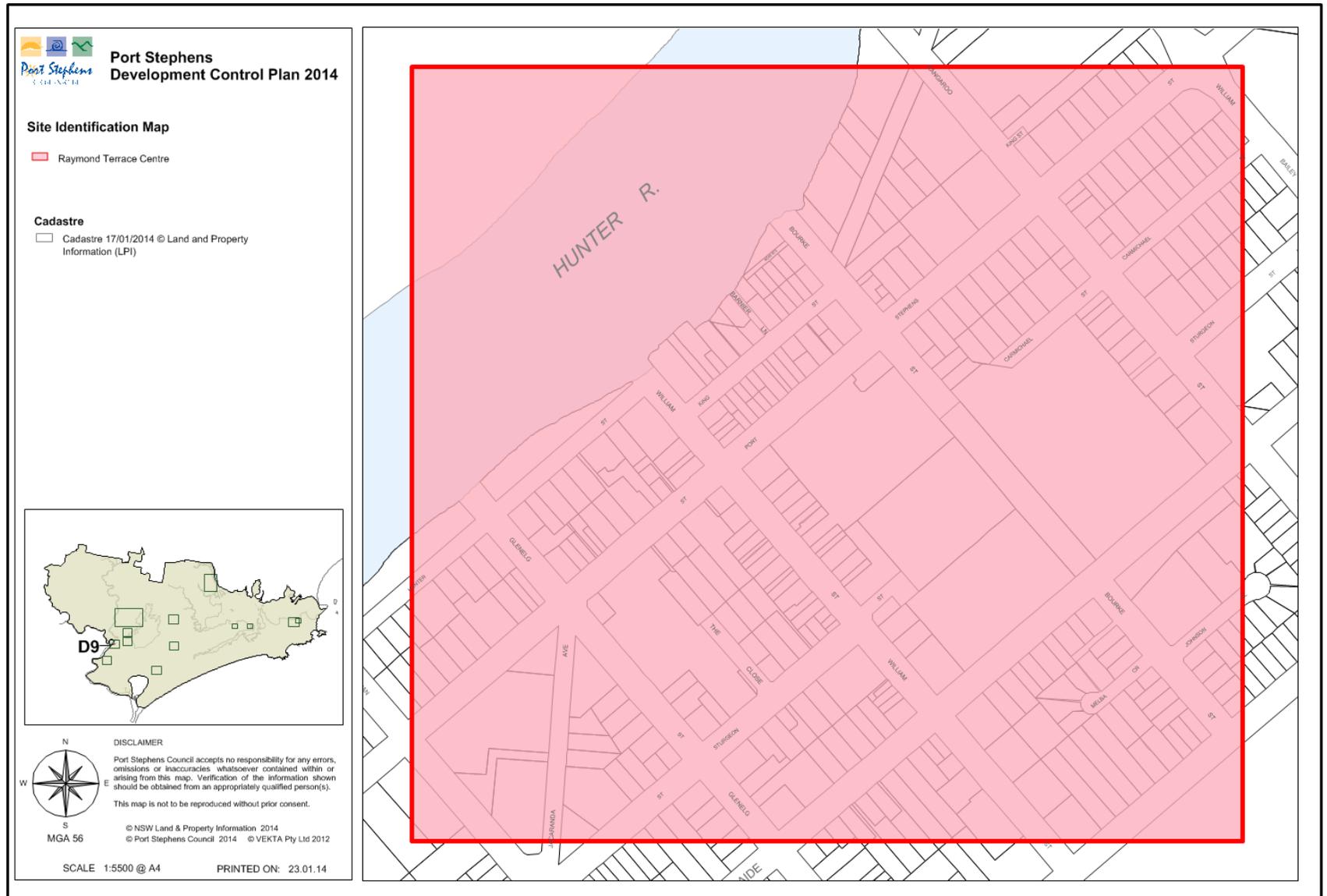
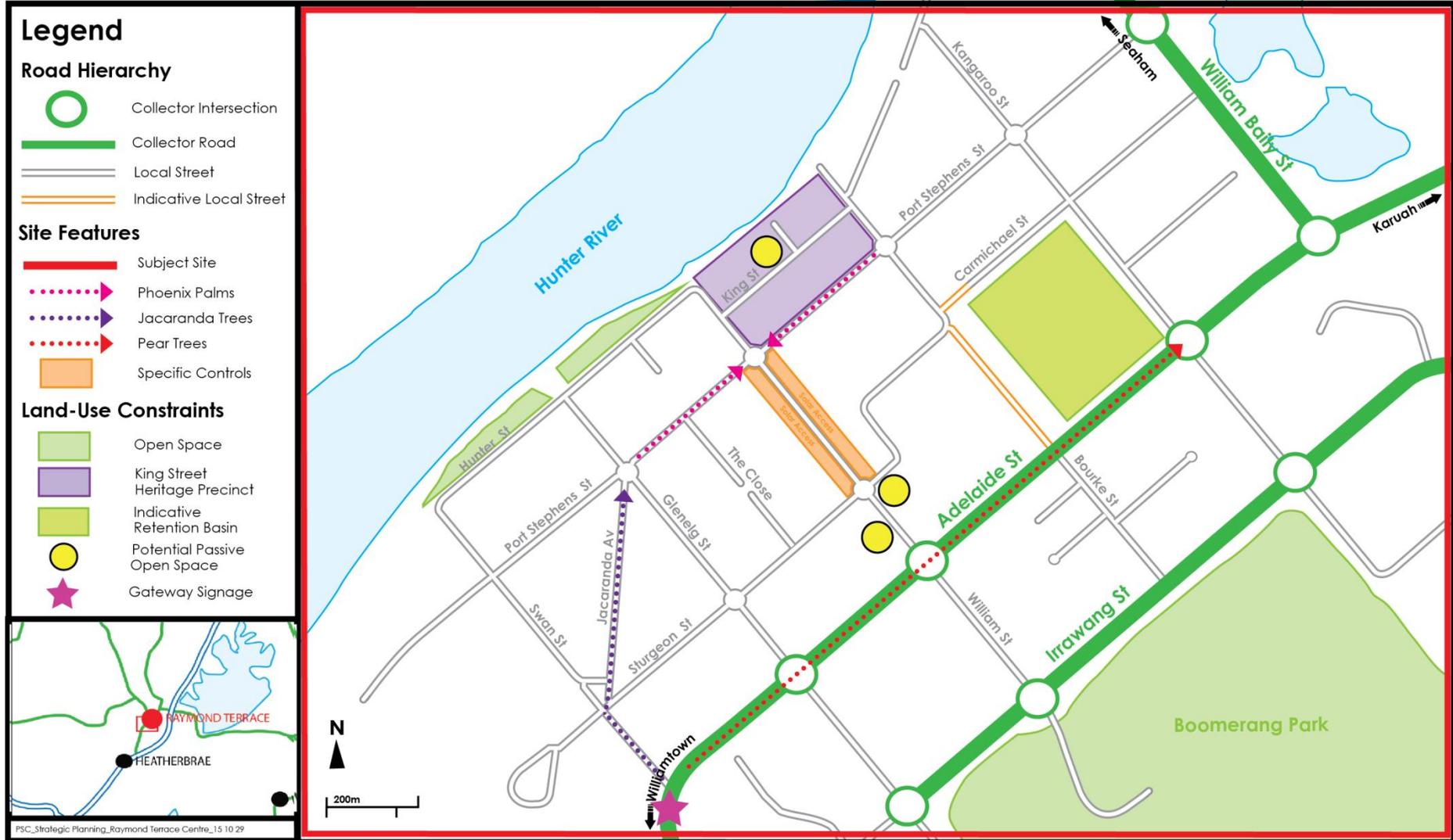


Figure DT: Raymond Terrace Locality Controls Map



D12 Richardson Rd – Raymond Terrace

Application		
This Part applies to the land identified in Figure DU (p. D-145) as Richardson Rd – Raymond Terrace		
Objective		
D12.A	Staging	To ensure that the staging of subdivision is informed by site analysis and infrastructure provision
Requirements		
D12.1	Stage 1	Stage 1 is completed prior to Stage 2 commencing
D12.2	Stage 2	<p>Stage 2 can occur prior to Stage 1, if:</p> <ul style="list-style-type: none"> continuous road construction is provided to the intersection of Benjamin Lee Drive and Richardson Road stormwater and sewerage connection to public infrastructure is provided <p>Note: The Local Environmental Plan requires a staging plan</p>
Objective		
D12.B	Street Layout	To ensure the street layout limits access to Pacific Hwy
Requirements		
D12.3	Street Layout	Street layout is consistent with Figure DV (p. D-146)
D12.4	5m Road Dedication	Lots abutting Richardson Rd dedicate 5m to the road reserve when access is provided at Stage 1
D12.5	Stage 2	<p>Stage 2 provides the following:</p> <ul style="list-style-type: none"> 4m sealed pavement with shoulders, under road pipeline crossings and the roadside table drains on the northern side of the road centreline for Halloran Way Passing bays at 200m spacing Upgrade Halloran Way as required <p>Note: C1.2 requires streets to comply with Infrastructure Specification – Design¹¹</p>
Objectives		
D12.C	Essential Services	<ul style="list-style-type: none"> To ensure sewerage is provided To ensure drainage is informed by site analysis
Requirements		
D12.6	Drainage	Sewerage is not required at Stage 1
D12.7		<p>Provide drainage reserves in accordance with Figure DV (p. D-146) and the Halloran Way Reports¹⁹</p> <p>Note: B6.1 requires consideration to be provided to essential services</p>
Objectives		
D12.D	Aircraft Noise	<ul style="list-style-type: none"> To ensure development satisfies the requirements of the Local Environmental Plan, clause 7.5

D12

RICHARDSON RD – RAYMOND TERRACE

		<ul style="list-style-type: none">To ensure appropriate consideration is given to land burdened by aircraft noise
Requirement		
D12.8	Aircraft Noise	Note: Richardson Road is located within the 20-25 ANEF contour. B7.1 details what is to be considered when development is located within the aircraft noise planning area , which includes the 20-25 ANEF contours.

D12

RICHARDSON RD – RAYMOND TERRACE

Figure DU:
Richardson Rd
– Raymond
Terrace Land
Application Map

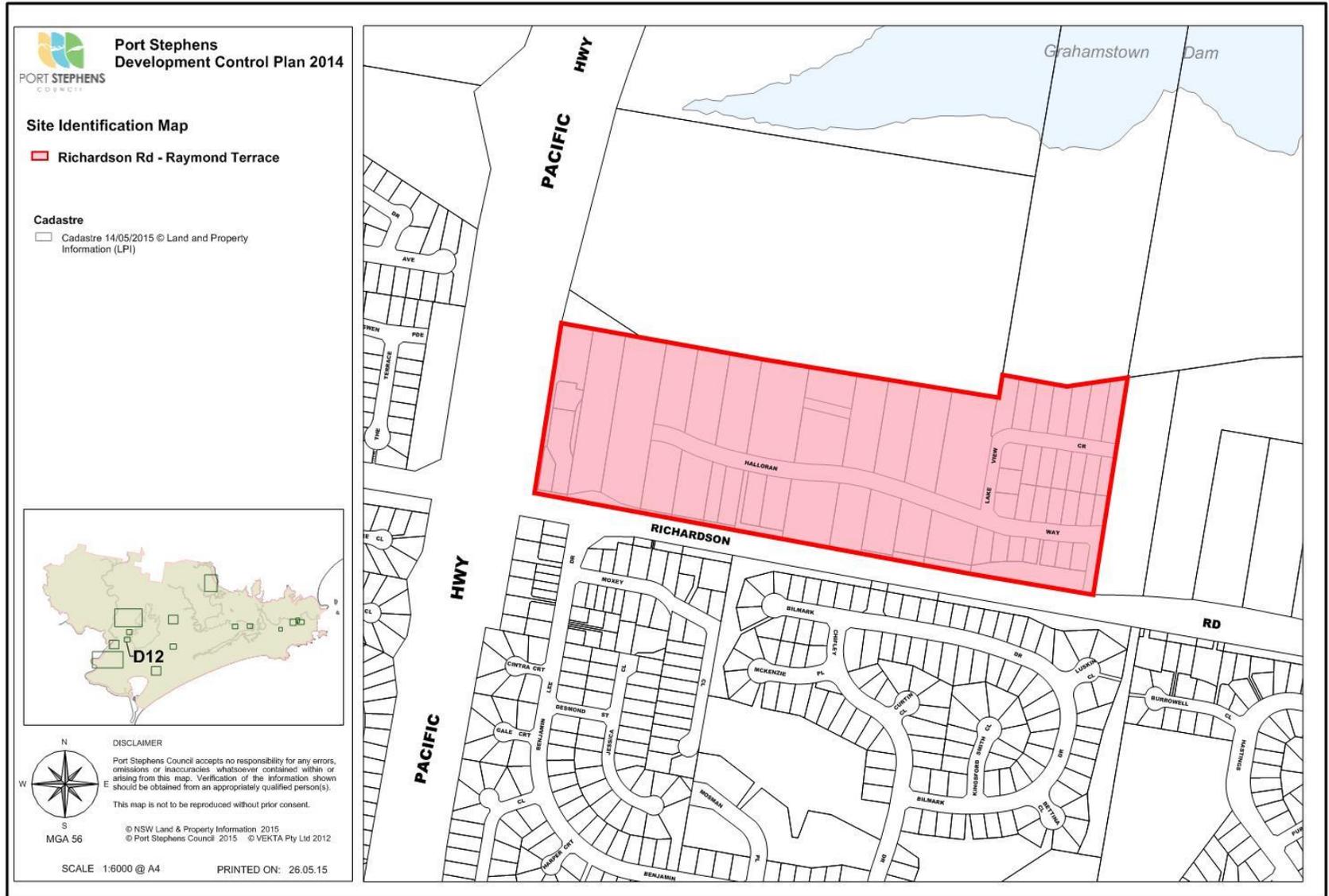
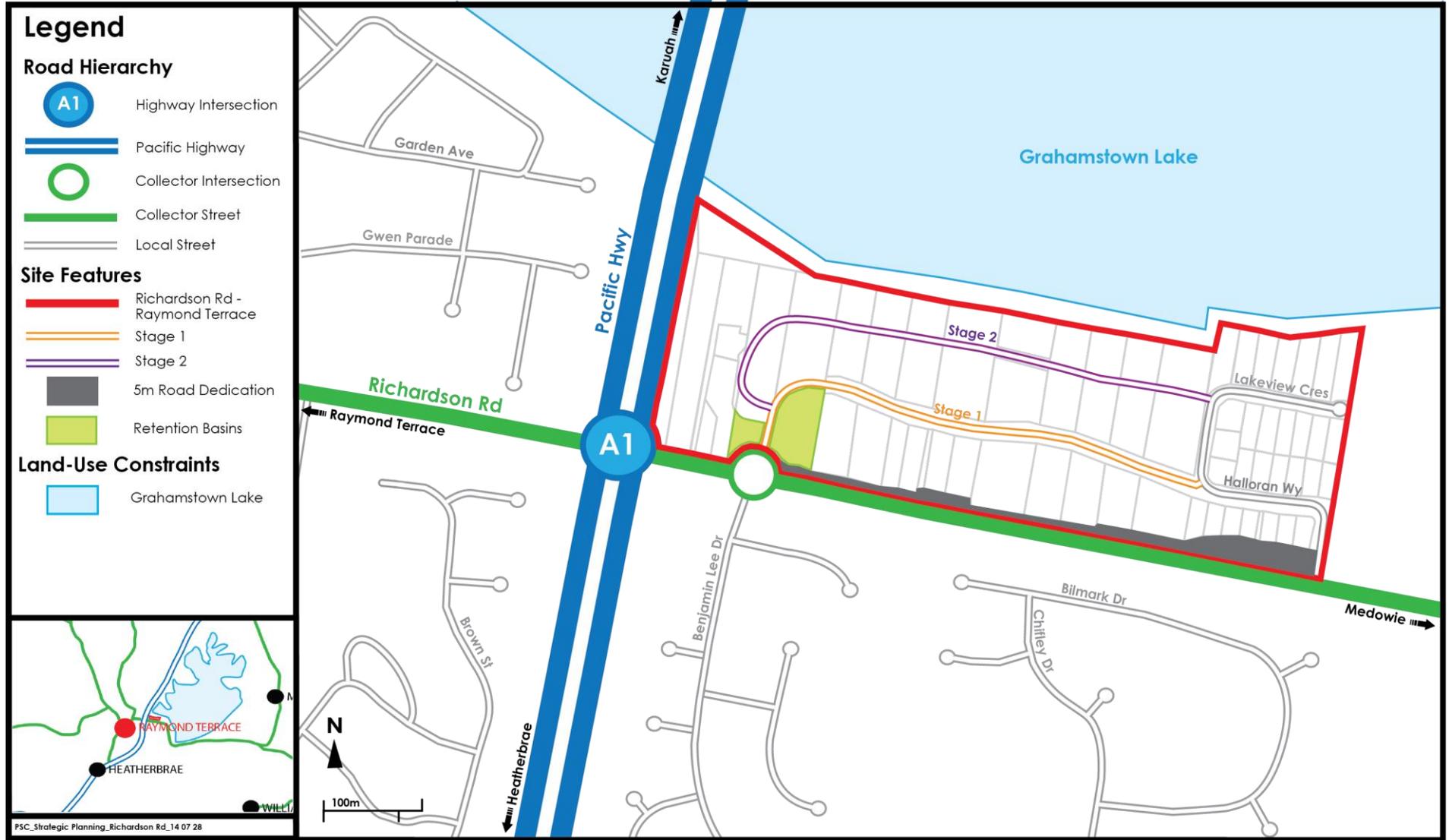


Figure DV: Richardson Rd – Raymond Terrace Locality Controls Map



D13 Rees James Rd – Raymond Terrace

Application		
This Part applies to the land identified in Figure DW (p. D-164) as Rees James Rd – Raymond Terrace		
Objective		
D13.A	Street Layout and Transport Network	<ul style="list-style-type: none"> 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.
Requirements		
D13.1	Street Layout	The street layout is generally consistent with the Locality Controls Map at Figure DX (p. D-151).
D13.2		Street layout variations are permitted where an access point is provided to Rees James Road, or Dawson Road or Rosie Road, or where a Development Application provides sufficient justification that a variation will achieve the above objectives and satisfy other requirements of this DCP.
D13.3	Connectivity	<p>The subdivision of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported. Development Applications must:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Maximum length of 75m; and Access to a maximum of 10 dwellings.
D13.4		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.
D13.5	Transport Movement Hierarchy	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.
D13.6		Designated public transport routes as identified on the Locality Controls Map at Figure DX (p. D-151) are constructed as bus

D13

REES JAMES RD – RAYMOND TERRACE

		routes in accordance with infrastructure specification – Design .
D13.7		Access to public transport routes or to future public transport stops and should be no more than 400m walk by the most direct route.
D13.8	Shared path connections	In addition to the requirements for pathways in Section C1, shared paths are provided generally in accordance with the Locality Controls Map at Figure DX (p. D-151)
D13.9	Road Widening	Road widening will be required for all subdivisions along Rees James Road to ensure safe and adequate vehicle manoeuvring.
Objective		
D13.B	Urban Design	<ul style="list-style-type: none"> To ensure that built outcomes provide an efficient use of the land and proposed development considers the broader opportunities and constraints in the area. To ensure that proposed development does not compromise future development potential of adjoining or nearby land. To ensure street activation is provided through building orientation to Rees James Road.
Requirements		
D13.10	Lot orientation and access	<p>Development adjoining Rees James Road must be orientated towards, and have a primary entrance that is visible and accessible from, Rees James Road.</p> <p>Note: Section B9 provides further consideration towards site access and Section C4 provides further consideration towards orientation.</p>
Objectives		
D13.C	Stormwater Drainage and Water Quality	<ul style="list-style-type: none"> 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.
Requirements		
D13.11	Stormwater Drainage	On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.
D13.12		<p>The on-site detention / on-site infiltration is to be:</p> <ul style="list-style-type: none"> Sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% Annual

		<p>Exceedance Probability (AEP) storm event; and,</p> <ul style="list-style-type: none"> • Provided by underground chambers, surface storage or a combination of the two. <p>Note: Section B4 provides further consideration towards on-site detention / on-site infiltration.</p>
D13.13	Drainage Reserves	Drainage reserves are located generally in accordance with the Locality Controls Map at Figure DX (p. D-151)
D13.14		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.
D13.15	Water Quality	<p>When a Development Application is received for subdivision greater than three lots <u>or</u> 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 Councils water quality stripping targets for the area.</p> <p>Water quality stripping targets are to be in accordance with the Landcom stretch water quality targets (<i>Landcom Water Sensitive Urban Design Book 2 Planning and Management 2009</i>) below:</p> <ul style="list-style-type: none"> • Total nitrogen retention post development load: 65% • Total phosphorus retention post development load: 85% • Total suspended solids post-development load: 90% <p>Note: These requirements exceed and supersede those under Section B4.</p>
Objectives		
D13.D	Recreation and Visual Amenity	<ul style="list-style-type: none"> • 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.
Requirements		
D13.16	Open Space	An area of public open space is to be located in general accordance with the Locality Controls Map at Figure DX (p. D-151).
D13.17	Street Trees along Rees James Road	<p>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 the tree technical specifications.</p> <p>Note: This requirement is in addition to the requirements under Section C1</p>

D13

REES JAMES RD – RAYMOND TERRACE

Figure DW:
Rees James
Rd – Raymond
Terrace Land
Application
Map

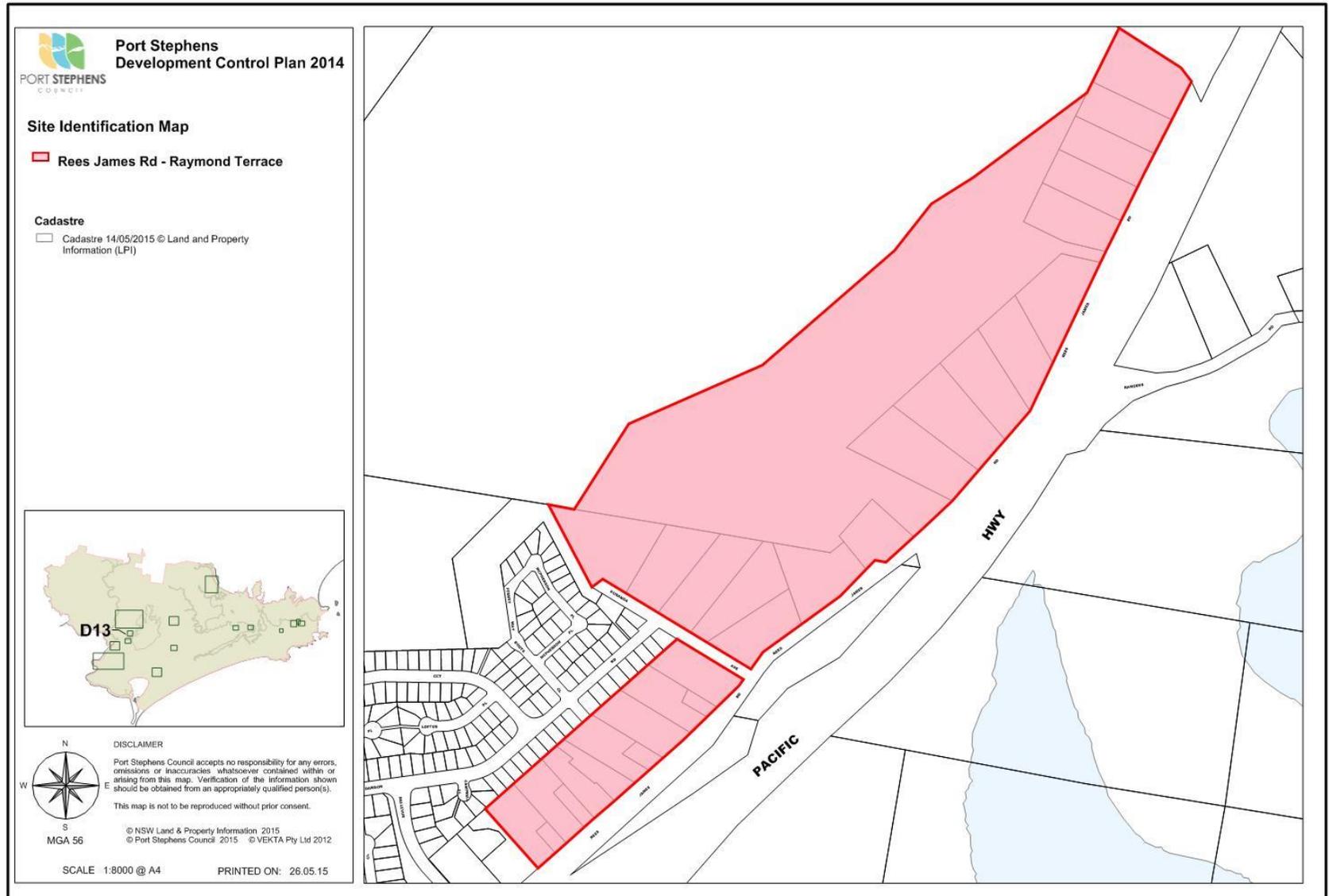
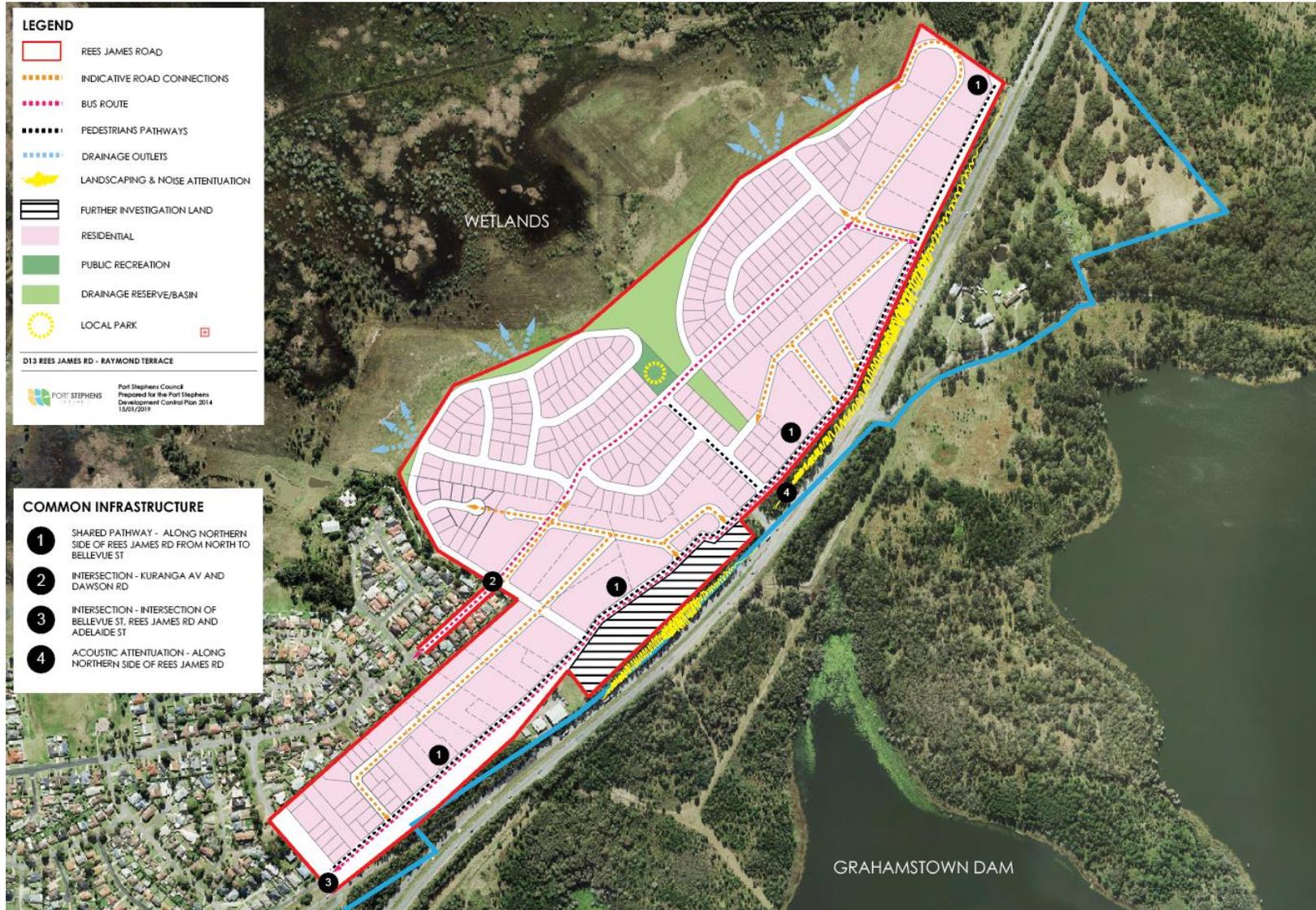


Figure DX: Rees James Rd – Raymond Terrace Locality Controls Map



D14 Kings Hill – Raymond Terrace

Application		
<p>This Part applies to the land identified in Figure DAB (p. D-160) as Kings Hill – Raymond Terrace</p> <ul style="list-style-type: none"> • Kings Hill is an identified urban release area under Part 6 of the Local Environmental Plan. 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 Local Environmental Plan 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 DAC (p. D-161) in this Part sets out the broad development pattern for Kings Hill. Individual development precincts are identified on this plan and on the maps in the Local Environmental Plan. • This part specifies the additional information requirements to be included in a detailed Precinct Plan to be prepared for each Precinct • Precinct Plans will: <ul style="list-style-type: none"> - 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 Local Environmental Plan and of this part <p>Note: Figure DAA (p. D-159) describes how the requirements of clause 6.3 of the Local Environmental Plan will be met</p>		
Objectives		
D14.A	Structure Planning and Precinct Planning	<ul style="list-style-type: none"> • 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
Requirements		
D14.1	Residential Precinct Plans	A Precinct Plan is prepared to accompany the first stage of a development application in any of the development precincts identified on the Local Environmental Plan .

D14.2		Development is generally consistent with the Locality Controls Map at Figure DAC (p. D-161)
D14.3		Development consent for the purposes of a super lot does not require preparation of a Precinct Plan
D14.4		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
D14.5		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
D14.6		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
D14.7		Detail for any land zoned B2 Local Centre or B4 Mixed Use need not be provide until consent for initial subdivision of that land is sought.
D14.8	Town Centre and Village Centre	Consent for initial subdivision of land zoned B2 Local Centre or B4 Mixed Use requires preparation of a Town or Village Centre Precinct Plan for the entire zoned area
D14.9	Precinct Plans	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 open space areas
D14.10	Subdivision layout	Subdivision layout enables neighbouring sites/precincts to deliver the outcomes sought by the Locality Controls Map Note: C1 Subdivision details principles relating to subdivision layout and procedure with the following exceptions or qualifications: Note: Open Space: to be provided generally in accordance with the Locality Controls Map and with areas consistent with the local infrastructure contributions requirements for Kings Hill
D14.11	Servicing	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: <ul style="list-style-type: none"> • sequence, location and other details of the provision of public utilities; and • availability of urban services and infrastructure to residents, including open space, shared paths
D14.12		All commercial and residential allotments are to be serviced by reticulated water, sewerage, electricity and telecommunication services
Objectives		
D14.B	Traffic and Transport	<ul style="list-style-type: none"> • To achieve connectivity between precincts, the local centre and nearby service areas • To ensure Kings Hill has a defined transport structure and

		<p>road hierarchy</p> <ul style="list-style-type: none"> 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
Requirements		
D14.13	Transport Movement Hierarchy	<p>Each Precinct Plan requires preparation of an overall transport movement hierarchy which:</p> <ul style="list-style-type: none"> 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 DAC (p. D-161) indicates progressive provision of the east-west and north-south connector roads as well as direct connections to adjacent precincts
D14.14		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
D14.15	Collector Roads	Development within each precinct provides internal collector roads generally consistent with the Locality Controls Map at Figure DAC (p. D-161)
D14.16		Subdivisions adjacent to collector roads orientate allotments and dwelling s to face and have access from the collector road
D14.17	East-West Road 4 lane section	<p>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.</p> <p>This section of the east-west road is constructed generally in accordance the Illustration at Figure DZ (p. D-158)</p>
D14.18	Subdivision Certificate	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
D14.19		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
D14.20	Newline Road	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

		<p>Note: The <i>Local Environmental Plan</i> 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</p>
D14.21	Pre- Pacific Highway Interchange Access	<p>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:</p> <ul style="list-style-type: none"> • 100 metre section at location K on the Locality Controls Map at Figure DAC (p. D-161) 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 DAC (p. D-161) near the intersection of Newline Road <p>Note: The <i>Local Environmental Plan</i> 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</p> <p>Note: A “Kings Hill Flood Free Access Study” was prepared on behalf of Council by BMT WBM in 2012 to identify necessary road upgrade requirements</p>
D14.22	Public Transport	Designated public transport routes as identified on the Locality Controls Map at Figure DAC (p. D-161) are constructed as bus routes in accordance with infrastructure specification – design ¹¹
D14.23		Bus stops are to be identified prior to final completion
D14.24	Paths	Pedestrian and cycle paths (including shared paths) are provided generally in accordance with the Locality Controls Map at Figure DAC (p. D-161)
D14.25	Pedestrian Path	<p>A pedestrian path is provided on one side and a shared path of all:</p> <ul style="list-style-type: none"> • collector roads • roads that are within a B2 Local Centre Zone or B4 Mixed Use zone • roads within 400m of and providing the primary frontage to a school or major community facility <p>Note: B9 Road Network and Parking generally requires road to be constructed in accordance with infrastructure specification design¹¹</p>
D14.26	End of Trip Facilities	<p>End of trip facilities are provided at precinct centres, community facilities and regional parks. End of trip facilities incorporate the following:</p> <ul style="list-style-type: none"> • One personal secure locker for each bicycle parking space

		<p>under Figure BT (p. B-56)</p> <ul style="list-style-type: none"> 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
Objective		
D14.C	Social Infrastructure	Social infrastructure is to be located appropriately to meet the needs of the community
Requirements		
D14.27	Community and Recreation Facilities	Precinct Plans identify the location of required community and recreation facilities, generally in accordance with the Locality Controls Map at Figure DAC (p. D-161)
D14.28	Community Facilities	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 DAC (p. D-161)
D14.29	Schools	The preferred locations of schools are identified on the Locality Controls Map at Figure DAC (p. D-161). 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 a suitable school locations
Objective		
D14.D	Drainage and Water Quality	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
Requirements		
D14.30	Eastern Catchment and Grahamstown Dam	<p>All stormwater from development areas up to 0.2% AEP design flood event is prevented from discharging into Grahamstown Dam</p> <ul style="list-style-type: none"> 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 Irawang Swamp <p>Note: The Local Environmental Plan may require consideration to be given to impacts on Drinking Water Catchments</p>
D14.31	Water Management Strategy	<p>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</p> <p>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</p>

		catchment. A preferred option is identified
D14.32		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 Local Environmental Plan may requires consideration of impacts on the Drinking Water Catchment
Objective		
D14.E	Natural Resources	To ensure that development responds to the biodiversity values of the site
Requirements		
D14.33	Vegetation Management Plan	Applications for development on land zoned E2 Environmental Conservation or subject to terrestrial biodiversity controls in the Local Environmental Plan within each environmental precinct provide a VMP to the satisfaction of Council in accordance with the vegetation management technical specification ² . The VMP is provided with the precinct plan for the relevant environmental precinct boundaries identified by Figure DAC (p. D-161). The VMP also addresses the following location specific information: <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> - 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 the vegetation management technical specification ² is required
D14.34	Illegal Dumping	Measures, such as fencing and block configuration seek to restrict unauthorised access to E2 Environmental Conservation land to prevent rubbish dumping and damage by uncontrolled vehicle usage
D14.35	Riparian Corridors	Development involving a controlled activity within waterfront land is to comply with the requirements of the Water Management Act 2000 Note: B4.D provides further localised detail for buffers for riparian corridors
Objectives		
D14.F	Waste Treatment Facility	<ul style="list-style-type: none"> • To ensure hazards from former landfills are managed • To ensure appropriate buffers that will minimise potential land use conflict between existing and proposed development
Requirements		
D14.36	Waste Treatment	All development within 250m of the Newline Road Waste Disposal Facility or any land in proximity as identified by

	Facility	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
D14.37		<p>Development and monitoring should comply with the relevant sections of the NSW Environmental Protection Agency 'Environmental Guidelines: Solid Waste Landfills', January 1996, or its successor</p> <p>Note: The Local Environmental Plan 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</p>
Objectives		
D14.G	Pacific Highway Impacts	<ul style="list-style-type: none"> 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
Requirements		
D14.38	Acoustic / Vibration	<p>Consent for development in precincts 1 to 4 requires an acoustic report consistent with B3.3 and the following:</p> <ul style="list-style-type: none"> 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 <p>Note: B3.3 requires an acoustic report for development that has the potential to produce or be impacted by offensive noise</p>
D14.39	Land-Use Buffers	<p>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 and Precinct Plans, the stormwater drainage plan for the eastern catchment, and/or plans for construction of the Highway interchange</p>
Objectives		
D14.H	Aircraft Noise	<ul style="list-style-type: none"> To ensure development satisfies the requirements of the Local Environmental Plan To ensure appropriate consideration is given to land burdened by aircraft noise
Requirement		
D14.40	Aircraft Noise	<p>Note: Kings Hill is located in proximity to the Port Stephens aircraft noise planning area. B7.1 details what is to be considered when development is located within the aircraft noise planning area.</p>

D14

KINGS HILL – RAYMOND TERRACE

Figure DY: Illustration of Cross Section of Four Lane part of East West Road

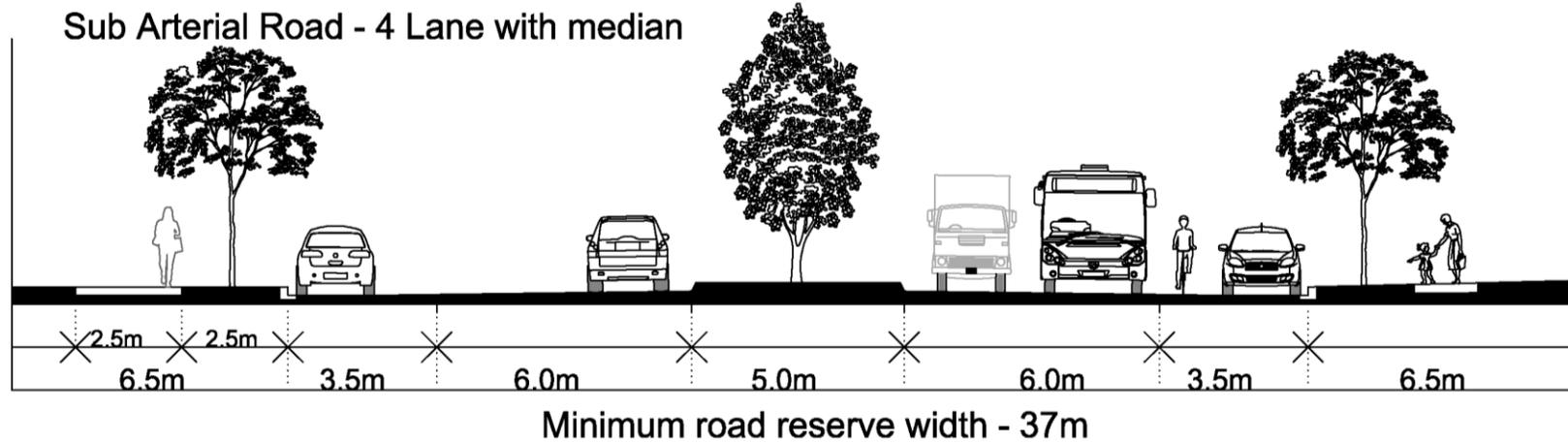


Figure DZ: Illustration of Cross Section of Two Lane part of East West Road

Major Collector - indented parking

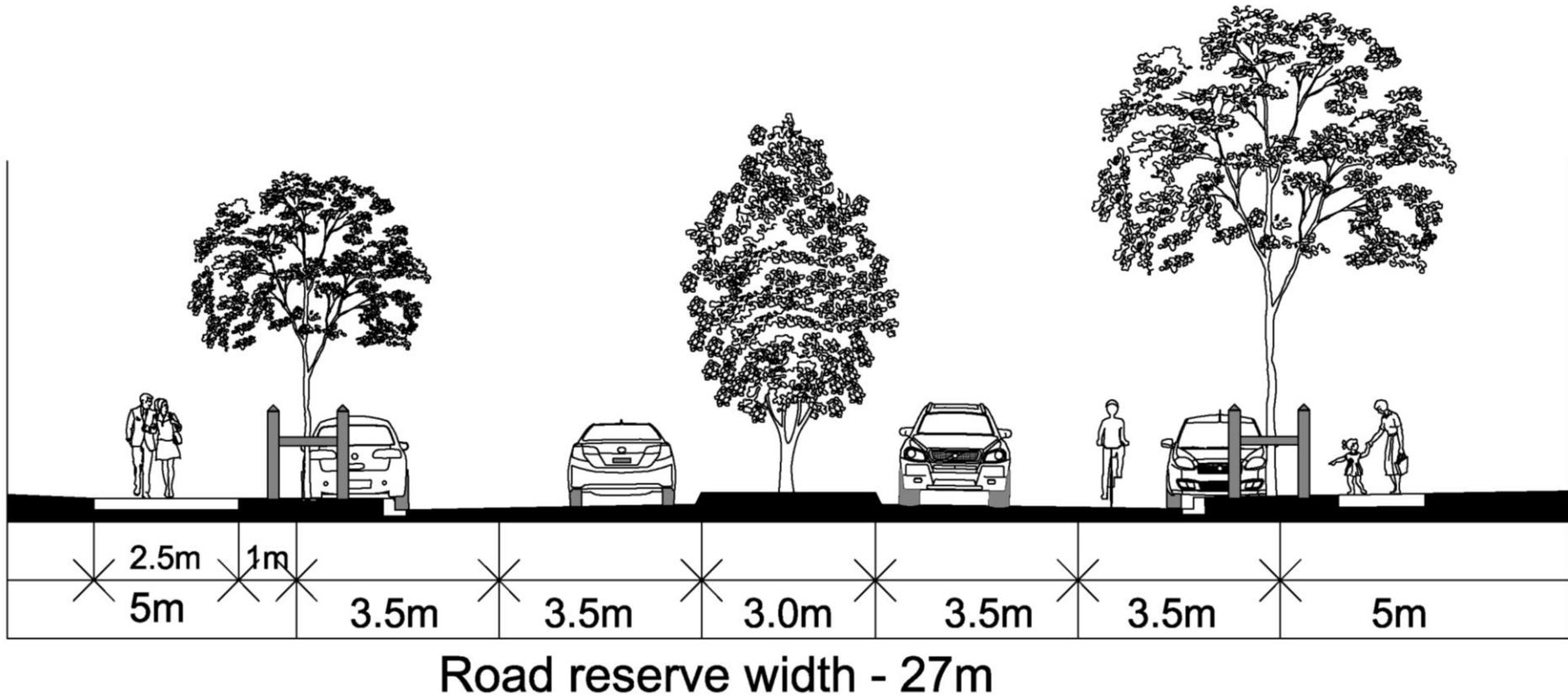


Figure DAA: Meeting the requirements to prepare a DCP under the the *Local Environmental Plan*

Local Environmental Plan DCP requirements	How requirements are met
(a) <i>a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing</i>	Met by provision of a Staging Plan (D14.5 in this part) with the application for the first stage of development in each precinct
(b) <i>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</i>	Met by provision of a transport movement hierarchy as part of the Precinct Plan provided for each precinct (D14.13 in this part)
(c) <i>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</i>	Met by the requirements of Part C1.F Open Space and by the requirements of D14.33 and D14.35 in this part
(d) <i>a network of passive and active recreational areas</i>	Met by the requirements of D14.8-9, D14.10, D14.33 and D14.35 in this part
(e) <i>stormwater and water quality management controls</i>	Met by the requirements of D14.D and D14.35 in this part
(f) <i>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</i>	Met by the requirements of D14.D, D14.E and D14.F in this part
(g) <i>detailed urban design controls for significant development sites</i>	Met by the requirement for detailed Town and Village Centre Precinct Plans in D14.8-9 of this part
(h) <i>measures to encourage higher density living around transport, open space and service nodes</i>	Met by the requirement (D14.1) for development in each precinct to generally consistent with the structure indicated in the Locality Controls Map at Figure DAC (p. D-161) and for Precinct Plans to indicate a transport movement hierarchy and servicing strategy; and by provision of detailed Town and Village Centre Precinct Plans (D14.8-9 in this part)
(i) <i>measures to accommodate and control appropriate neighbourhood commercial and retail uses</i>	Met by the provision of detailed Town and Village Centre Precinct Plans for all land zoned B2 Local Centre and B4 Mixed Use (D14.8-9 in this part)
(j) <i>suitably located public facilities and services, including provision for appropriate traffic management facilities and parking</i>	Met by provision of Town and Village Centre Precinct Plans for land zoned B2 Local Centre and B4 Mixed Use (D14.8-9 of this part), and by the requirements of D14.13, D14.24, D14.25, D14.26, D14.C of this part.

D14

KINGS HILL – RAYMOND TERRACE

Figure DAB:
Kings Hill –
Raymond
Terrace Land
Application
Map

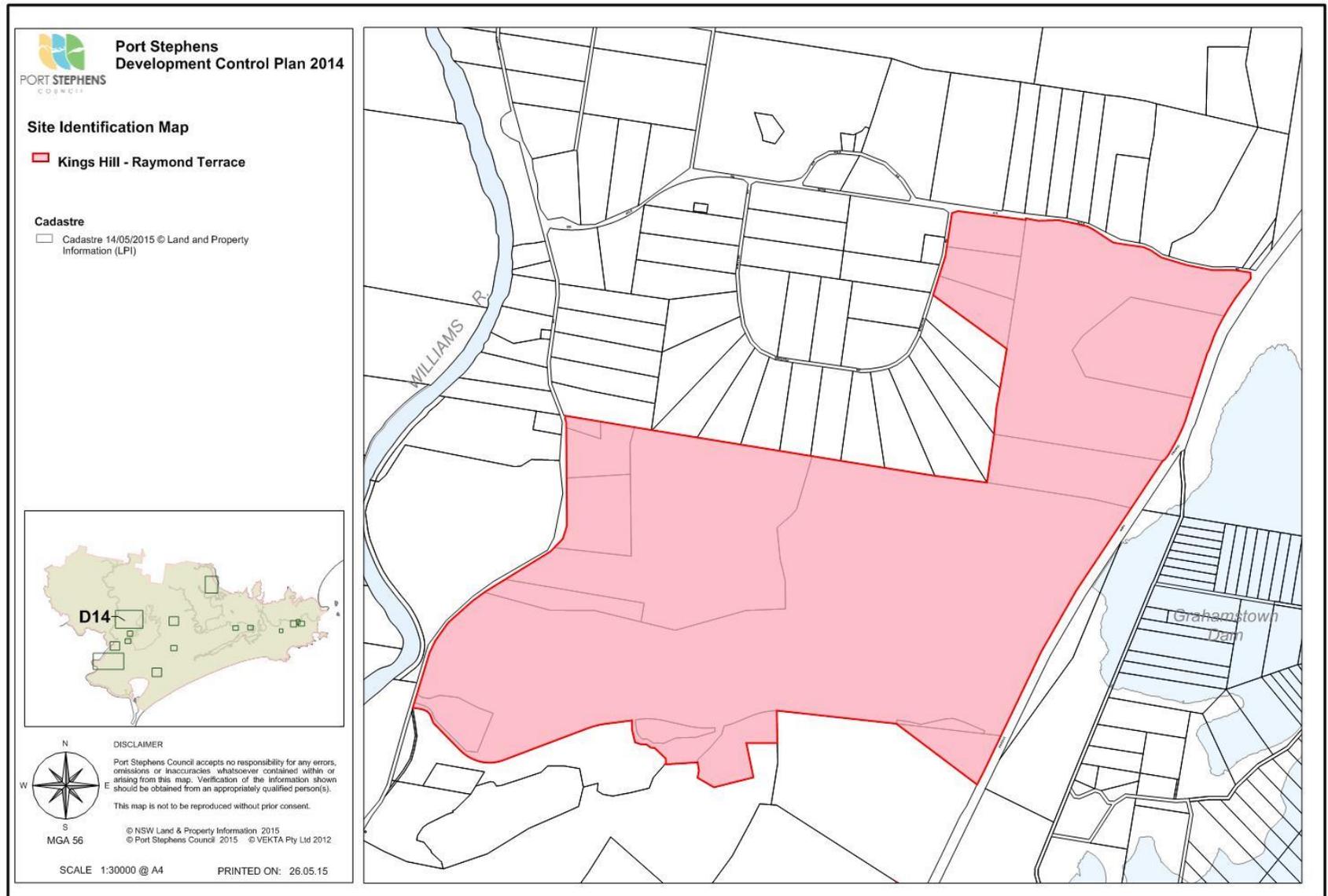


Figure DAC: Kings Hill – Raymond Terrace Locality Controls Map

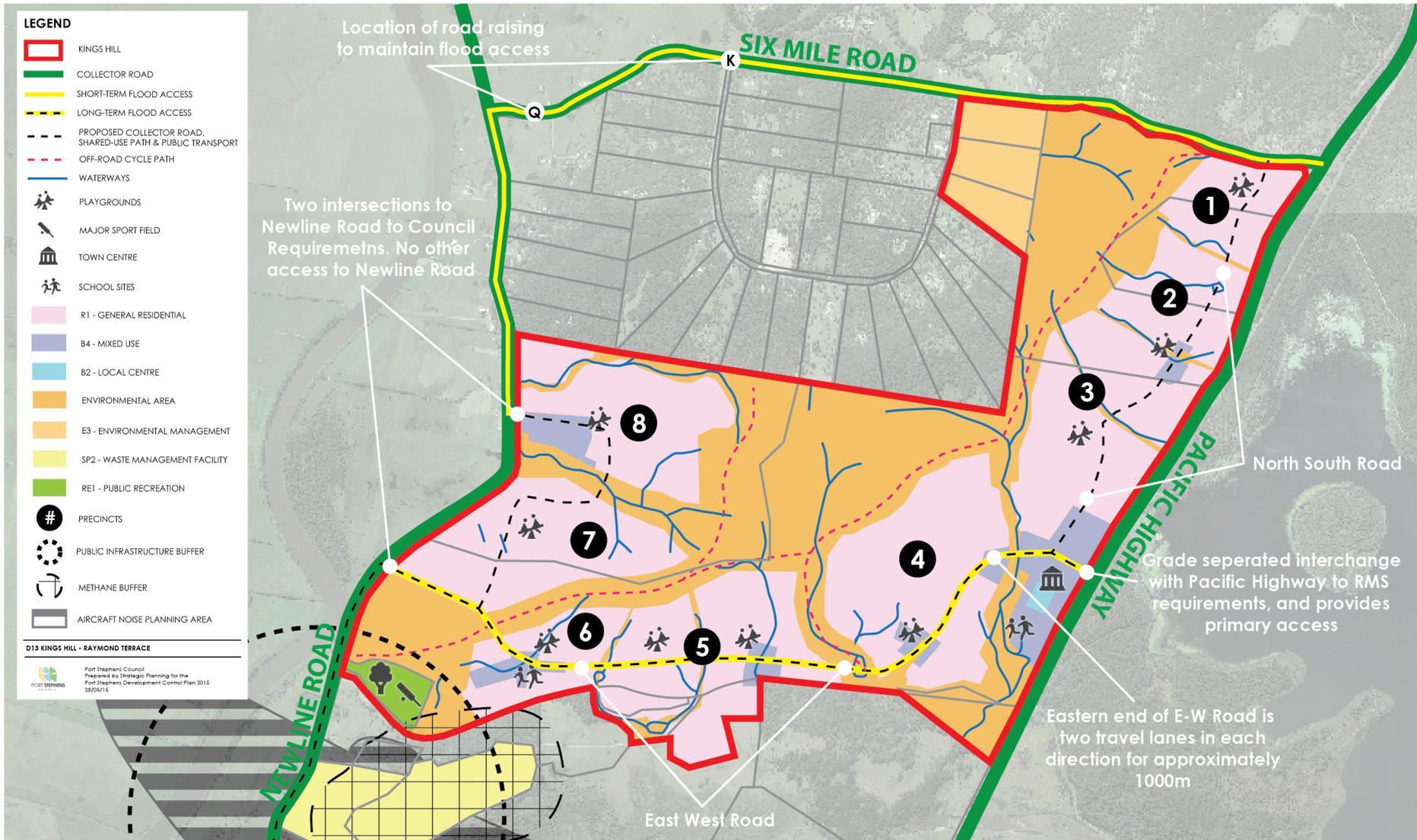
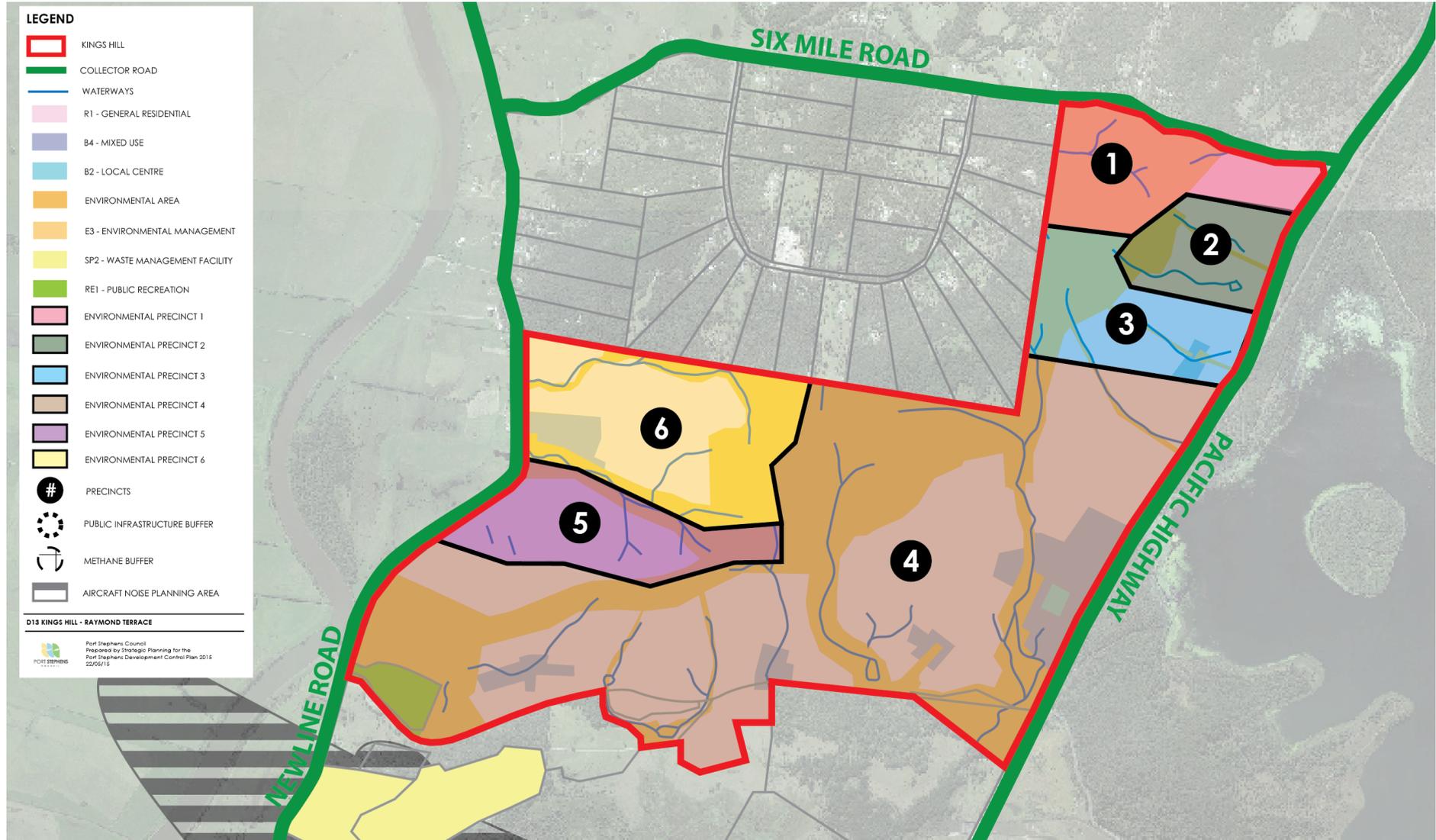


Figure DAD: Kings Hill – Raymond Terrace Locality Controls Map



D15

WILLIAMTOWN DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE (DAREZ)

D15 Williamtown Defence and Airport Related Employment Zone (DAREZ)

Application		
This Part applies to the land identified in Figure DAE (p. D-165) as the Williamtown Defence and Airport Related Employment Zone (DAREZ)		
Objectives		
D15.A	Lodgement Requirements	<ul style="list-style-type: none"> 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
Requirements		
D15.1	Lodgement Requirements	A development application is accompanied by a Landscape Plan consistent with the Williamtown Aerospace Park Landscape Master Plan ²¹
D15.2		<p>A schedule of colours and finishes is submitted with the SEE to demonstrate that the development contains non-reflective materials</p> <p>Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale</p>
Objective		
D15.B	Setbacks	To encourage an active and vibrant streetscape
Requirement		
D15.3	Front Setback	<p>Aerospace Support and Commercial Precinct:</p> <ul style="list-style-type: none"> Minimum front setback of 5m Minimum secondary setback of 2m <p>Note: C1.3 requires the street layout to provide a grid-like structure</p>
Objective		
D15.C	Street Layout	To ensure streets comply with the indicative layout
Requirements		
D15.4	Street Layout	<p>Road Layout is consistent with Figure DAF (p. D-166)</p> <p>Note: C2.7 requires development is built to the street property boundary for the ground and first floor</p>
D15.5		A road is constructed to connect with Cabbage Tree Road prior to the release of any subdivision certificate
Objective		
D15.D	Drainage and Water Quality	To ensure drainage and stormwater systems are in accordance with the Williamtown Aerospace Park Flood Assessment and Stormwater Strategy

D15

WILLIAMTOWN DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE (DAREZ)

Requirement		
D15.6	Drainage	Drainage and stormwater systems are in accordance with the Williamstown Aerospace Park Flood Assessment and Stormwater Strategy ²³ Note: B4.2 requires development that increases impervious surfaces to provide a stormwater drainage plan
Objective		
D15.E	Flooding	To ensure post-development runoff is equal to or less than pre-development runoff for the broader DAREZ
Requirements		
D15.7	Flooding	All car parking and driveways are to be located at a level greater than 2.5m Australian Height Datum (AHD)
D15.8		All development is to have a minimum floor level equal to or greater than the flood planning level Note: B5.1 requires a Flood Study to demonstrate that development satisfies the flood planning level
Objective		
D15.F	Parking	To ensure that appropriate onsite parking is provided
Requirements		
D15.9	Parking	Onsite parking is to be located at the rear, side or within buildings of the Commercial Precinct, except for Lots 1001 and 1002, DP 1187948
D15.10		Onsite parking is located behind a 2m landscaped area for the Aerospace Support and Commercial Precincts Note: B9.8 requires on-site parking to be located behind the building line or setback
Objective		
D15.G	Airport Operational Requirements	To ensure that the operational needs of the Williamstown RAAF Base are provided consideration in the development of adjoining DAREZ lands
Requirements		
D15.11	General Requirements	Note: B7 provides general requirements relating to the aircraft noise planning area, bird strike zone and the Williamstown RAAF Base Obstacle Limitations or Surface Map and Height Trigger Map
D15.12	Radio Emitting Devices	Electromagnetic radiation or radio emitting devices are not to interfere with airspace operations Note: B7 – Williamstown RAAF Base – Aircraft Noise and Safety requires consideration to RAAF Operations
D15.13	Navigational Markers	Development provides consideration to navigational markers by not interfering with their intended purpose Note: B7 – Williamstown RAAF Base – Aircraft Noise and Safety requires consideration to RAAF Operations
D15.14	Lighting	External lighting considers aircraft/control tower Note: B7 – Williamstown RAAF Base – Aircraft Noise and Safety requires consideration to RAAF Operations

D15

WILLIAMTOWN DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE (DAREZ)

Figure DAE:
Williamtown -
DAREZ Land
Application
Map

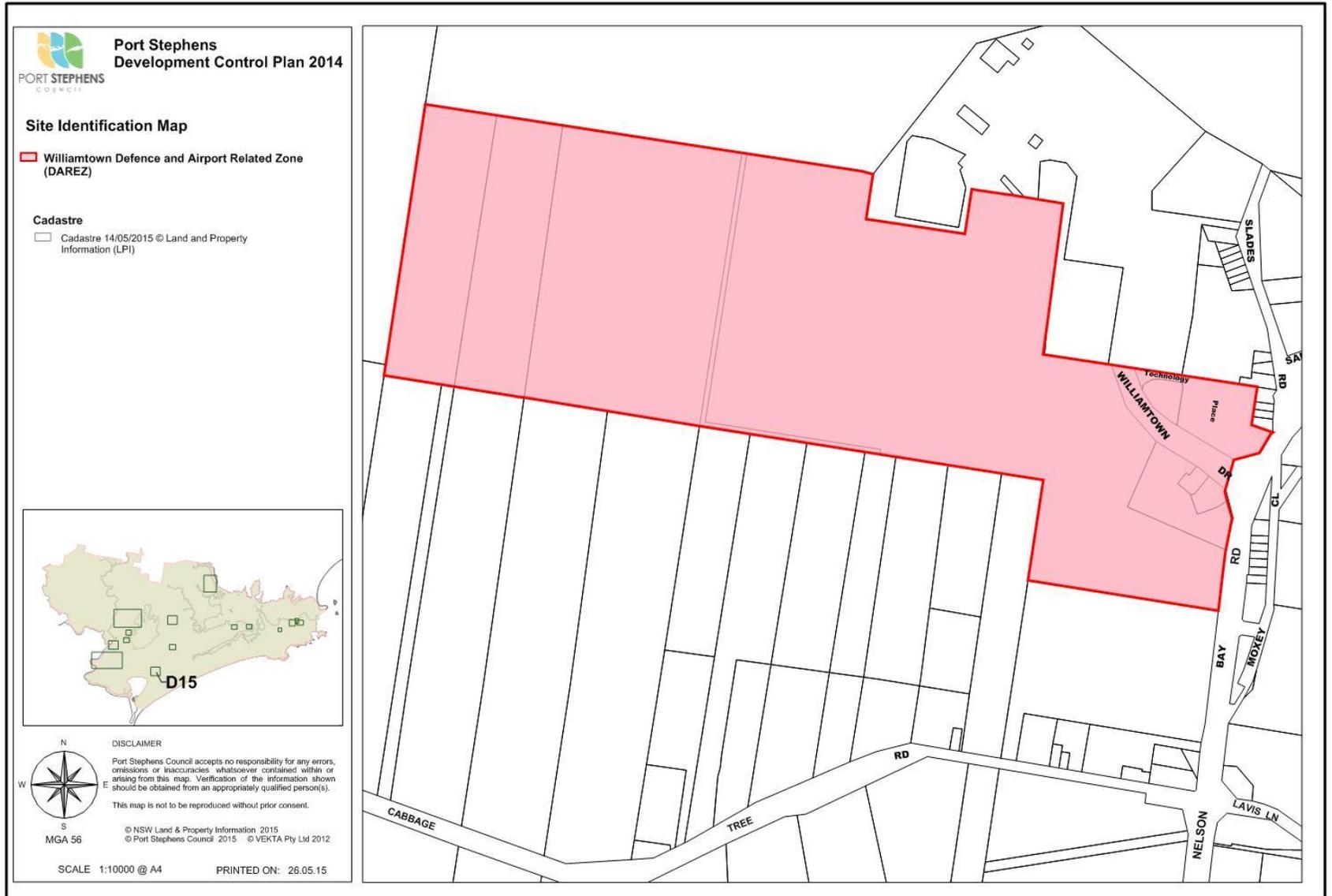
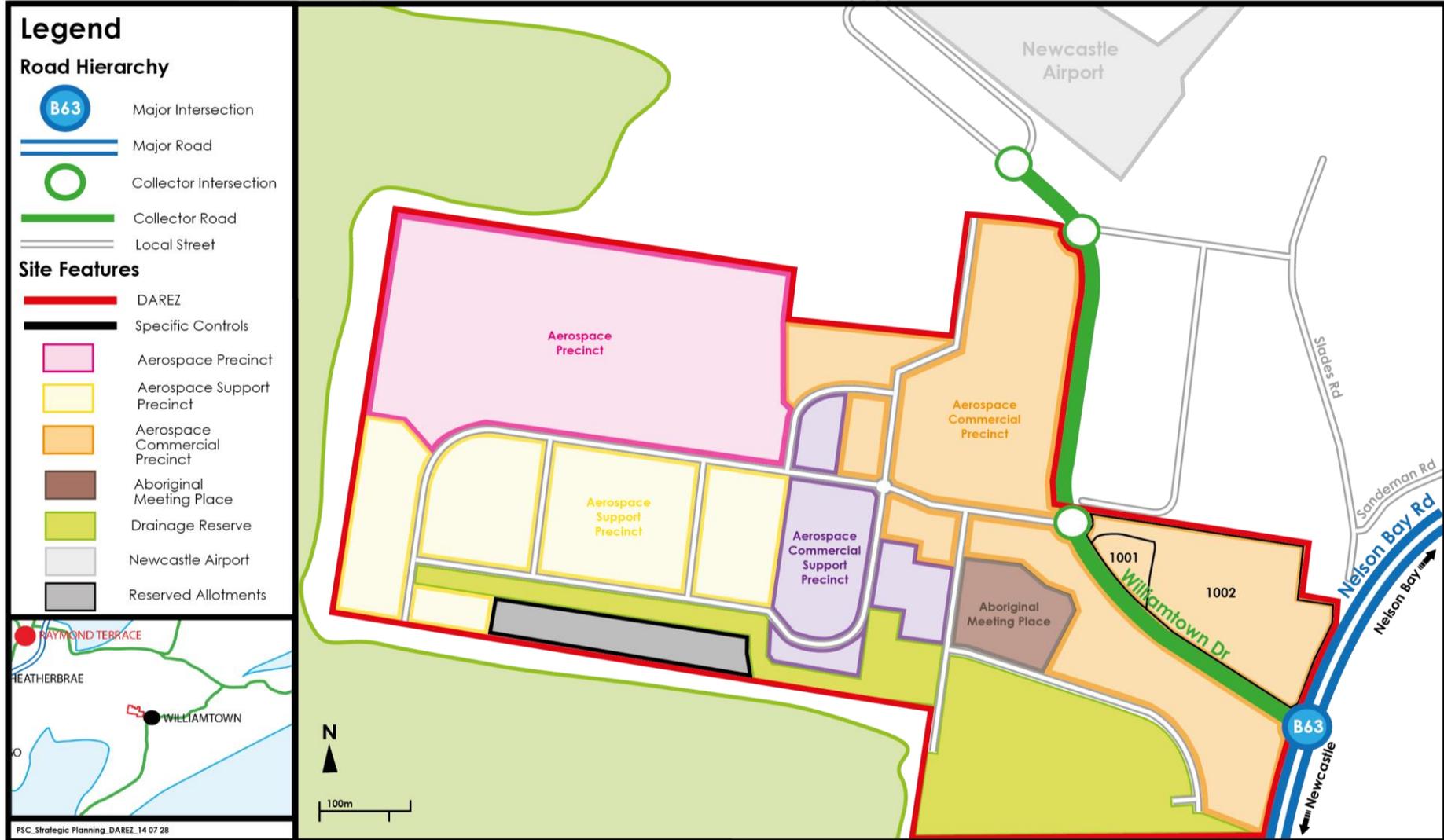


Figure DAF: Williamtown **DAREZ** Locality Controls Map



D16 Medowie Planning Strategy (Precinct E)

Application		
This part applies to the land identified in Figure DAG Medowie Planning Strategy (Precinct E) Land Application Map.		
Objectives		
D16.A	Layout and Staging	<ul style="list-style-type: none"> 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.
Requirements		
D16.1	Layout	Overall development layout needs to be consistent with the Figure DAH.
D16.2	Staging	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.
D16.3		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.
D16.4	Sub-Precincts	A development application for large-scale residential accommodation or major subdivision is able to occur separately within 'sub-precincts': one on the western side of Medowie Road and another on the eastern side of Medowie Road.
D16.5	'Lifestyle' Developments	A development application for 'lifestyle' residential accommodation must include a master plan demonstrating consideration and achievement of the objectives of C5 Multi Dwelling Housing or Seniors Living and identifying key common development design controls for dwellings (for example dwelling setbacks).
Objectives		
D16.B	Natural Resources	<ul style="list-style-type: none"> To provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, 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.
Requirements		
D16.6	General	Environmental areas, corridors and additional planting with koala feed trees will be retained and enhanced in general accordance with Figure DAH.
D16.7	Vegetation management	Development must take into consideration the implications of the Vegetation Management Plan that applies to land within

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

	and biodiversity offsets	the precinct.
D16.8		Clearing of land on the eastern side of the precinct shall not occur until the requirements of the associated Vegetation Management Plan are implemented (a Vegetation Management Plan has been prepared that provides for vegetation offsets and improvements to vegetation corridors within the site – refer to Vegetation Management Plan, Kleinfelder, 10 March 2017).
D16.9	Landscaping along Medowie Road	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.
Objectives		
D16.C	Transport Movement Hierarchy	<ul style="list-style-type: none"> 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. To achieve connection between adjoining land and potential future residential precincts identified by the <i>Medowie Planning Strategy</i>. 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.
Requirements		
D16.10	General	The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with the layout shown in precinct plan at Figure DAH.
D16.11	Road Connections to other Precincts	The road layout must provide for potential future connections to other potential future residential planning precincts identified by the <i>Medowie Planning Strategy</i> including Brocklesby Road.
D16.12	Road Connections to Medowie Road	A roundabout intersection must be provided to Medowie Road to serve as the main access point for development.
D16.13		The main roundabout intersection must be designed to accommodate upgrades for increased future traffic flows along Medowie Road identified by the <i>Medowie Planning Strategy</i> .
D16.14		The main roundabout intersection may be provided by a staged approach to facilitate development of a single sub-precinct. Consideration for the future roundabout intersection must be included in the design and construction of any interim intersection.
D16.15		Additional intersections (intersections in addition to the main roundabout intersection with Medowie Road) must be limited in number and provided as left-in/left-out only.
D16.16		No direct driveway access to and from Medowie Road is permitted.
D16.17	Shared Path Connections	Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.
D16.18		A shared path must be provided along the eastern side of

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

		Medowie Road, in conjunction with the development of the land on the eastern side of Medowie Road. The shared-use path must be provided along the eastern frontage with Medowie Road and connect north to Ferodale Road (to the extent that a shared path is able to be accommodated).
D16.19		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).
D16.20		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.
D16.21		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.
Objectives		
D16.D	Managing Risk from Agricultural Land Uses	<ul style="list-style-type: none"> To ensure the land is suitable for residential occupation in relation to previous agricultural land uses. To ensure the potential for negative effects from the operation of poultry sheds on residential amenity are adequately managed.
Requirements		
D16.22	Managing the potential requirement for land remediation	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 No. 55 – Remediation of Land with particular regard to the previous agricultural activities on the subject land.
D16.23	Managing Potential Risk from Odour and Noise from Poultry Farming	New residential allotments and dwellings must not be constructed until the poultry sheds at 733 Medowie Road (Lot 199 DP 17437) are decommissioned.
Objective		
D16.24	Road Noise	To ensure that development is not adversely affected by noise and vibration from traffic on Medowie Road.
Requirement		
D16.25	Considering Road Noise from Medowie Road	A development application for large-scale residential accommodation or major subdivision must demonstrate by provision of an acoustic report that future residential development will meet appropriate noise and vibration standards for development along Medowie Road.

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

Objective		
D16.26	Stormwater	<ul style="list-style-type: none">To provide for common and adequate stormwater management within the precinct.
Requirements		
D16.27	Stormwater Basins	Stormwater basins are located in general accordance with Figure DAH.
D16.28	Stormwater Culverts under Medowie Road	Development must address the potential effect on the two main culverts under Medowie Road (the desirable design standard for these culverts is 1% AEP+0.3m obvert freeboard for 2100 climate change conditions).
Objective		
D16.29	Williamstown RAAF Base – Aircraft Safety	<ul style="list-style-type: none">To ensure that development adequately considers aircraft safety.
Requirement		
D16.30		Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

Figure DAG: Medowie Planning Strategy (Precinct E) Land Application Map

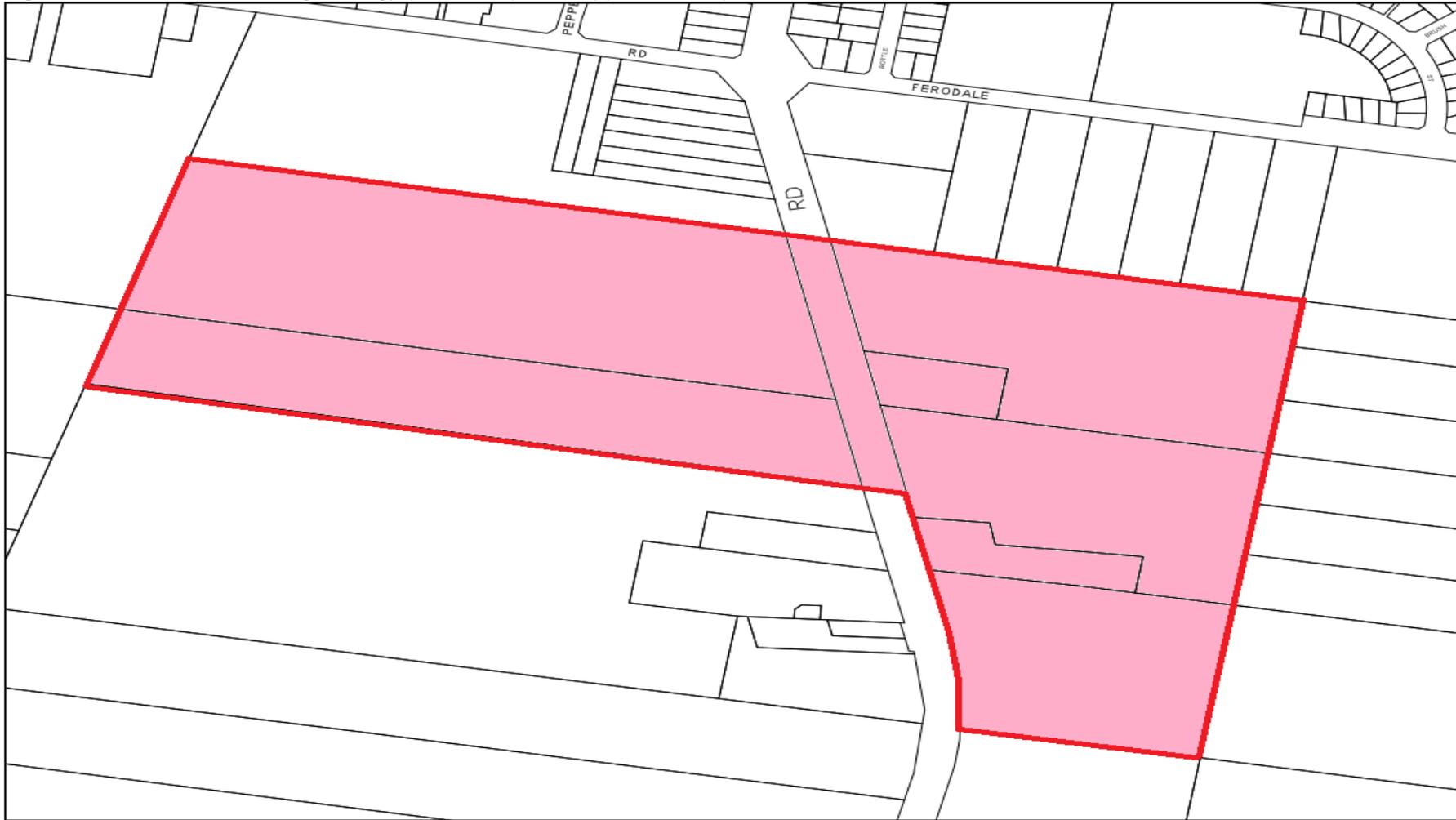
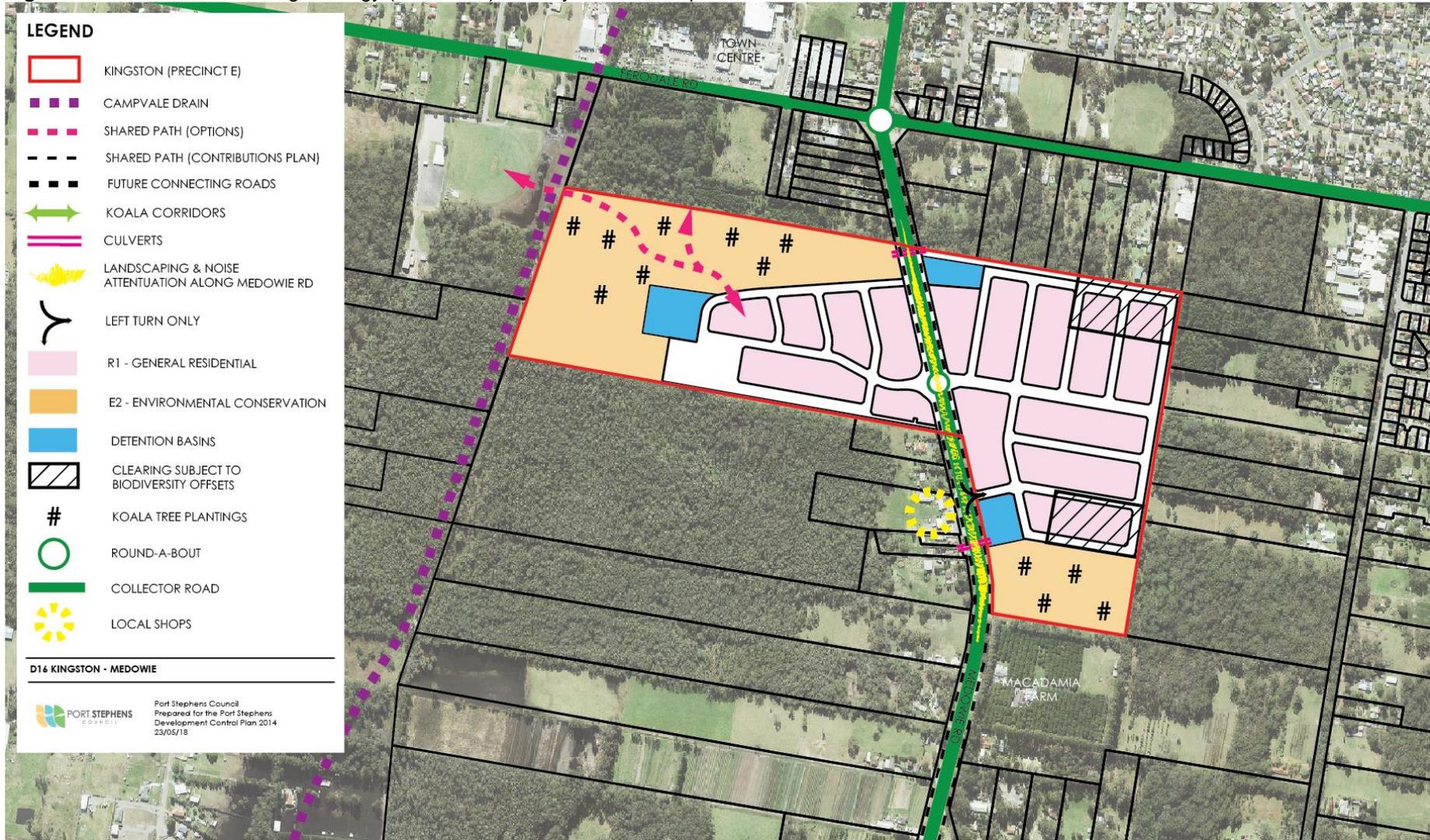


Figure DAH: Medowie Planning Strategy (Precinct E) Locality Controls Map



E Schedules

E Schedules			
No	Part	This Part:	Page
E1	Glossary	<ul style="list-style-type: none">• defines terms used in this Plan	E-175
E2	Acronyms	<ul style="list-style-type: none">• expands acronyms used in this Plan	E-200
E3	Reference List – Endnotes	<ul style="list-style-type: none">• provides a Reference List for those documents referenced throughout this Plan	E-202

E1 Glossary

1% AEP flood event is the design flood based on statistical analysis of flood and rainfall data that has a 1% probability of being equalled or exceeded within any year.

1st, 2nd & 3rd order water courses means a watercourse order as classified under the Strahler System of ordering watercourses. They can be determined by the width of the Core Riparian Zone (**CRZ**) as follows:

Water course description	CRZ width
Any first order watercourse where there is a defined channel where water flows intermittently	10m
Any permanently flowing first order watercourse or any second order watercourse where there is a defined channel where water flows intermittently or permanently	20m
Any third order or greater watercourse and where there is a defined channel where water flows intermittently or permanently. Includes estuaries, wetland and any parts of rivers influenced by tidal waters	20-40m

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

arborist report means a technical report prepared by a **qualified arborist** that adequately assesses the health of a tree or other vegetation

access audit means an audit to establish how well a building performs in relation to access and ease of use by a wide range of potential users, including people with physical mobility and sensory impairments

access boundary means the boundary from which formal access to the site is achieved

Acid Sulfate Soils (ASS) means naturally occurring sediments and soils containing iron sulfides (principally pyrite) and their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation)

Note: **acid sulfate soils** has the same meaning under the **Local Environmental Plan**

acid sulfate soil management plan means a management plan prepared in accordance with the **NSW ASS Manual**

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 finished floor level is the **1% AEP flood event** level plus 0.5m at 50 years from determination date.

adversely impact means a negative effect that goes against desired conditions

air pollution means the emission into the air of any air impurity.

Note: **air pollution** has the same meaning as in the *Protection of Environment Operations Act 1997*

air quality impact assessment means a report that identifies and measures the potential for air quality impacts

Aircraft Noise Planning Area (ANPA) 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 'relevant **ANEF** maps' and includes land that is within **ANEF** contours of 20 and greater.

Note: **ANPA** is a composite of the 2012 **ANEF** and the 2025 **ANEF**.

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).

area free of risk from flooding means land above the **probable maximum flood (PMF)**.

arterial road means an arterial road as defined by the current version of the Port Stephens Council 'Infrastructure Specification – Design'

assessment of significance means an analysis of the impacts that a proposed **development** is likely to have on threatened species, populations, ecological communities or habitat.

Asset Protection Zone (APZ) means a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack

Note: **asset protection zone** has the same meaning as in Planning for Bush Fire Protection

Australian Height Datum (AHD) means the setting of the mean sea level as zero elevation. Mean sea level was determined from observations recorded by 30 tide gauges around the Australian continent for the period 1966-1968

Australian rainfall and runoff means the national guideline document for the estimation of design flood characteristics in Australia

average building line for the purposes of determining the front setback, means the average distance of the setbacks to the nearest 2 buildings having a boundary with the same parallel road and located within 40 metres of the lot on which the **dwelling house** is erected

battle-axe lot means a lot of land behind another, with access from the street through a narrow drive known as a handle

bird strike zone means land identified as bird strike Group A, Group B or Group C by Figure BN (p. B-45)

biodiversity offsets means measures that benefit biodiversity by compensating for the adverse impacts elsewhere of an action, such as clearing for **development**

bio-metric terrestrial biodiversity assessment tool means a tool used to assess the impacts on terrestrial biodiversity of applications for clearing and applications for incentives in **native vegetation** under the *Native Vegetation Act 2003*

Building Code of Australia (BCA) means volumes one and two of the National Construction Code.

buffer means a distinct separation between two **developments** or land-uses that require separation

building height (or height of building) means:

- a. in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- b. in relation to the **RL** of a building—the vertical distance from the **Australian Height Datum** to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Note: building height (or height of building) has the same meaning as in the **Local Environmental Plan**

building line or **setback** means the horizontal distance between the property boundary and other stated boundary and a building wall or the outside face of a balcony, deck or the like, or the supporting posts or a carport or veranda roof, whichever is the shortest.

Note: building line or **setback** has the same meaning as in the **Local Environmental Plan**

bulk earthworks plan means a plan prepared that details the process of **cut** and **fill**, including proposed cutting and filling and any proposed loads or the type and source of landfill being used

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- a. a large area for handling, display or storage, and
- b. direct vehicular access to the site of the building or place by members of the **public** for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and **swimming pools**, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note: bulky goods premises has the same meaning as in the **Local Environmental Plan**

bush fire prone land map for an area means a map for the area certified as referred to in section 10.3(2) of the **EP&A Act**

bush fire prone land means land recorded for the time being as **bush fire prone land** on **bush fire prone land map**

bush fire protection measure means any one of the following measures as identified by the Rural Fire Service:

- a. **Asset Protection Zones** (fuel reduced areas)
- b. Access arrangements
- c. Building construction and design
- d. Water supply and utilities
- e. Landscaping
- f. Emergency Management Arrangements

business premises means a building or place at or on which:

- a. an occupation, profession or trade (other than an **industry**) is carried on for the provision of services directly to members of the **public** on a regular basis, or
- b. a service is provided directly to members of the **public** on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, **home business**, home occupation, home occupation (sex services), medical centre, **restricted premises**, **sex services premises** or veterinary hospital.

Note: **business premises** has the same meaning as in the **Local Environmental Plan**

capital investment value of a **development** or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs:

- a. amounts payable, or the cost of land dedicated or any other benefit provided, under a condition imposed under Division 7.1 or 7.2 of the **EP&A Act** or a **planning agreement** under that Division,
- b. costs relating to any part of the development or project that is the subject of a separate **development consent** or project approval,
- c. land costs (including any costs of marketing and selling land),
- d. GST (within the meaning of *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth).

Note: **capital investment value** has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*

cantilevered means a projecting structure, such as a beam, that is supported at one end and carries a load at the other end along its length

cellular system means systems that can be used to control and manage rainwater surface runoff as either a soak away or a storage tank. The modular/honeycomb nature of **cellular systems** means that they can usually be tailored to suit the specific requirements of any site

centrality means central to the geographic population or in proximity to a neighbourhood centre. An example would be where a **collector road** crosses another **collector road** or opposite a neighbourhood town centre.

circumference breast height means the girth of the supporting stem of a tree at a height 1m above the existing ground level measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses

Crime Prevention through Environmental Design (CPTED) means a multi-disciplinary approach to deterring criminal behaviour through environmental design

collector road means a collector road as defined by the current version of the Port Stephens Council 'Infrastructure Specification Design'

commercial premises means any of the following:

- a. **Business premises**
- b. Office premises
- c. **Retail premises**

Note: **commercial premises** has the same meaning as in the **Local Environmental Plan**

compensatory planting means the planting of a tree to mitigate for the removal of a tree. Compensatory planting must be conducted in accordance with the Port Stephens Council Technical Tree Specification

construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the regulations

Note: **construction certificate** has the same meaning as in the **EP&A Act**

construction management plan means a management plan that details how construction will be managed. The plan takes into account relevant safety concerns, including how the works will interfere with the **public domain**

construction works means the process of building a structure or assembling infrastructure

contaminated land means land in, on or under which any substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Note: **contaminated land** has the same meaning as in Schedule 6 of the **EP&A Act**

controlled activity means:

- a. the erection of a building or the carrying out of a work (within the meaning of the **EP&A Act**), or
- b. the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- c. the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- d. the carrying out of any other activity that affects the quantity or flow of water in a water source.

Note: **controlled activity** has the same meaning as in the **Water Management Act 2000**

critical mass means the number of users of **public open space** to sustain its vitality.

cut means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of land

dB(A) means an expression of the relative loudness of sounds in air as perceived by the human ear.

desire lines means a path that represents the shortest and most easiest navigated route between an origin and destination

development application means an application lodged with Council to seek consent for **development** that requires **development consent** under the **Local Environmental Plan**

development consent means consent under Part 4 of the **EP&A Act** to carry out development and includes, unless expressly excluded, a complying development certificate

Note: development consent has the same meaning as in the **EP&A Act**

development means any of the following:

- a. the use of land,
- b. the **subdivision** of land,
- c. the erection of a building,
- d. the carrying out of a work,
- e. the demolition of a building or work,
- f. any other act, matter or thing that may be controlled by an **environmental planning instrument**,

Note: development has the same meaning as in the **EP&A Act**

development type means the definition given to a proposed land-use under the Dictionary of the **Local Environmental Plan**

district park means a park that can support a greater variety of functions and facilities than a **local park** to meet different community needs. Large groups should be able to gather for an extended period of time. A **district park** consists of the following attributes:

- Provides advanced evergreen shade trees;
- Provides multiple entry and exit points;
- Creates links between public and private areas;
- Integrates remnant vegetation;
- Formal car parking and pathways;
- Accessible amenities;
- Park furniture and sheltered picnic facilities (e.g. electric barbeques);
- **Signage**; and
- High quality play equipment.

drainage reserve means a parcel of land set aside for drainage purposes. **Drainage reserves** usually contain either a drainage basin or an open drain. A **drainage reserve** is a type of **overland flow path**

drinking water catchment means the Drinking Water Catchment identified on the Drinking Water Catchment Map in the **Local Environmental Plan**

driveway means a type of private road for local access to one or a small group of structures, and is owned and maintained by an individual or group

driveway cross-fall means the point where a **driveway** crosses a pedestrian pathway, which is then understood to be the boundary of the pedestrian environment

dual occupancy means a dual occupancy (attached) or dual occupancy (detached). **Dual occupancies** are type of **residential accommodation**.

Note: *dual occupancy* has the same meaning as in the *Local Environmental Plan*

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Note: *dwelling* has the same meaning as in the *Local Environmental Plan*

dwelling house means a building containing only one dwelling.

Note: *dwelling house* has the same meaning as in the *Local Environmental Plan*

earthworks means the *cut* or *filling* of land.

Note: *earthworks* has the same meaning as in the *Local Environmental Plan*

easement means an individual or a company, known as a grantee has the right to use land for a particular purpose. An *easement* can restrict how the owner of the land, known as the grantor, can use their property. Common *easements* include:

- pathways and walkways
- for the supply of utilities
- access roads
- the right to park a vehicle

ecologically sustainable development means using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased

environmental significance means threatened species and communities, listed migratory species, wildlife corridors, *wetlands* or *riparian corridors*

Environmental Planning Instrument (EPI) means an *environmental planning instrument* (including a *SEPP* or *LEP* but not including a *DCP*) made, or taken to have been made under Part 3 and in force.

Note: *environmental planning instrument* has the same meaning as in the *EP&A Act*

environmentally sensitive area means an area deemed to have significant environmental value by Council, including such areas as terrestrial biodiversity, *riparian corridors* or wildlife corridors

essential services means reference to the essential services listed in the relevant clause of the *Local Environmental Plan*, including; the supply of water, the supply of electricity, the disposal and management of sewage and suitable vehicular access

undesirable species means the following:

- Tree of Heaven – *Alionthus altissima*
- Camphor Laurel – *Cinnoamomum camphora*
- Cotoneaster - *Cotoneaster spp.*
- Coral Tree – *Erythrina spp.*
- Rubber Tree – *Fiscus elastica*
- Privet – *Ligustrum spp.*
- Oleander – *Nerium oleander*
- Slash pine – *Pinus elliotii*

- Radiata pine – *Pinus radiata*
- Willow – *Salix babylonica*, *Salix matsudana tortuosa* and *Salix spp*
- Umbrella Trees – *Schefflera spp*
- Cocos Palm – *Syagrus romanzonffianum*
- Rhus Tree – *Toxicodendron succedameum*

exempt development means **development** that is specified in an **exempt development** code that meets the standards specified for that **development** and that complies with the requirements of **exempt development** under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

facadism means an architectural and construction practice where the façade of a building was designed or constructed separately to the rest of a building. More often it refers to the practice where only the face of a building is preserved with new buildings erected behind or around it

false windows means windows that do not link a **habitable room** and therefore do not provide passive surveillance

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- the use of land as a waste disposal facility.

Note: **fill** has the same meaning as in the **Local Environmental Plan**

finished access level is the completed level of the driveway following construction, from the building envelope to the public road.

Finished Floor Level (FFL) is the completed floor level of the premises following construction.

flood certificate means a Council prepared flood certificate not more than 12 months old.

flood compatible design refers to all proposed development on **flood prone land** must be of a flood-resistant design and construction. The design must take into account the hydrostatic actions, hydrodynamic actions, debris actions, wave actions, erosion and scour. Materials used for structural purposes and located below the **flood planning level** must:

- Be capable of resisting damage, deterioration, corrosion or decay;
- Consider the amount of time that the material is likely to be in contact with flood water; and
- Consider the amount of time it will take for the material to dry out.

Note: Materials should be consistent with the:

- *Construction of Buildings in Flood Hazard Areas – Standard*, Australian Building Codes Board; and

- *Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas*, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006.

flood fringe area is the remaining land in the **flood planning area** after the **floodway area** and **flood storage area** have been defined.

flood hazard means a source of potential harm or a situation with a potential to cause loss.

flood hazard maps includes the visual representation of the flood hazard and hydraulic categories referenced in Council's **Floodplain Risk Management Policy**. The maps are available on Council's website.

flood immunity refers to a building or structure that will not be directly affected by flooding during a flood event.

flood planning area is the land inside the extent of the **flood planning level**.

Flood Planning Level (FPL) is the level of the **1% AEP flood event** in the year 2100 plus 0.5 metre freeboard, except for overland flooding areas where a freeboard of 0.3 metre is applied. The area of land below the **FPL** is subject to flood-related development controls.

flood planning horizon refers to the length of time into the future for the risk to be managed. In floodplain risk management this includes consideration of climate change impacts and the planning horizon is typically 2100.

floodplain means an area of flat land adjacent to a river, creek, lake, estuary, dam or artificial channel which is subject to flooding during high rainfall periods

flood prone land refers to land that is likely to be inundated by the **PMF**.

flood prone land subject to further investigation refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behaviour (to define the variation over time of flood levels, extent, velocity, flood hazard and the flood planning level up to and including the **PMF** has not yet been carried out. Land designated as **flood prone land subject to further investigation** on Council's **flood hazard maps** will be considered as **High Hazard Flood Storage** (unless satisfactory evidence is provided to demonstrate otherwise).

Floodplain Risk Management Plan is developed from the **Floodplain Risk Management Study** and details how **flood prone land** within the study areas is to be managed. The primary aim of the Plan is to reduce the **flood hazard** and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with **flood hazard** now and in the future. The Plan consists of prioritised and costed measures for implementation.

Floodplain Risk Management Policy refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area in accordance with State Government's Flood Prone Land Policy and **NSW Floodplain Development Manual 2005**.

Floodplain Risk Management Study is a study of the risks across the floodplain and evaluates management options for both existing and proposed development. A floodplain risk management study needs to be developed in accordance with the principles and guidelines contained in the NSW Floodplain Management Manual.

flood refuge means an approved and well-designed mound to provide temporary refuge for humans and livestock during flooding

floodway refers to land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential.

flood study is a comprehensive technical investigation of flood behaviour that defines the variation over time of flood levels, extent and velocity for flood events of various severities up to and including the **PMF** event. It covers the entire floodplain catchment, with particular emphasis on the area under consideration. The **flood study** will:

- i. Be certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (NER), who has experience in hydraulics and floodplain management;
- ii. Be a comprehensive document that includes numerical flood modelling of the proposed development area;
- iii. Ensure that the extent of the study adequately assesses all flooding characteristics and impacts of the development in the area;
- iv. Be consistent with any existing **flood study** or **Floodplain Risk Management Plan** undertaken for Council for the subject site. Where there is deviation from the Council adopted studies, the **flood study** must detail and justify the deviations;
- v. Be consistent with the **NSW Floodplain Development Manual 2005** and the current version of Australian Rainfall and Runoff and determine the existing flooding characteristics and assess the impacts of the proposal, including assessment of design flood events including 10% AEP, 5% AEP, 1% AEP and **PMF** for existing conditions, 2050 and 2100; and
- vi. Assess cumulative **flood storage** impacts, flood levels, velocity (including direction), hazard and hydraulic categories.

flood storage areas are those parts of the **floodplain** that are important for the temporary storage of floodwaters during the passage of a flood. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation.

flood volume refers to the volume of water occupying a site at the peak of a flood event. The 1% AEP **flood volume** is the difference between the peak flood height in the **1% AEP flood event** and the natural surface level.

floor space ratio of buildings on a site is the ratio of the **gross floor area** of all buildings within the site to the **site area**

flora, fauna or conservation strategy means a **flora, fauna or conservation strategy** that is relevant to the subject site and in turn has identified by Council as relevant (e.g. Port Stephens Council Koala Plan of Management)

flora and fauna survey means a survey to identify ecological and biological diversity of the site

foreshore means the part between the water and occupied or cultivated land

freeboard means the height above the **1% AEP flood event** level. It is used as a safety margin to compensate for uncertainties such as wave action, localised hydraulic behaviour (e.g. flow path blockages caused by natural and urban debris such as trees, 'wheelie' bins, cars, containers) and changes in rainfall patterns and ocean water levels as a result of the changing climate.

front property line means the legal boundary of a parcel of land adjoining the primary **road reserve** frontage

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Note: *function centre* has the same meaning as in the *Local Environmental Plan*

greenfield means a site in a locality which has been previously undeveloped other than for agricultural pursuits

gross floor area means the sum of floor area of each floor of a building measured from the internal face of external walls or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor and includes:

- a. the area of a **mezzanine**, and
- b. **habitable rooms** in a basement or an attic, and
- c. any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
 - d. any area for common vertical circulation, such as lifts and stairs, and
 - e. any basement:
 - i. storage, and
 - ii. vehicular access, loading areas, garbage and services, and
 - f. plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - g. car parking to meet any requirements of the consent authority (including access to that car parking), and
 - h. any space used for the loading or unloading of goods (including access to it), and
 - i. terraces and balconies with outer walls less than 1.4 metres high, and
 - j. voids above a floor at the level of a storey or storey above

Note: *gross floor area* has the same meaning as in the *Local Environmental Plan*

ground level (finished) means, for any point on a site, the ground surface after completion of any **earthworks** (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is **exempt development**

groundwater means the water located beneath the earth's surface in soil pore spaces and in the fractures of rock formations. A unit of rock or an unconsolidated deposit is called an aquifer when it can yield a usable quantity of water

habitable room as defined by the *NSW Floodplain Development Manual 2005* and the current Building Code of Australia means:

- a) In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, music room, television room, sewing room, study/ office, playroom, family room, home theatre room, and sunroom, bedroom or workroom.
- b) In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

Note: the **habitable room** definition excludes areas such as a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

heritage conservation area means an area of land of heritage significance:

- a. shown on the Heritage Map as a **heritage conservation area**
- b. the location and nature of which is described in Schedule 5 and includes any **heritage items** situated on or within that area

Note: **heritage conservation area** has the same meaning as in the **Local Environmental Plan**

heritage impact statement means a statement that conveys what impact or impacts the proposed **development** will have on the item of heritage significance. The statement addresses:

- a. what impact the proposed works will have on that significance
- b. what measures are proposed to mitigate negative impacts
- c. why more sympathetic solutions are not viable
- d. why the item is of heritage significance

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 of the **Local Environmental Plan**

Note: **heritage item** has the same meaning as in the **Local Environmental Plan**

high hazard flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.

hollow tree assessment means an assessment undertaken to uncover the quality and quantity of tree hollows present on a site

home business means a business that is carried on in a **dwelling**, or in a building ancillary to a **dwelling**, by one or more permanent residents of the **dwelling** and that does not involve those activities listed under the definition contained in the **Local Environmental Plan**

Note: **home business** has the same meaning as in the **Local Environmental Plan**

home industry means a **dwelling** (or a building ancillary to a **dwelling**) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve those activities listed under the definition contained in the **Local Environmental Plan**

Note: **home industry** has the same meaning as in the **Local Environmental Plan**

impervious surfaces means a surface within a **development** which does not allow infiltration of water to the underlying ground including roads, parking lots, **driveways**, pathways, buildings and roofs.

indigenous vegetation means a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

Note: **indigenous vegetation** has the same meaning as in the **TSC Act**

industry means any of the following:

- a. general industry,
- b. heavy industry,
- c. light industry,

but does not include:

- d. rural industry, or
- e. extractive industry, or
- f. mining.

Note: *industry* has the same meaning as in the *Local Environmental Plan*

infill means the **development** of land by the erection of or addition of a residential building or buildings which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing allotment

integrated development means **development** (not being State significant development or complying development) that, in order for it to be carried out, requires **development consent** and the listing approvals under section 4.46 of the **EP&A Act**

koala habitat means land identified on the Port Stephens Council Koala Habitat Map as being **preferred koala habitat**, **supplementary koala habitat**, and linking or buffer areas to them

land application map means the Land Application Map in the *Local Environmental Plan*

Note: *land application map* has the same meaning as in the *Local Environmental Plan*

land-use types means the definitions of **development** as listed under the Dictionary of the *Local Environmental Plan*

landscape plan means a plan or document outlining the extent, type and location of hard and soft landscape works proposed for a **development**

Local Environmental Plan means the local environmental plan(s) applying to the land to which this plan applies

livestock flood refuge mound is an artificial mound of land that provides temporary refuge for livestock during flood events.

local park means a park that is provided and maintained for local residents comprising open grassed areas suitable for small scale ball play, picnics, unorganised active recreation and consists of the following attributes:

- Provides advanced evergreen shade trees;
- Provides multiple entry and exit points;
- Creates links between public and private areas;
- Integrates remnant vegetation;
- Provides park furniture seating; and
- May also include play equipment and pathways.

local street means a local street as defined by the current version of the Port Stephens Council 'Infrastructure Specification – Design'

local structure plan means a development control plan under clause 6.3 of the *Local Environmental Plan*

low hazard flood area is the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

major subdivision means where new roads are proposed, existing roads or intersections require significant upgrading or **public drainage** is constructed

merit-based approach is the means of achieving an objective based on the desired outcome, rather than specific numerical standards

mezzanine means an intermediate floor between main floors of a building

minimal risk flood prone land refers to land on the floodplain that is above the **FPL**. This means that there are no flood-related development controls that apply to residential development, but critical emergency response and recovery facilities, such as evacuation centres and vulnerable development types, such as aged care and child care facilities, may not be appropriate in this location.

minimum site area means the minimum area at site must be in terms of square metres to allow the placement of a **dual occupancy**

minor subdivision include strata **subdivisions**, boundary adjustments and Torrens & Community Title **subdivision** where only inter allotment drainage lines and **driveways** are required

Model for Urban Stormwater Improvement Conceptualisation (MUSIC) means a toolkit that aids decision-making; **MUSIC** predicts the performance of stormwater quality management systems

mosquito management technical specification means the Port Stephens Council Mosquito Management Technical Specification⁷ available from the Port Stephens Council website

mixed use development means a building or place comprising 2 or more different land uses

multi dwelling housing means 3 or more **dwellings** (whether attached or detached) on one lot of land, each with access at ground level, but does not include a **residential flat building**.

Note: multi dwelling housing has the same meaning as in the **Local Environmental Plan**

multi-functional means sport fields that are designed with multiple uses in mind, including the provision of an all-weather surface, field markings that can be easily changed and removable goal posts.

natural ground level means the most likely surface of the property at the time the lots were created and the roads built

native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*

nest box technical specification means the Port Stephens Council Nest Box Technical Specification⁵ available from the Port Stephens Council website

nodes mean focal points, intersections or loci as Kevin Lynch in *The Image of the City*⁴². Examples include train stations, **neighbourhood centres**, bus depots or intersections.

noise sensitive development means **development** defined as 'Conditionally acceptable' or 'Unacceptable' in accordance with the Australian Standard 2021-2015

non-habitable room means a room not defined as a **habitable room** under this Plan

non-rural areas for the purposes of Part B1 – Tree Management means the following land-use zones under the **Local Environmental Plan** and identified by Figure BB:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- IN1 General Industrial
- IN2 Light Industrial
- IN4 Working Waterfront
- SP1 Special Activities
- SP2 Infrastructure
- RE1 Public Recreation
- RE2 Private Recreation
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

noxious weeds technical specification means the Port Stephens Council **Noxious Weeds Technical Specification** that is available from the Port Stephens Council website

noxious weeds is a plant declared by an order under section 7 of the *Noxious Weeds Act 1993* to be a noxious weed.

Note: **noxious weeds** has the same meaning as in the *Noxious Weeds Act 1993*

NSW ASS Manual means the Acid Sulfate Soils Manual that is available from the NSW Department of Planning and Environment.

NSW ASS Assessment Guidelines means NSW Acid Sulfate Soils Management Advisory Committee. August 1998, 'Acid Sulfate Soils Assessment Guidelines'

NSW Floodplain Development Manual 2005 refers to the State Government manual relating to the development of flood liable land for the purposes of section 733 of the *Local Government Act 1993*.

occupation certificate means a certificate that authorises:

- i. the occupation and use of a new building in accordance with a development consent, or
- ii. a change of building use for an existing building in accordance with a development consent.

Note: **occupation certificate** has the same meaning as in the **EP&A Act**

offensive noise means noise:

- b. that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i. is harmful to (or is likely to be harmful) to a person who is outside the premises from which it is emitted, or
 - ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premise from which it is emitted,
- c. that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations

Note: **offensive noise** has the same meaning as in the *Protection of the Environment Operations Act 1997*

on-site detention means a way of ensuring that land-use changes does not cause increased downstream flooding: both in the local drainage system immediately downstream and along the creeks and rivers further downstream. **On-site detention** usually consists of a discharge control pit, storage and collection network.

on-site refuge means a convenient access to flood free ground. In general, it is not acceptable to rely on refuge provided by or on other **development** sites. In all cases where on site refuge is provided, it is to be both intrinsically accessible to all people on the site and an integrated part of the **development** (e.g. a second storey with stair access). The route to the refuge is to be fail safe, plainly evident and self-directing.

on-site 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 sewerage management system means wastewater systems designed to treat and dispose of effluent on the same property that produces the wastewater. A septic tank and drain field combination is the oldest and most common type

on-site parking means parking required under Figure BT: On-Site Parking Requirements (p. B-56).

on-site refuge means a convenient access to flood free ground. In general, it is not acceptable to rely on refuge provided by or on other **development** sites. In all cases where on site refuge is provided, it is to be both intrinsically accessible to all people on the site and an integrated part of the **development** (e.g. a second storey with stair access). The route to the refuge is to be fail safe, plainly evident and self-directing.

on-site waste water level is the 5% AEP flood event level at 50 years from determination date (**Note:** there is no 0.5m freeboard in this instance).

open space means either **private open space** or **public open space**

operational land has the same meaning as in the *Local Government Act 1993*

operation and maintenance plan means a plan developed to maintain **Water Sensitive Urban Design (WSUD)** measures in line with the Port Stephens Council. NA, 'Guidelines for Preparing a Water Sensitive Urban Design Strategy'

overland flow means water that flows down to a water course as opposed to flooding that is water that rises from a water source

overland flow path are the areas of inundation by local runoff rather than inundation created by overbank flows discharging from a watercourse.

permit means an approval from Council for clearing of trees and/or vegetation in accordance with Clause 10(1) of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

planning agreement means an agreement made between the proponent and Council under section 7.4 of the *EP&A Act* regarding infrastructure provision

podium means a platform used to raise something above its immediate surroundings

precinct plan means a plan prepared to address the matters set out in Part 6 (Urban release areas) of the *Local Environmental Plan*

preferred koala habitat means all habitat areas identified by the Koala Habitat Atlas as Primary Habitat, Secondary Habitat and Community Based Survey Categories under the Port Stephens Council Comprehensive Koala Plan of Management¹⁰

primary use means the principle reason for which the vehicle is utilised

privacy screen means a screen that:

- a. faces the boundary;
- b. is 1.5m high, measured from the floor level;
- c. has no individual opening more than 30mm wide; and
- d. has a total of all openings less than 30 percent of the surface area of the screen.

private open space means an area of land external to a building that is used for private outdoor purposes ancillary to the use of the building

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.

property vegetation plan means a voluntary, legally binding agreement between a landholder and the local catchment authority that may be obtained for the following reasons:

- a. Protecting water quality by trapping sediment, nutrients and other contaminants
- b. Providing an interface or **buffer** between **developments** and waterways
- c. Providing bed and bank stability and reducing bank and channel erosion
- d. Providing connectivity between wildlife habitats
- e. Providing diversity of habitat for terrestrial, riparian and aquatic plants and animals
- f. Providing passive recreational uses

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 means a person who accesses a building or premises who are not owners or staff

public open space means a social space that is generally open and accessible to people, including **road reserves**, **public domain**, parks and beaches.

qualified arborist means:

- a. a person who holds the Australian Qualifications Framework Diploma in Horticulture (Arboriculture) or other qualifications to the satisfaction of Council, and
- b. who has been registered with the Council as a qualified person for the purposes of the preparation of an **arborist report**, or
- c. the Council

qualified engineer means a practicing professional with accreditations received from a University recognised by Engineers Australia or equivalent international accreditation

Reduced Level (RL) means the height above the **Australian Height Datum**, being the datum surface approximating mean seal level that was adopted by the National Mapping Council of Australia in May 1971

regional park means a park that attracts visitors from the wider community of the Port Stephens local government area, providing facilities that are of a broader scale than those of a **local park** or **district park**. They support extended visitation times, are considered to be a destination and consist of the following attributes:

- Provides advanced evergreen shade trees;
- Provides multiple entry and exit points;
- Creates links between public and private areas;
- Integrates remnant vegetation;
- Play equipment and the highest quality supporting infrastructure;
- Easily accessible by main roads and public transport;
- Formal car parking and pathways;
- Accessible amenities;
- Quality landscaping and turf areas;
- Park furniture and sheltered picnic facilities (e.g. electric barbeques);
- Large scale children's playground; and
- Adequate lighting in consideration of **CPTED** principles.

register of significant trees means the Port Stephens Council Register of Significant Trees. This Register is available from the Port Stephens Council Website

residential accommodation means a building or place used predominately as a place of residence as defined under the **Local Environmental Plan**

Note: residential accommodation has the same meaning as in the **Local Environmental Plan**

residential flat building means a building containing 3 or more **dwellings**, but does not include an attached dwelling or **multi dwelling housing**.

Note: residential flat building has the same meaning as in the **Local Environmental Plan**

responsible authority means Council or a state government agency or agent of

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale) and includes those listed under the **Local Environmental Plan**

Note: **retail premises** has the same meaning as in the **Local Environmental Plan**

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or **sex services premises**.

Note: **restricted premises** has the same meaning as in the **Local Environmental Plan**

riparian corridor means a transition zone between the land, also known as the terrestrial environment, and the river or watercourse or aquatic environment. **Riparian corridors** perform a range of important environmental functions.

road reserve means a legally described area within which facilities such as roads, footpaths, and associated features may be constructed for public travel

rural areas means the following land-use zones under the **Local Environmental Plan**:

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry

secondary dwelling means a self-contained **dwelling** that:

- a. is established in conjunction with another **dwelling** (the principal **dwelling**), and
- b. is on the same lot of land as the principal **dwelling**, and
- c. is located within, or is attached to, or is separate from, the principal **dwelling**

Note: **secondary dwelling** has the same meaning as in the **Local Environmental Plan**

secondary setback relates to a building situated on a corner lot, faces to two streets and therefore requires two setbacks. The **secondary setback** is provided to the non-primary street, being the street which carries less traffic load.

section 88B means **section 88B** of the *Conveyancing Act 1919*

seniors housing means a building or place that is:

- a. a residential care facility, or
- b. a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- c. a group of self-contained **dwelling**s, or
- d. a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - e. seniors or people who have a disability, or
 - f. people who live in the same household with seniors or people who have a disability, or
 - g. staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note: *seniors housing* has the same meaning as in the *Local Environmental Plan*

sensitive receivers mean those locations or persons that are vulnerable to a decline in air quality, such as asthmatics, children or the elderly

servicing strategy means a strategy that identifies major works in relation to **essential services**.

sewerage reticulation system means the system of pipes, sewers and drains that are used to convey sewage from a property to a sewage treatment plant.

SEPP 44 trees means those trees of significance listed under the Port Stephens Comprehensive Koala Plan of Management as follows:

- Grey Gum
- Scribbly Gum
- Brown Stringybark
- White Mahogany
- Red Mahogany
- Tallowwood
- Sydney Blue Gum
- Sydney Peppermint
- Blackbutt
- Spotted Gum
- Grey Ironbark
- Narrow-leaved Red Ironbark
- Broad – leaved White Mahogany
- Flooded Gum
- Small – leaved Peppermint
- Red Bloodwood
- Smooth Barked Apple
- Broad – leafed Paperbark
- Swamp she-oak
- Swamp Mahogany
- Parramatta Red Gum
- Forest Red Gum

sex services premises mean a brothel, but does not include home occupation (sex services).

Note: *sex services premises* has the same meaning as in the *Local Environmental Plan*

shared path means a path designed to provide a travel area separate from motorised traffic for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users

short-term tourist and visitor accommodation means a tourist and visitor accommodation where the maximum period for which any person is accommodated is 60 consecutive days in a 12 month period and that does not involve interference with the amenity of the neighbourhood by reason of the emission of noise or traffic generation.

Note: *short-term tourist and visitor accommodation* has the same meaning as in clause 7.18 of the *Local Environmental Plan*

side boundary means the property boundaries connected to the *front property line*

signage means any sign, notice, device, representation or advertisement that advertises or promotes goods, services or events and any structure or vessel that is principally designed for that is used for, the display of *signage*, and includes any of the following:

- a. An advertising structure
- b. A building identification sign
- c. A business identification sign

But does not include a traffic sign or traffic control facilities

Note: *signage* has the same meaning as in the *Local Environmental Plan*

significant effect means there is likely to be a *significant effect* as determined under section 5A of the *EP&A Act* or *development* is on land which is, or is part of, critical habitat

significant social impact means a *development type* that is considered to have a social impact, such as:

- Where the proposed *development* indicates that its impacts will alter the ways in which people, live, work, play, relate to one another, organise to meet their needs, sense of place or community and generally cope as members of society in terms of their values and beliefs or aesthetic values
- Where demographic profiling, in which the impacts are likely to occur, indicate that the proposed *development* is likely to impact on the well-being of individuals or their social groupings
- Where prescribed supply ratios identify an unacceptable level of services, such as the number of schools, hospital beds or housing to meet the needs of the demographic
- Locations that contain cultural heritage values, or where the impacts are likely to occur on places of cultural heritage values and attachments to those places
- Where community and stakeholder groups indicate interest in fairness and community involvement in decision making processes

site analysis means the preparatory step developing a *site analysis plan*. The results of this analysis are illustrated by a *site analysis plan* submitted as part of the *SEE*

site analysis plan means a plan informed by a *site analysis* and provided as part of a *development application*

site area means the area contained within the boundaries of the site

site-based overland flow report is a report certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (NER), who has experience in hydraulics and floodplain management, demonstrating that the development:

- i. Will not result in a material increase in flood level or flood hazard on upstream, downstream or surrounding properties; and
- ii. Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people.

The site based overland flow report must consider, as a minimum:

- a. existing or created overland flow paths and make due provision in the design of the site stormwater system;
- b. preserving existing overland flow paths as far as practical;
- c. a range of flood events, including the **1% AEP flood event**;
- d. designs to ensure that the maximum overland flow velocity at the **1% AEP flood event** should not exceed 1.5m/s and depths not exceed 250mm;
- e. designs to ensure that the impacts of the proposed development on localised flood hazards are mitigated and surrounding properties (upstream and downstream) are not adversely affected; and
- f. the latest advice from Australian Rainfall and Runoff: A Guide to Flood Estimation.

social impact assessment means the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions – policies, programs, plans and projects- and any social changes processes invoked by those interventions

solar access means the amount of the sun's energy available to a building

Species Impact Statement (SIS) means a statement referred to in Division 2 of Part 6 and includes an environmental impact statement, prepared under the **EP&A Act** that contains a **species impact statement**

splay corners means the corners of a road intersection

staged development application has the same meaning as in the **EP&A Act**.

Statement of Environmental Effects (SEE) means a document that demonstrates that the environmental impact of a **development**

structural engineering assessment means an assessment undertaken of the building by a **qualified engineer**

Structural Report is a report certifying the structural stability of the structure. The **Structural Report** is to be prepared by a Chartered Professional Engineer recognised under the Engineers Australia's National Engineering Register (NER) in the area of practice of Structural Engineering. The Report must certify that the proposed structural components can withstand the forces of floodwater up to the **PMF**, including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces.

stormwater drainage plan means a plan and written description in relation to the stormwater management of a site and includes information on:

- catchment boundaries;
- existing surface conditions;
- proposed surface contours;
- proposed building flood or floor levels;
- location and levels of discharge points;
- **overland flow paths** and flood liable areas;
- location of drainage pits and lines;
- location and area of **on-site detention easements**;
- calculations for any proposed stormwater system;
- methods of draining the land;
- water quality measures identified by **Small Scale Stormwater Water Quality Model (SSSQM)** or water quality modelling, such as **MUSIC Modelling**;

- operational plan; and
- maintenance plan.

Stormwater Quality Improvement Devices (SQIDs) mean engineering methods that are used to protect the creeks, rivers and beaches that our stormwater drains into. They trap or collect rubbish and pollution that ends up in our stormwater drains. Examples include litter collection cages, trash racks or constructed wetlands

subdivision means an area or lot of land being subdivided into smaller lots. **Subdivision** under this Plan is either **minor subdivision** or **major subdivision** as defined under C1.2 of this Plan

subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Note: **subdivision certificate** has the same meaning as in the **EP&A Act**

subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the regulations.

Note: **subdivision works certificate** has the same meaning as in the **EP&A Act**

surface water means water on the surface of the planet, such as in a stream, river, lake, **wetland**, or ocean

super lot means an area of land created by **subdivision** and intended to be further subdivided into additional lots.

supplementary koala habitat means koala habitat that is supplementary to **preferred koala habitat** as defined under the Port Stephens Comprehensive Koala Plan of Management¹⁰

swimming pool means an excavation, structure or vessel:

- that is capable of being filled with water to a depth greater than 300 millimetres, and
- that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a **swimming pool** for the purposes of this Act

Note: **swimming pool** has the same meaning as in the *Swimming Pools Act 1992*

traffic generating development means **development** defined as **traffic generating development** under Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007

Traffic Impact Assessment (TIA) means an assessment to quantify the traffic impacts and associated parking requirements that result from proposed **development**

tree removal notification means the Port Stephens Council Tree Removal Form. The Form is available from the Port Stephens Council Website

tree technical specification means the Port Stephens Council Tree Technical Specification. The Specification is available from the Port Stephens Council Website

urban release area means an area of land identified on the Urban Release Area Map

Note: **urban release area** has the same meaning as in the *Local Environmental Plan*

useable land means total lot area excluding dams, intermittent and permanent watercourses and open stormwater drains and pits in addition to the relevant **buffer** distances prescribed in the Port Stephens Council Development Assessment Framework for those objects

useable open space means a space that is open to the sky and which is for the enhancement of the **development** and the enjoyment of the occupants. It excludes drying areas, garbage collection and handling spaces and any space used for the movement or parking of vehicles

vegetated riparian zone means the **vegetated riparian zone** that adjoins the channel comprising the bed and banks of the watercourse of a **riparian corridor**

vegetation analysis plan means a map based report intended to assist the property owner or occupier in managing their planned or existing **development** site in order to ensure that existing bushland elements on their land are protected from excessive human induced disturbance

Vegetation Management Plan (VMP) means a **Vegetation Management Plan** as described under the Port Stephens Council **vegetation technical specification**²

vegetation management technical specification means the Port Stephens Council Vegetation Management Technical Specification that is available from the Port Stephens Council website

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

Virgin Excavated Natural Material (VENM) means natural material (such as clay, gravel, sand, soil or rock fines):

- a. that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining, or agricultural activities, and
 - b. that does not contain any sulfidic ores or soils or any other **waste**,
- and includes excavated natural material that meets such criteria for **virgin excavated natural material** as may be approved for the time being pursuant to an EPA Gazettal notice.

Note: **virgin excavated natural material** has the same meaning as in the *Protection of the Environment Operations Act 1997*

vistas means a view corridor to a distant view

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
 - a1. 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

- a2. the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- b. if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be **waterfront land** by virtue of any of the paragraphs relevant to that land.

Note: **waterfront land** has the same meaning as in the *Water Management Act 2000*

waste includes:

- a. any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause an alteration in the environment, or
- b. any discarded, rejected, unwanted, surplus or abandoned substance, or
- c. any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- d. any substance prescribed by the regulations to be **waste**.

A substance is not precluded from being **waste** for the purpose of this Act merely because it is or may be processed, recycled, re-used or recovered

Note: **waste** has the same meaning as in the *Protection of the Environment Operations Act 1997*

waste management plan means a plan that details the amount, type and disposal of **waste** during demolition, construction and through the ongoing management of the facility

waste storage and recycling area means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all **waste** material (including recyclable material) likely to be generated by the buildings occupants

water quality stripping targets means the following water quality targets:

- a. Total nitrogen retention post-development load: 45%
- b. Total phosphorus retention post-development load: 60%
- c. Total suspended solids post-development load: 90%
- d. Gross pollutants post-development load: 90%

Water Sensitive Urban Design (WSUD) means a range of measures that are designed to avoid, or at least minimise, the environmental impacts of urbanisation in terms of the demand for water and the potential pollution threat to natural water bodies

water sensitive urban design strategy means a strategy developed to implement identified Water Sensitive Urban Design measures

wetland means a location identified as 'wetland' on the Wetlands Map under **Local Environmental Plan**

E2 Acronyms

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ANEF	Australian Noise Exposure Forecast
ANPA	Aircraft Noise Planning Area
APZ	Asset Protection Zone
ASS	Acid Sulfate Soils
BASIX	Building and Sustainability Index
BCA	Building Code of Australia
CPTED	Crime Prevention through Environmental Design
CRZ	Core Riparian Zone
DAF	Development Assessment Framework
DAREZ	Defence or Airport Related Employment Zone
dB(A)	A-weight decibels
DCP	Development Control Plan
DPI	Department of Primary Industries (NSW)
ENM	Excavated Natural Material
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
FPL	Flood Planning Level
LEP	Local Environmental Plan
LLS	Local Land Services
MSD	Minimum Sight Distance
MUSIC	Model for Urban Stormwater Improvement Conceptualisation
NorBE	Neutral or Beneficial Effect on Water Quality

OEH	Office of Environment and Heritage (NSW)
OSMS	On-site Sewage Management System
PMF	Probable Maximum Flood
PSC	Port Stephens Council
PSDCP 2013	Port Stephens Development Control Plan 2013 (superseded Plan)
PSDCP 2014	Port Stephens Development Control Plan 2014 (this Plan)
RAAF	Royal Australian Air Force
RL	Reduced Level
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIS	Species Impact Statement
SQIDs	Stormwater Quality Improvement Devices
SSSQM	Small Scale Stormwater Water Quality Model
TIA	Traffic Impact Assessment
TSC Act	<i>Threatened Species Conservation Act 1995</i>
VENM	Virgin Excavated Natural Material
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
WSUD	Water Sensitive Urban Design

E3 Reference List – Endnotes

- 1 PSC.2014, 'Tree Technical Specification'
- 2 PSC.2014, 'Vegetation Technical Specification'
- 3 PSC.N/A, 'Significant Tree Register'
- 4 PSC.2014, 'Landscape Technical Specification'
- 5 PSC.2014, 'Nest Box Technical Specification'
- 6 PSC.2014, 'Noxious Weeds Technical Specification'
- 7 PSC.2013, 'Mosquito Management Technical Specification'
- 8 NSW Department of Environment and Conservation. 2004, 'Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities'
- 9 Hunter & Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter & Central Coast Regional Fauna & Flora Survey Guidelines'
- 10 PSC. 2002, 'Comprehensive Koala Plan of Management'
- 11 PSC. 2006, 'Infrastructure Specification – Design'
- 12 NSW Government. 2003, 'Coastal Design Guidelines for NSW'
- 13 PSC.2011, 'Port Stephens Council On-site Sewage Development Assessment Framework'
- 14 Environment Protection Authority. 2000, 'NSW Industrial Noise Policy'
- 15 NSW Department of Primary Industries – Office of Water. 2012, 'Guidelines for riparian corridors on waterfront land'
- 16 PSC.2004, 'On-site Sewage Management Policy'
- 17 PSC.2011, 'On-site Sewage Management Technical Manual'
- 18 NSW Department of Water and Energy. 2008, 'NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises'
- 19 Office of Environment and Heritage. N/A, 'Statements of Heritage Impact'

- 20 Australian Standard. 2015, 'Acoustics – Aircraft noise intrusion – Building siting and construction'
- 21 Williamtown Aerospace Park Landscape Master Plan
- 22 PSC. 2004, 'Karuah Commercial Centre Landscape Plan'
- 23 Williamtown Aerospace Park Flood Assessment and Stormwater Strategy
- 24 PSC. 2017, 'Application for Maintenance and/or Minor Works Affecting a Heritage Item or Conservation Area'
- 25 Office of Environment and Heritage. N/A, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW'
- 26 M. Jaffe. 1997, 'Site Planning for Solar Access – A Guide for Residential Developers and Site Planners'
- 27 PSC. 2014, 'Social Impact Policy'
- 36 Real Estate Institute of New South Wales. 2013, 'Holiday Rental Code of Conduct – Overview and Administrative Framework'
- 37 Pacific Dunes Precinct Design Guidelines
- 38 Pacific Dunes Flood Assessment Report
- 39 NSW Department of Environment and Conservation. 2001, 'Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales'
- 40 NSW Acid Sulfate Soils Management Advisory Committee. 1998, 'Acid Sulfate Soils: Assessment Guidelines'
- 41 QLD Department of Environment and Heritage Protection. 2012, 'Koala-sensitive Design Guidelines: A Guide to Koala-sensitive Design Measures for Planning and Development Activities'
- 42 K. Lynch. 1960, 'The image of the city'



DCP

Development Control Plan

Port Stephens Council

5 September 2019

Amendment No.9



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