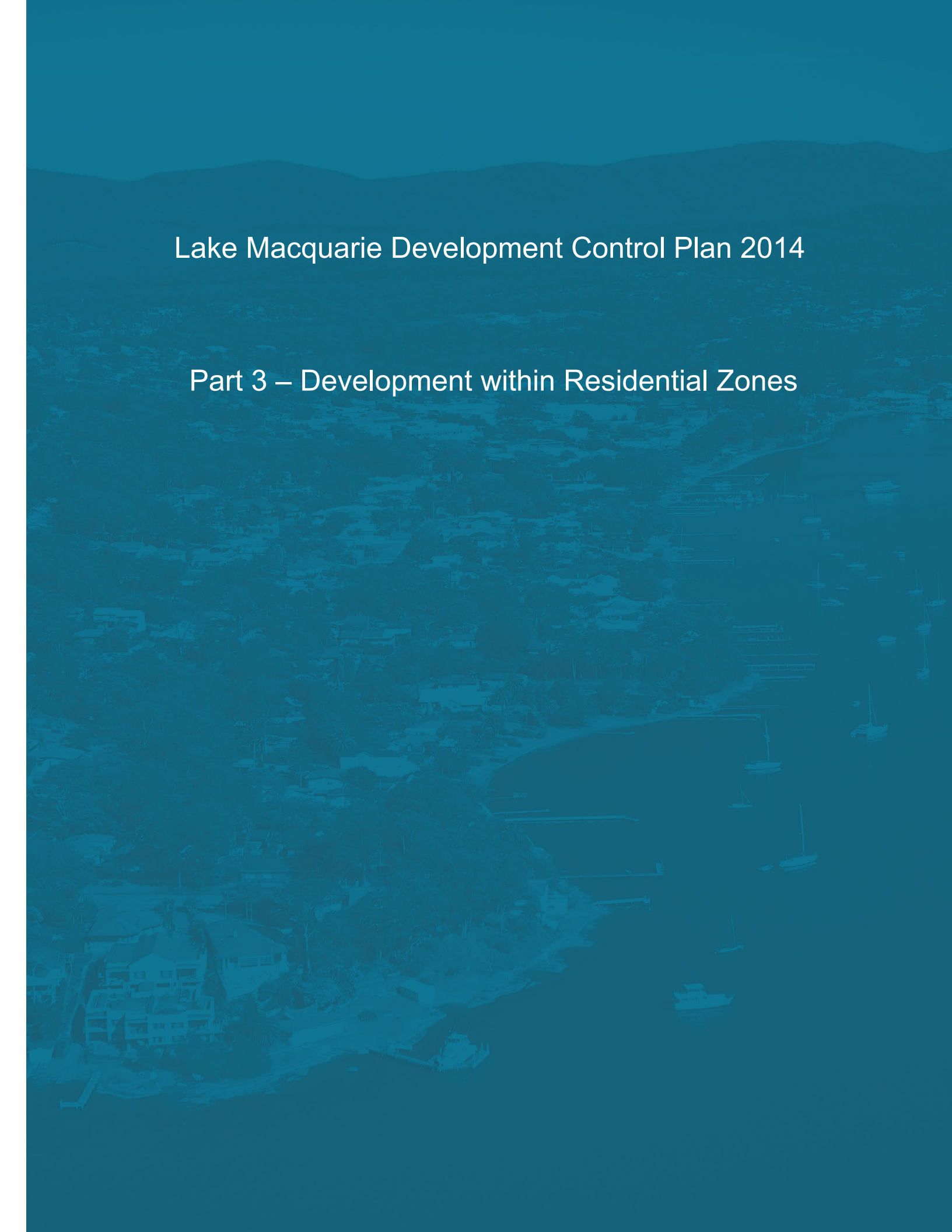


An aerial photograph of Lake Macquarie, Australia, showing a large body of water with numerous sailboats and motorboats. The shoreline is lined with residential developments, including houses and apartment complexes, interspersed with greenery. In the background, rolling hills are visible under a clear sky. The entire image is overlaid with a semi-transparent blue filter.

Lake Macquarie Development Control Plan 2014

Part 3 – Development within Residential Zones

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1 INTRODUCTION

Part 3 - Development within Residential Zones applies to all development in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential land use zones.

The R1 General Residential zone only applies to land at North Wallarah, which has a site specific Area Plan. The North Wallarah Area Plan (in Part 12 of this DCP) contains most controls for development in this area. For issues not covered in the North Wallarah Area Plan, the controls of Part 3 – Development within Residential Zones apply to development in the R1 General Residential Zone.

This part is to be read in conjunction with Part 1 (Introduction) of LMDCP 2014, which outlines Council's general requirements for all developments and provides advice on the lodgement requirements for a Development Application. Part 1 also contains requirements for when an application seeks to vary a development control.

Additionally, controls for specific land uses may apply, depending on the type of development proposed. These controls can be found within Part 9 - Specific Land Uses of this DCP. Furthermore, an Area Plan may apply depending on the location of the development. Area Plans contain area specific controls that need to be considered. They can be found in Parts 10 - Town Centre Area Plans, 11- Heritage Area Plans and 12 - Precinct Area Plans of this DCP.

1.1 HOW TO USE THIS PLAN

LMDCP 2014 is the primary document used by Council's development assessment staff to assess development applications. Proponents of development will need to:

1. Determine the land use zone that applies to the development site (refer to LMLEP 2014);
2. Refer to the Parts of LMDCP 2014 that contain controls for the zone where the development is proposed (Parts 2 to 8);
3. Check if specific land use provisions apply to the proposed development (Part 9); and
4. Check if an Area Plan applies to the proposed development site (Parts 10, 11 or 12).

The development controls contained within each part and section, seek to achieve desired land use, conservation and/or built outcomes consistent with corresponding LMLEP 2014 zone objectives and aims in each part of LMDCP 2014.

Each part of LMDCP 2014 is structured to promote a development process where the site and context analysis informs the design of the development. Parts 2 to 8 of this DCP generally have the following main headings:

- **Introduction** – provides information about the particular part of the DCP, how to use the DCP and aims for development within the particular zone group.
- **Context and Setting** – outlines the site issues and environmental opportunities and constraints that need to be addressed in the development application.
- **Development Design** – provides Council's detailed design related requirements.
- **Operational Requirements** – provides Council's detailed requirements associated with the construction and ongoing operation of the development.

The detailed provisions of each subsection in each part of LMDCP 2014 are presented as follows:

- **Objectives** – state what outcomes LMCC is seeking new development to achieve along with providing the intent behind the controls, and
- **Controls** – advise the requirements for achieving outcomes and the desired future character identified by the aims and objectives.

Additionally, Parts 2 to 8 contain the specific aims that LMDCP 2014 seeks to achieve. Where specific controls are not provided, the aims of each part will be used to provide direction for a merits based assessment of a development application.

For more information on how to use this document, refer to Part 1 – Introduction.

1.2 ADDITIONAL CONTROLS FOR SPECIFIC LAND USES

If the development application relates to any of the following land uses, additional specific development controls must be considered in conjunction with controls in this part of the DCP. The detailed controls for these uses can be found in Part 9 of this DCP. Where a conflict exists between the controls within this part and a specific land use, the specific land use section prevails.

Attached Dwellings	Multi Dwelling Housing
Bed and Breakfast / Farm Stay Accommodation	Places of Public Worship
Dual Occupancy	Residential Flat Buildings
Dwelling House in Rural and Conservation Zones	Housing on Small and Narrow Lots
Foreshore and Waterway Development	Secondary Dwelling
Health Consulting Rooms	

1.3 AIMS FOR DEVELOPMENT IN THE RESIDENTIAL ZONES

Where controls are not provided for a particular circumstance, the following aims will be used to provide direction for a merits based assessment of a development application.

The aims of LMDCP 2014 for development in Residential Zones are:

1. To ensure development responds to the characteristics of the site and the qualities of the surrounding urban environment, or the desired future character.
2. To support the principles of Ecologically Sustainable Development.
3. To inspire innovative design for all forms of development within the residential zones.
4. To ensure development does not have adverse impacts on residential amenity.

2 CONTEXT AND SETTING

2.1 SITE ANALYSIS

Objectives

- a. To encourage good site planning, built form and landscape outcomes informed by an understanding of the site and its context.
- b. To illustrate how a development responds to a site and its relationship with the locality.
- c. To identify the opportunities and constraints of sites, and the prevailing characteristics of a locality.

Controls

1. A Site Analysis Plan must be submitted that identifies the existing conditions relating to the subject site, and the surrounding land that may influence the design process.
2. The Site Analysis Plan must address:
 - i. All relevant items as set out in the [Site Analysis Guidelines](#); and
 - ii. All relevant matters outlined below in section 2.2 to 2.20.
3. The Site Analysis Plan must provide a comprehensive view of the constraints and opportunities of the development site that will guide the design process.
4. The development application must clearly show that the constraints and opportunities identified in the Site analysis Plan have been used to inform and resolve the development design.
5. An electronic 3D block model must be submitted for any development that is three or more storeys, or that has a Gross Floor Area of 2000m² or more. The model must clearly show the scale and form of the proposed development and its setting, from viewing points along the street, and from public open space, waterways and other significant vantage points.
6. Council may require an electronic model for smaller developments on sites with potentially high visual or physical impacts on the public realm.

Note: The detail of the Site Analysis Plan should be tailored to the site, and the complexity of the proposed development.

2.2 SCENIC VALUES

The **Landscape Settings and Significant Natural Landscape Features Maps** identify the Landscape Setting boundaries and the relevant Scenic Management Zone for each Landscape Setting. The maps are a guide to the scenic quality associated with lands within the City of Lake Macquarie and are contained within the [Scenic Management Guidelines](#). The *Scenic Management Guidelines* provide supporting documentation to this DCP.

Objectives

- a. To ensure that the scenic values of the City are protected and enhanced.
- b. To ensure that developments visible or adjoining the coastline, Lake Macquarie or ridgelines maintain and enhance the scenic value of these features.

Controls

1. A landscape and visual impact assessment is required for development identified in Table 1 unless specified by Council. A landscape and visual impact assessment must be prepared in accordance with section 7.3 of the Scenic Management Guidelines.

Table 1 - Development requiring a landscape and visual impact assessment

<u>Type, category or impact of development:</u> - Any designated or SEPP 65 development - Any new development or alterations and additions resulting in a building or structure equivalent to 4 storeys or more (in any zone), or a car park of 2 or more storeys (in any zone) - Telecommunication towers - Substantial loss of native tree cover (land parcels of one hectare or greater) - Subdivisions (in any zone with 10 or more lots proposed) - Tourist and visitor accommodation - Removal of any tree on the Significant Tree Register - Seniors living developments and hospitals with more than 30 beds - Educational facilities (new facilities in residential zones) - Any commercial buildings being more than 50 metres long on any side, or being over 10 metres high
<u>Location of development:</u> - Any development that is; within 300m of the Mean High Water Mark of the lake or coastal edge, or on a ridgeline and involves two or more of the following: - height equivalent to 3 or more storeys, or - sloping site (10% or more), or - requiring a combined cut and fill exceeding 2 metres, or - a development footprint exceeding 2000m². - Any building or structure in a public reserve having a footprint exceeding 100m² or being over 10 metres high. - Any development on a heritage item and/or development within a heritage conservation area (apart from alterations and additions to existing houses or new complying development houses) - Any development within 300m of the Sydney-Newcastle Freeway (apart from alterations and additions to existing houses or new complying development houses)

2. Developments must be designed and sited to complement their location through:

- the retention of existing vegetation,
- incorporating appropriate landscaping,
- minimising cut and fill,
- building design and articulation compatible with natural context, and
- colour and material selection.

3. For developments visible from the coastline, Lake Macquarie and adjacent waterways, or from significant ridgelines, external finishes should be non-reflective and muted in tone.

2.3 GEOTECHNICAL

Objectives

- To minimise potential damage to buildings/structures resulting from land movement.
- To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

1. The following development types do not require submission of a Slope Stability Assessment with a development application:
 - i. Minor development such as garages, carports, decks and the like, pergolas, fiberglass swimming pools and cut/fill not exceeding 1 metre high/deep.
 - ii. Development in Geo_4, Geo_5 or Geo_6 zone that consists of less than 3 storeys and less than 1000m² gross floor area and are not sensitive use facilities as defined by the Geotechnical Slope Stability Guidelines.
 - iii. Subdivision consisting of:
 - 4 or less lots; and
 - Not including any new public road; and
 - Within a Geo_4, Geo_5 or Geo_6 zone.
2. A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's *Geotechnical Slope Stability Guidelines*. The report must be prepared in accordance with these Guidelines.

Note: After lodgement of a development application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

2.4 MINE SUBSIDENCE

Objectives

- a. To minimise risks to buildings and structures associated with potential mine subsidence.

Controls

1. Where an application is made for the construction of a structure or building within a Mine Subsidence District, written concurrence must be obtained from the Mine Subsidence Board. Written concurrence should be obtained prior to the application being submitted to Council.
2. Written concurrence from the Mine Subsidence Board is not required for certain works that have deemed approval under the Mine Subsidence Board's publication 'A Guide for Council Staff'.

Note: Please refer to the Mine Subsidence Board's '[Surface Development Guidelines](#)' for important information.

2.5 CONTAMINATED LAND

Objectives:

- a. To ensure that contaminated land is identified through appropriate investigations.
- b. To ensure that contaminated land at a site is appropriately and effectively remediated prior to development taking place.
- c. To ensure that changes to land use will not increase the risks to public health or the environment as a result of contamination on site, or on adjacent properties.

Controls:

1. Where development is proposed on land identified as being potentially contaminated, a Preliminary Site Investigation Report must be prepared and submitted with the application for development. Refer to Council's [Policy for Managing Contaminated or Potentially Contaminated Land within the City of Lake Macquarie](#) for further information.
2. Where contaminants are found within the site, a Detailed Site Investigation Report must be prepared and lodged with the development application. Alternatively, for properties within the Pasminco Lead Contamination Survey Grid, a Detailed Site Investigation Report is not required where the parcel is assumed to be contaminated with lead oxide and/or Pasminco Black Slag.

3. For properties within the Pasminco Lead Contamination Survey Grid assumed to be contaminated with lead oxide and/or Pasminco Black Slag, a standard Remedial Action Plan Template can be completed and submitted with the application.
4. For properties contaminated with Black Slag that are not within the Pasminco Lead Contamination Survey Grid area, a Standard Remedial Action Plan Template can be completed and submitted with the application.
5. Where a Detailed Site Investigation Report identifies the need for remediation, a Remedial Action Plan must be prepared and submitted prior to issue of a construction certificate.
6. The site must be validated as suitable for its intended use prior to the issue of an occupation certificate.

Note: Council may request a formal audit of contamination documentation by a site auditor accredited with the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997*.

Note: Refer to SEPP Resilience and Hazards and the NSW State Government's '[Managing Land Contamination: Planning Guidelines](#)' for more information.

2.6 ACID SULFATE SOILS

Objectives

- a. To ensure that disturbance of Acid Sulfate Soils or Potential Acid Sulfate Soils is minimised, to prevent adverse environmental impacts on soil conditions.
- b. To ensure that water quality and associated receiving waters are not adversely affected Acid Sulfate Soils.
- c. To ensure that habitat is not adversely affected by Acid Sulfate Soils.
- d. To ensure that built structures and infrastructure are not adversely affected by Acid Sulfate Soils.

Controls

1. Development must be sited or designed to avoid the disturbance of Acid Sulfate Soils or potential Acid Sulfate Soils.
2. Where the disturbance of Acid Sulfate Soils is unavoidable, a Preliminary Acid Sulfate Soil Assessment report must be submitted with the development application, in accordance with the [NSW Acid Sulfate Soils Planning Manual](#).
3. Where a Preliminary Acid Sulfate Soil Assessment report identifies potential adverse impacts, a detailed assessment report and management plan must be submitted, in accordance with the *NSW Acid Sulfate Soils Planning Manual*.
4. Any Acid Sulfate Soils must be identified on the site analysis plan.

Note: Refer to Lake Macquarie Council's Acid Sulfate Soil planning maps showing classes of land containing potential or actual Acid Sulfate Soils. These maps are available at Council's Customer Service Centre, Speers Point.

2.7 STORMWATER MANAGEMENT

Objectives

- a. To ensure that development does not adversely affect water quality or availability, including ground water.
- b. To ensure that watercourses and associated riparian vegetation are maintained so as to contribute to water quality, and to mitigate sedimentation of the Lake Macquarie waterway.
- c. To minimise any adverse impacts on downstream built or natural environments, or on nearby land due to increased development.
- d. To incorporate Water Sensitive Urban Design techniques into all new developments.
- e. To minimise the volume and rate of stormwater leaving a development site.

Controls

1. A *Water Cycle Management Plan* must be submitted for all development except single dwelling houses and dual-occupancy developments. The *Water Cycle Management Plan* must provide details of the management of stormwater, and the measures proposed to mitigate the effects of stormwater on adjoining or downstream sites in accordance with Council's *Water Cycle Management Guidelines*.
2. A *Site Stormwater Drainage Plan* must be submitted for all single dwelling houses and dual-occupancy development proposals. The *Site Stormwater Drainage Plan* must be prepared in accordance with Council's *Water Cycle Management Guidelines*.
3. On-site measures must be implemented to maintain water quality, and to minimise the volume of stormwater run-off and the rate at which stormwater leaves the site.
4. A maximum of 10% of run-off from built impermeable surfaces may be discharged directly to the drainage system. The remaining 90% of run-off must be captured for reuse, or managed through infiltration and retention measures prior to being discharged to the drainage system.
5. Stormwater management systems should be visually unobtrusive and integrated within site landscaping, car parks or building structures.
6. All developments (except dwelling house or dual occupancy) that involve the re-use of stormwater or the use of recycled water must demonstrate compliance with the Australian Guidelines for Water Recycling and the licensing requirements of the *Water industry Competition Act 2006*.
7. Stormwater management systems must be designed in accordance with the [Water Cycle Management Guidelines](#).

2.8 CATCHMENT FLOOD MANAGEMENT

This section applies to land in the various creek catchments in Lake Macquarie City that are within the flood planning area. This section also applies to sensitive use development on land affected by the Probable Maximum Flood.

Information on flood risk and flood planning levels (floor levels) for particular lots can be obtained through the [flood report tool](#) or by applying for a Flood Certificate from Council. Some lots are affected by both catchment flooding and Lake flooding. The development controls that apply to these lots depend on the type of development, and further advice should be sought from Council.

Provisions regarding lake flooding are contained in section 2.9 of this Part of DCP 2014.

Where inconsistencies arise, the controls in area plans prevail over controls in parts 2 to 9 of this DCP.

Objectives

- a. To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the proposed development, or on other properties.
- b. To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property. Such measures must also reduce private and public losses resulting from flooding, and manage risks to property and life from flood events.

Controls

1. Development must be consistent with the current version of the [NSW Floodplain Development Manual](#), and any relevant local flood study, floodplain management study or plan applying to the land that has been endorsed by Council.
2. The proposed development must consider and respond to flooding hazards. It must also mitigate risks to life and/or property through design and positioning of development.
3. Buildings must not be located in an identified floodway.
4. Buildings and other structures, including fences, must be designed so as not to impede the flow of floodwaters or entrap debris.

5. Habitable rooms must have a finished floor height at least 500mm above the 100 year probable ARI (1% AEP) event. Where probability flood levels are not available, habitable rooms must have a finished floor height at least 500mm above the highest observed flood level for the development site.
6. Non-habitable rooms must have a finished floor height at or above the 20-year probable ARI (5% AEP) event. Where probability flood levels are not available, non-habitable rooms must have a finished floor height at or above the highest observed flood level for the site, except where this would result in a floor level more than 500mm above the existing ground level. In this case, a floor level of at least 500mm above existing ground level must be achieved.
7. Fill is not permitted within core riparian zones, within the Lakefront Development Area or the Foreshore Development Area, or within the extent of the 100-year probable ARI (1% AEP) flood event.
8. Lesser provisions may be acceptable where the applicant can demonstrate that the type of development or the proposed use poses no significant risk to life or property by flooding.
9. Any use of fill associated with development must not substantially impede the flow of floodwater, and must not contribute to flooding or ponding of water on any other property.
10. Additions or alterations to existing development will be assessed on the merits of the situation, having regard to meeting an acceptable level of risk of flood damage.
11. Development on designated flood prone land must incorporate the floodplain risk management measures, as recommended by a local flood study, floodplain management study or plan, which identifies and addresses appropriate actions in the event of flooding.
12. Development on land subject to flooding must use flood compatible materials that will minimise damage by flooding.
13. Development on lots adjoining areas affected by a 100 year probable ARI event will be subject to floor height requirements, even when the site may not be subject to flooding from the 100 year probable ARI event. This requirement is not applicable for land higher than 500mm above the 100 year probable ARI, as calculated for the relevant site.
14. Development where 100 year probable ARI levels are not available, and which could be flood liable, must be designed to meet an acceptable level of risk from flood damage. This may require the preparation of a Local Flood Study that considers cumulative impact issues, and demonstrates negligible impacts on other lands.

Note: Refer to Council's [Flood Management Guideline](#) for further information on the [NSW Floodplain Development Manual](#), completed floodplain management plans, and on Council's requirements for flood studies.

Table 2 - Flood Planning Levels and floor height requirements in areas affected by catchment flooding and covered by a Floodplain Management Study and Plan

Development Type (including extensions)	Minimum Height Requirements
Dwellings	
Habitable rooms	1 in 100 year probable flood level + 500mm freeboard (post and beam rather than slab on ground preferred)
Non-habitable rooms and garages	1 in 20 year probable flood level
Carports, boat sheds, garden sheds, and other ancillary structures (excluding garages)	No requirement
Unsealed electrical installations	1 in 100 year probable flood level + 500mm freeboard
Medium and High density residential development	

Development Type (including extensions)	Minimum Height Requirements
Habitable rooms	1 in 100 year probable flood level + 500mm freeboard
Non-habitable rooms and garages	1 in 20 year probable flood level
Carports, boat sheds, garden sheds, and other ancillary structures (excluding garages)	No requirement
Basement car parking	Constructed to preclude entry of floodwater at levels up to the 1 in 100 year probable flood level + 500mm freeboard. Additional requirement for basement levels to implement a failsafe means of evacuation, and a pump-out
Unsealed electrical installations	1 in 100 year probable flood level + 500mm freeboard
Commercial and Retail	
Internal floor height	1 in 100 year probable flood level + 500mm freeboard
Basement car parking	Constructed to preclude entry of floodwater at levels up to the 1 in 100 year probable flood level + 500mm freeboard. Additional requirement for basement levels to implement a failsafe means of evacuation, and a pump-out system to remove flood waters.
Unsealed electrical installations	1 in 100 year probable flood level + 500mm freeboard
Sensitive Uses (Residential care facilities, hospitals, etc.)	
Internal floor height	Probable maximum flood level
Unsealed electrical installations	Probable maximum flood level

2.9 LAKE FLOODING AND TIDAL INUNDATION (INCORPORATING SEA LEVEL RISE)

This section applies to land on and near the Lake Macquarie foreshore that is within the flood planning area. This section also applies to sensitive use developments on land affected by the Probably Maximum Flood.

Information on flood risk and flood planning levels (floor levels) for particular lots can be obtained through the [flood report tool](#) or by applying for a Flood Certificate from Council.

Some lots are affected by both catchment flooding and lake flooding. The development controls that apply to these lots depend on the type of development, and further advice should be sought from Council.

Provisions regarding catchment flooding are contained in section 2.8 of this Part of DCP 2014.

The floor height requirements in Table 3 below must only be used for development on lots affected by lake flooding.

Council completed the Lake Macquarie Waterway Flood Study and Risk Management Plan in 2012. This flood study and risk management plan incorporated the implications of predicted sea level rise.

Predicted sea level rise is based on expert advice from NSW Government agencies and expert scientific agencies, namely that projections of sea level rise along the NSW coast are for a rise relative to 1990 mean sea levels of 40cm by 2050 and 90cm by 2100.

The controls contained in this section prevail where there is an inconsistency with other development requirements. This is particularly relevant to cut and fill controls.

Objectives

- a. To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the proposed development, or on other properties.
- b. To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property. Such measures must also reduce private and public losses resulting from flooding, and manage risks to property and life from flood events.
- c. To ensure that development adequately considers and responds to sea level rise projections, and the predicted effects on inundation, flooding, coastal and foreshore recession, and on groundwater levels.
- d. To ensure that development on land vulnerable to sea level rise is situated and designed to minimise the risk from future inundation, flooding, coastal and foreshore recession, and from rises in groundwater levels during the expected life of the development.
- e. To ensure that development is designed to enable future adaptation if projections are realised, or that measures are implemented to mitigate any adverse impacts of climate change or sea level rise.
- f. To encourage innovative responses to sea level rise impacts.

Controls

1. Development must implement measures to mitigate the adverse effects of projected sea level rise and increases in flood levels on the development.
2. Development should be designed and situated to reduce the risk from the effects of sea level rise. For example, structures should be located on the highest part of the Lot and/or located on the Lot as far back from the foreshore or coastline as possible, while still meeting other controls and objectives of the DCP.
3. Development should not be located in areas predicted to be permanently inundated during the life of the asset. The assumed asset life is 100 years for residential care facilities and seniors housing, hospitals, mixed use development, as well as medium and high density housing, and 50 years for other developments.
4. Notwithstanding the provisions for Cut and Fill in section 3.26, special consideration may be given to increased fill allowances in areas affected by sea level rise provided that:
 - i. Additional fill does not adversely affect stormwater management, drainage, or the flow of water from roads, natural or constructed watercourses, foreshore areas, or adjoining properties.
 - ii. The filled area maintains functional connections to adjoining footpaths, roads, neighbouring blocks, and other local features.
5. Development identified within Table 3 should comply with the floor height provisions. Where the development proposed is not contained within Table 3, or an alternative to the provisions contained within Table 3 is proposed, a Flood Safety Audit and Management Plan must be submitted with the application, which is to include:
 - i. Current 100 year ARI flood levels and velocity, as well as 2050 and 2100,

- ii. Analysis of potential and likely risk of flooding, and/or potential threat to life and/or property, now and at 2050 and 2100,
 - iii. Analysis of the potential effects of permanent inundation, foreshore recession and rising groundwater,
 - iv. Where flood proof materials are proposed, evidence of flood-proof characteristics of those materials is to be provided,
 - v. Where an innovative or adaptable building design is proposed, it meets the principles and performance criteria set out in the Development Guidelines for Resilient Housing for Lake Macquarie, and
 - vi. Any other justification for an alternative adaptive measure to be implemented.
6. The assessing officer may determine that the development proposal is of a minor nature and there is no need for a Flood Safety Audit and Management Plan. In these circumstances, the assessing officer still needs to be satisfied that the proposed development adequately addresses projected sea level rise and increases in flood levels.

Table 3 – Floor height requirements for land affected by Lake Flooding and Tidal Inundation requirements.

Development Type (including extensions)	Minimum Floor Height Requirements	Actual Minimum Floor Level for Land to which the Lake Flood Study Applies
Dwellings		
Habitable rooms	1 in 100 year probable flood level for 2050 + 500mm freeboard (post and beam rather than slab on ground preferred)	2.36 m AHD
Non-habitable rooms and garages	1 in 20 year probable flood level for 2050	1.61 m AHD
Carports, boat sheds, garden sheds, and other ancillary structures (excluding garages)	No requirement	
Unsealed electrical installations	1 in 100 year probable flood level for 2050 + 500mm freeboard	2.36 m AHD
Medium and High density residential development		
Habitable rooms	1 in 100 year probable flood level for 2100 + 500mm freeboard	2.82 m AHD
Non-habitable rooms and garages	1 in 20 year probable flood level for 2100	2.10 m AHD
Carports, boat sheds, garden sheds, and other ancillary structures (excluding garages)	No requirement	
Basement car parking	Constructed to preclude entry of floodwater at levels up to the 1 in 100 year probable flood level for 2100 + 500mm freeboard. Additional requirement for basement levels to implement a failsafe means of evacuation, and a	2.82 m AHD

Development Type (including extensions)	Minimum Floor Height Requirements	Actual Minimum Floor Level for Land to which the Lake Flood Study Applies
Unsealed electrical installations	pump-out system to remove flood waters. 1 in 100 year probable flood level for 2100 + 500mm freeboard	2.82 m AHD
Sensitive Uses (Residential care facilities, hospitals, etc.)	Probable maximum flood level for 2100	3.27 m AHD
Unsealed electrical installations	Probable maximum flood level for 2100	3.27 m AHD

2.10 NATURAL WATER SYSTEMS

Definition

A **natural water system** is a naturally occurring watercourse, waterway, lake, wetland, lagoon, estuary and/or other water body.

Objectives

- To protect and maintain the water regime of natural water systems.
- To ensure that development does not adversely affect aquatic fauna.
- To ensure that development does not adversely affect water quality or availability, including ground water.
- To ensure that watercourses and associated riparian vegetation are maintained to contribute to water quality and to mitigate sedimentation of the Lake Macquarie waterway.
- To ensure that natural water systems and associated vegetation and landforms are protected to improve the ecological processes and ensure that land is adequately buffered from development.
- To ensure that the pre-development water quality of receiving waters is maintained or improved.

Controls

- Natural water systems should be maintained in a natural state including maintaining riparian vegetation and habitat such as fallen debris. Unless extraordinary circumstances exist, filling, redirecting, piping, capping or otherwise modifying natural water systems will not be permitted. Refer to Council's Water Cycle Management Guidelines for further information.
- Where a development is associated with, or will affect a natural water system, rehabilitation must occur to return that natural water system – as much as possible – to a natural state. The Rehabilitation Plan must be prepared in accordance with Council's *Guidelines for the Preparation of Rehabilitation Plans for Degraded Watercourses or Waterbodies*.
- Rehabilitation should occur where a development site includes a degraded watercourse, water body, or wetland. Rehabilitation is to be carried out following the completion of a Rehabilitation Plan. This Plan must be prepared in accordance with Council's *Guidelines for the Preparation of Rehabilitation Plans for Degraded Watercourses or Waterbodies*.
- Stormwater must be managed to minimise nutrient and sediment runoff entering constructed drainage lines, natural watercourses, or waterways.
- Development within a Vegetated Riparian Zone (VRZ) (as shown in Figure 1 – Vegetated Riparian Zones) should be avoided where possible to retain its ecological processes. Where development is unavoidable within the VRZ, it must be demonstrated that potential impacts on water quality, aquatic habitat and riparian vegetation will be negligible.

6. A Plan of Management must be submitted in accordance with State Government guidelines for development proposed within a VRZ.
7. Asset Protection Zones must not be located within the Vegetated Riparian Zone.

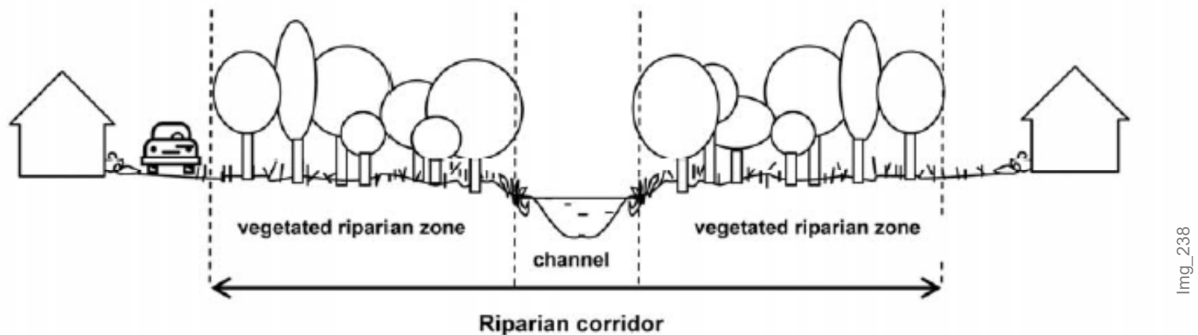


Figure 1 - Vegetated Riparian Zones

Types of watercourses	VRZ Width ² (Each side of watercourse)	Total Riparian Corridor Width
Any first order ¹ watercourse	10 metres	20m + channel width
Any second order ¹ watercourse	20 metres	40m + channel width
Any third order ¹ watercourse	30 metres	60m + channel width
Any fourth order ¹ watercourse or greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80m + channel width

¹ As classified under the Strahler System of ordering watercourses.

² Bushfire Asset Protection zones will not be permitted in the Vegetated Riparian Zone. Additional areas may need to be protected to support ecological processes.

2.11 BUSHFIRE

This section only applies to land identified on Council's [Bushfire Prone Land Map](#).

Objectives

- a. To ensure that risks associated with bushfire are appropriately and effectively managed on the development site.
- b. To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.

Controls

1. Development must comply with the [NSW Planning for Bushfire Protection Guidelines](#)
2. Asset Protection Zones must:
 - i. Be incorporated into the design of the development;
 - ii. Be as low maintenance as possible;
 - iii. Be located outside areas of ecological value and the buffers necessary to protect them; and
 - iv. Not occur on adjoining environmental zoned land.
3. Bushfire prone areas and Asset Protection Zones must be identified on the Site Analysis Plan. Refer to Council's [Bushfire Prone Land Map](#).
4. Clearing for the purposes of Asset Protection Zones should be avoided on ridgelines and slopes of 1:5 or greater.
5. Clearing of vegetation must be limited to that necessary to meet the [NSW Planning for Bushfire Protection Guidelines](#).
6. Clearing of native vegetation or trees for the purposes of reducing bushfire risk must be consistent with the current Bushfire Risk Management Plan prepared under the *Rural Fires Act 1997*.

Note: Development Consent is not required for clearing for the purpose of bushfire hazard reduction if the clearing is consistent with the current Bushfire Risk Management Plan, and is undertaken in accordance with a current hazard reduction certificate issued by the Rural Fire Service or other certifying authority.

2.12 FLORA AND FAUNA

Objectives

- a. To avoid and minimise impacts on native flora and fauna.
- b. To protect and enhance significant flora and fauna, vegetation communities, and significant habitat on the site and surrounding development sites.
- c. To protect and enhance ecological corridors and increase the connections between habitats.
- d. To ensure rehabilitation of degraded areas.

Controls

1. Where the proposed development is likely to have an impact on native vegetation or fauna habitat, or where five or more native trees are proposed to be removed, a flora and fauna assessment must be submitted with the development application. The flora and fauna assessment must be prepared in accordance with Council's [Flora and Fauna Survey Guidelines](#).
2. The flora and fauna assessment must be sufficient to adequately identify and assess all the impacts of the proposed development. This includes cumulative, direct and indirect impacts, as well as the impacts of Asset Protection Zones, provision of services (water and sewer, etc) and stormwater management.
3. Where a proposed development site is within a vegetation corridor identified on Council's Native Vegetation and Corridors Map, or identified as part of a site specific flora and fauna assessment, the corridor must be surveyed. Within the survey, the appropriate corridor width must be determined with reference to core habitat areas and potential edge effects and fragmentation. The proposed development should be located and designed to avoid impacts on the identified vegetation corridor. Where this is not possible, the development should be designed to minimise impacts.
4. Development should be designed to avoid impacts on native flora and fauna, and minimise any unavoidable impacts. Significant flora and fauna species, vegetation communities and habitat should be protected and enhanced through appropriate site planning, design and construction.
5. A Site Vegetation Plan must be submitted clearly indicating the location of the proposed development in relation to vegetation communities, significant flora and fauna species and vegetation, and significant habitat and corridors on the site.
6. Native vegetation buffers must be provided between development and areas containing threatened flora and fauna species or their habitat, threatened vegetation communities and native

vegetation corridors. The width of the buffer should be determined with reference to the function of the habitat, the threat of sea level rise and the type of development proposed. The buffer should be designed to keep the area of significance in natural condition.

7. A suitable barrier such as a perimeter road should be provided between development, (including landscaped areas) and native vegetation or significant habitat features, to minimise edge effects
8. Where a proposed development is likely to impact on an area of native vegetation, it must be demonstrated that no reasonable alternative is available. Suitable ameliorative measures must also be proposed (eg: weed management, rehabilitation, nest boxes).
9. Rehabilitation of degraded areas of the development site should include local native species to establish a self-maintaining ecosystem as close as possible to the natural state.
10. Buildings and structures, roads, driveways, fences, dams, infrastructure, drainage and asset protection zones should be located outside of areas with significant flora and fauna, native vegetation corridors and buffers.
11. An application for removal of native vegetation will only be considered where it is ancillary to, and necessary for conducting an approved use of the land (ie: an application for clearing alone will not be supported).
12. Where retention or rehabilitation of native vegetation and/or habitat is required, a vegetation management plan must be prepared in accordance with Council's [Vegetation Management Plan Guidelines](#). This must detail how vegetation will be protected, rehabilitated and managed before, during and after construction.
13. Long-term protection and management of areas set aside for ecological reasons is encouraged through secure tenure with appropriate conservation management. This may be achieved through a Planning Agreement.
14. Development should be consistent with the effective conservation of land within any adjacent Environmental or Waterway zone and its protection from adverse impacts. It should include, but not be limited to weed invasion, erosion and sedimentation, pollution, chemicals, nutrients, stormwater run-off, feral and domestic animals.

Note: Council may require a bond to ensure that native vegetation is protected and any ameliorative measures are undertaken.

2.13 PRESERVATION OF TREES AND VEGETATION

Objectives

- a. To ensure that trees listed on Council's [Significant Tree register](#) are not adversely affected by development.
- b. To maintain and enhance the natural bushland or treed character of the City.
- c. To retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide.

Controls

1. For the purposes of Clause 5.9 in LMLEP 2014, development consent is required to ring bark, cut down, top, lop, remove, injure, wilfully destroy or clear:
 - i. Any species of vegetation that existed in the State of New South Wales before European Settlement;
 - ii. A tree which is listed in Council's Significant Tree Register;
 - iii. Tree(s) or native vegetation listed as heritage items or located within a Heritage Conservation Area; or
 - iv. A Norfolk Island Pine Tree (*Araucaria heterophylla*) that is greater than three metres in height, or that has a trunk diameter of 75mm or greater, measured at ground level.

Note: This clause includes Native Vegetation defined in the *Native Vegetation Act 2003* and marine vegetation covered by section 205 of the *Fisheries Management Act 1994*.

2. Except in the C2 Zone, development consent is not required to remove, injure, wilfully destroy or clear native vegetation (excluding native trees and shrubs over three metres in height), only if:
 - i. The work is for the purpose of landscaping understorey vegetation and lawn areas where the area to be cleared is less than 600m² (in total), and is on the same allotment as, and within the curtilage of an approved dwelling;
 - ii. The soil surface exposed in any period of 90 consecutive days is less than 250m²;
 - iii. The slope of the land is less than 15 degrees;
 - iv. The area is not subject to a development consent that requires the native vegetation to be retained; and
 - v. The work does not involve the disturbance of habitat for threatened species.
3. Development consent is not required to ring bark, cut down top, lop, remove, injure, wilfully destroy or clear a tree or native vegetation, if:
 - i. The tree is not listed on Council's Significant Tree Register or as Heritage Item or is located within a heritage conservation area, and
 - ii. The tree or native vegetation is not required to be retained by a development consent, and
 - iii. The tree or native vegetation is within five metres of the outermost projection of a lawfully used building (that is not exempt or complying development) and is on the same allotment as the building, or
 - iv. The tree or native vegetation is within one metre of a sealed driveway to a lawfully used building (that is not exempt or complying development) and is on the same allotment as the building, or
 - v. The tree or native vegetation is within five metres of the outermost projection of a lawfully used building (that is not exempt or complying development) on an adjoining allotment and the building and owners of both properties reach a written agreement that is submitted to Council prior to removal.

Note: For the purposes of clause 3 the distance must be measured from the trunk of a tree or shrub measured at ground level to the outer most projection of the building.

Note: A sealed driveway is a driveway or car park with an impervious surface such as concrete, pavers, or bitumen. A gravel driveway is not classed as a sealed driveway.

Note: A lawfully used building does not include drainage, excavation, a garden shed or jetty, but does include an underground water storage structure, septic tank or swimming pool.

4. Development consent is not required for removal of a tree or native vegetation if Council is satisfied beforehand that the tree or native vegetation:
 - i. Is dead and is not required as habitat for native fauna or
 - ii. Is a risk to life or property.

Note: Evidence to support removal should be forwarded to Council in accordance with requirements outlined in Council's *Tree Preservation and Native Vegetation Management Guidelines*. Council's Tree Assessment Officer may undertake a site inspection to verify that these conditions are satisfied.

Note: Habitat required for native fauna includes native vegetation and trees (including dead or dying trees) support hollows, spouts, splits, nests and roosts.

5. Development consent is not required for removal of a tree or native vegetation if:
 - i. The tree or native vegetation is in danger of imminent failure and there is risk to life or property; and
 - ii. The tree is not listed on Council's Significant Tree Register or as Heritage Item or is located within a heritage conservation area, and
 - iii. Evidence to support its removal is forwarded to Council following the removal, in accordance with Council's [Tree Preservation and Native Vegetation Management Guidelines](#).

6. Development consent is not required for removal of a NSW native tree if the tree is:
 - i. not listed on Council's Significant Tree Register or as Heritage Item or is located within a heritage conservation area, and
 - ii. not located within other native vegetation and,
 - iii. less than three metres in height and
 - iv. has a trunk diameter at ground level of less than 75mm.
7. An application for removal of tree(s) and native vegetation will be considered only where it is necessary for conducting an approved use of the land. An application for clearing alone will not be supported.
8. A report from a suitably qualified arborist must be submitted to support:
 - i. Any application that may have an impact on a tree listed in Council's Significant Tree Register, or on tree(s) or native vegetation listed as heritage items or located within a heritage conservation area;
 - ii. Any request to review Council's determination of an application for tree pruning or removal; or
 - iii. Any application that Council determines may cause significant impacts on native trees or native vegetation.
9. An arborist report must include a plan to scale that clearly shows:
 - i. The location of the proposed development;
 - ii. The location, diameter, canopy spread, condition and species of each tree on the site;
 - iii. All trees to be removed;
 - iv. All trees to be retained;
 - v. All trees with habitat hollows;
 - vi. Tree protection zones for all trees to be retained; and
 - vii. Any asset protection zones.
10. Habitat trees must be assessed by a suitably qualified flora and fauna specialist.
11. Measures must be implemented to protect native vegetation and trees to be retained during construction works. Such protection measures must be specified in the development application, and should be compiled in accordance with Council's [Tree Preservation and Native Vegetation Management Guidelines](#).
12. Where habitat trees are removed, measures (such as nest boxes) must be implemented to mitigate against injury or loss of native fauna and habitat. Such measures must be specified in the development application.
13. Boundary fences must be located, designed and constructed to avoid removing or damaging native trees that have a diameter of 200mm or greater, measured at ground level.

Note: Refer to Council's *Tree Preservation and Native Vegetation Management Guidelines* for further details and the *Significant Tree Register*.

Note: Where the removal of five or more native trees is proposed, an arborist report may be required in addition to a Flora and Fauna Assessment prepared in accordance with Council's [Flora and Fauna Survey Guidelines](#).

2.14 EUROPEAN HERITAGE

Objectives

- a. To protect and maintain European heritage items and their facades.
- b. To retain, preserve and promote the adaptive re-use of heritage-listed buildings and contributory buildings in particular, and other buildings that contribute to the heritage character of the locality.
- c. To appropriately manage demolition of items of heritage significance, when all other alternatives to demolition have been fully investigated.
- d. To ensure that development is sympathetic to heritage items and contributory buildings.

Controls

1. A Heritage Assessment and Statement of Heritage Impact must be submitted to Council where a proposed development:
 - i. incorporates, or is adjacent to an item of heritage significance;
 - ii. is located within a heritage conservation area, or,
 - iii. has been identified by Council to have particular circumstances that warrant it.

Note: Council officers will use the following criteria to determine the need for Heritage Assessment and Statement of Heritage Impact is required under control 1(iii) above:

- The subject site includes a building erected prior to 1950 whether or not it is identified as being of a particular architectural style,
 - The development is considered in conflict with its heritage context , streetscape, or heritage precinct,
 - The subject site includes a potential heritage item.
2. The impact of development on an item of heritage significance must be minimised by:
 - i. Restricting the extent of development to that which is necessary;
 - ii. Conserving what is significant about the item;
 - iii. Clearly differentiating new development from the existing significant fabric;
 - iv. Ensuring that development is of a scale, form, mass, proportion and finish that is sympathetic with the heritage item; and
 - v. Ensuring that development is sufficiently separated from the heritage item, so as not to compromise the existing level of visibility.
 3. For development involving demolition of an item of heritage significance, a heritage assessment and Statement of Heritage Impact must be prepared and lodged. It must verify that all alternative options to demolition have been fully investigated, and demonstrate the replacement building's compatibility with the physical context. The Statement of Heritage Impact must include details of the:
 - i. Structural condition;
 - ii. Overall extent of the remaining fabric;
 - iii. Potential retention and adaptive reuse; and
 - iv. Comparative costings.
 4. Where demolition of the whole of a heritage item is proposed, approval must be sought concurrently for the replacement building.
 5. Alterations and additions to items of heritage significance must where possible:
 - i. Occur at the rear of the building;
 - ii. Maintain the established building line;
 - iii. Maintain an existing driveway access to the rear of the property;
 - iv. Incorporate or retain elements such as chimneys, windows and gables;
 - v. Maintain established patterns of buildings and garden; and
 - vi. Not overwhelm or dominate the existing building.
 6. Alterations and additions to items of heritage significance must be recognisable, on inspection, as new work. They must not mimic the design, materials or historic details of the heritage item.
 7. Garages, sheds, carports, external utilitarian structures and the like must be detached and located at the rear, or set back at least two metres behind the heritage item.

8. Utilitarian structures must be constructed of the same material as the heritage listed building.

Note: Refer to Council's [Heritage Guidelines](#) for further information.

2.15 ABORIGINAL HERITAGE

Objectives

- a. To protect and conserve Aboriginal cultural, spiritual, and sacred sites within the City.
- b. To ensure the impact of a proposed development on the heritage significance of an Aboriginal place or object is considered by adequate investigation and assessment.

Controls

1. Where a development will disturb the ground surface and the natural ground surface has not been significantly disturbed, the development application must demonstrate that adequate due diligence has been undertaken. This includes (but is not limited to) submitting the following documentation in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. This includes submitting the following documentation:
 - i. A statement and results of a basic 200m Aboriginal Heritage Information Management System (AHIMS) search. Where a site is identified within 200m of the development site, a statement and results of a 50m AHIMS search must be included.
 - ii. Identify whether the development site is partially or wholly within the Sensitive Aboriginal Landscape map under the LMLEP 2014 and whether the exemptions under the Excluded Development Criteria (Table 4) apply.
 - iii. A statement indicating whether there are landscape features that indicate the potential presence of Aboriginal objects.

Note: landscape features include: foreshore areas, creek lines, rocky areas, wetlands, ridge tops, ridgelines, headlands, sand dunes, caves.

2. A Due Diligence Assessment must be prepared by a suitably qualified person to determine whether the proposed development is likely to harm Aboriginal objects and identify whether an Aboriginal Heritage Impact Permit is required where:
 - i. An AHIMS search has identified the likelihood of an Aboriginal item within 200m of the development site, and/or
 - ii. The site is identified on the Sensitive Aboriginal Landscape map and the Excluded Development Criteria do not apply.
3. The Due Diligence Assessment must include an assessment of the cultural significance of the place to the Aboriginal Community.

Note: - Clause 5.10(8) – Heritage Conservation of the LMLEP 2014 and the Lake Macquarie Aboriginal Heritage Management Strategy requires assessments to be forwarded to the Local Aboriginal Land Council for comment for a 28 day period.

4. An Aboriginal Cultural Heritage Assessment Report should be prepared where:
 - i. A Due Diligence Assessment has identified the potential for the site to contain an Aboriginal object or contains a place of significance, or.
 - ii. The development will have an impact on a known Aboriginal object or place.

Table 4 - Excluded Development Criteria for Development in Sensitive Aboriginal Landscape Map

Excluded Development	Land on which excluded development may not be carried out
All development on sites having a combined/total area less than 800m ²	

Excluded Development	Land on which excluded development may not be carried out
Exempt development under the SEPP (Exempt and Complying Development Codes) 2008 on sites having a total area greater than 800m² subject to: • 75% of combined/total site area already disturbed; or • Works do not exceed existing disturbed footprint; or • Site has previously been assessed for Aboriginal heritage such as subdivision applications post 1997 development consent.	Within 200m of an AHIMS site Setback from DP High Water mark does not exceed 50m.

Note: The SEPP (Exempt and Complying Development Codes) 2008 does not apply to land within the Sensitive Aboriginal Landscape area. However, exempt development within this SEPP may not require further Aboriginal assessment if it fulfils the requirements of the Excluded Development Criteria Table

- Where required, the Aboriginal Heritage Impact Statement must be prepared in accordance with the Lake Macquarie Aboriginal Heritage Management Strategy and the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, which includes consultation with the Aboriginal community.
- Where a proposal seeks to destroy, remove or impact on an Aboriginal object, any development will be Integrated Development and will also require a permit from the Office of Environment and Heritage.

2.16 NATURAL HERITAGE

Objectives

- To ensure the protection of items of natural heritage significance.
- To ensure that insect fossil beds and fossilised trees are maintained, along with features of scientific interest in their natural state.
- To facilitate public appreciation and scientific investigation of insect fossil beds and geological features of scientific interest, without destruction or damage.

Controls

- Where development is proposed on land within 50 metres of an item of natural heritage significance identified in the Lake Macquarie Local Environmental Plan 2014, a Heritage Impact Assessment must be prepared in accordance with the [Natural Heritage Guidelines](#).
- The likely impact of development proposals on the insect fossil beds and geological features of scientific interest should be identified through a report by a palaeontologist or geologist, which establishes the significance of the site. Such a report should include management strategies before, during and after construction.
- The development should be designed to avoid natural heritage items.
- Where it is not reasonable to avoid natural heritage items, the item must be protected and incorporated into the design. Reasonable access to the construction site and any excavated material should be provided to researchers and/or palaeontologists from the Australian Museum or other research institution.
- Any natural heritage items extracted should be fully documented and catalogued prior to being forwarded to the Australian Museum. Documentation and cataloguing must be undertaken to museum standards.

2.17 SOCIAL IMPACT

Council has a statutory obligation under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* to consider the social impact of a proposal when assessing a specific development application.

Social Impact Assessment focuses on the human dimension of a locality. It seeks to address the question “what will be the impact of a project/development on people?” and to anticipate outcomes that may flow from a proposed development which are likely to affect people’s way of life, their culture and/or their community. Social Impact Assessment is not a tool to stop development, but is to assist in the assessment of development proposals so that the best development results.

Objectives

- a. To ensure that development takes into consideration the likely social impacts that may arise, including any effects on equity, access, participation and rights.
- b. To ensure that development occurs in appropriate locations, and is supported by adequate services and facilities to support the community and its needs.
- c. To ensure that services and facilities are accessible to all members of the community.
- d. To facilitate availability of active and passive recreation, natural landscapes, educational opportunities, employment opportunities, health services, public transport, and neighbouring centres, as well as maintaining or enhancing the aesthetics and amenity of the area.

Controls

1. A Social Impact Assessment (SIA) must be prepared in accordance with Council’s [Social Impact Assessment Guidelines](#), and submitted with the development application in the following circumstances:
 - i. the development is identified in table 5, or
 - ii. the development is valued at \$5,000,000 or greater, or
 - iii. the development has a floor area greater than 3000m², or
 - iv. where Council identifies that particular circumstances warrant it.

Note: Council officers will use the following criteria to determine if a SIA is required under control 1(iv) above:

- The development is targeted at a particular socio-economic or demographic group,
 - The development is considered in conflict with its locality, and
 - The development has, or is anticipated to generate, significant levels of community opposition.
2. Potential adverse impacts identified by a SIA must be mitigated through redesign, whilst positive impacts should be enhanced by the design or other actions.

Note: The scope, complexity and requirements of a SIA will be commensurate with the scale of the proposed development. Applicants are advised to consult with Council’s Social Planner regarding specific requirements.

Table 5 - Uses requiring Social Impact Assessment

- Licensed Premises (Hotels, Taverns and Bottle Shops) - Bed and breakfast establishment - Boarding House - Child Care Centre - Community Facility - Education establishments	- Hospital (not including a day surgery facility – refer to medical centres) - Hotel or motel accommodation - Information and education facility - Markets - Medical centre - Place of public worship - Recreation areas
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• Expansion or Modification of an existing use that would otherwise be prohibited under the LEP • Group Home • Health Consulting Rooms • Health services facilities • Home-based child care	• Recreation facilities (outdoor) • Registered Club • Residential Care facility • Respite day care centres • School • Seniors Housing
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2.18 ECONOMIC IMPACT

Council has a statutory obligation under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* to consider the economic impact of a proposal when assessing a specific development application.

Economic Impact Assessment focuses on the economic dimensions of a locality. It seeks to identify how a proposal will contribute to the economic growth of the locality and City through locating development in appropriate areas, supporting existing development in the area and through the creation of employment opportunity and other economic benefits.

Objectives

- To ensure that development supports the Lake Macquarie hierarchy of centres and positively contributes to the City by supporting existing development in the locality and the community, through the creation of employment opportunities.
- To ensure development contributes through additional local employment and economic benefits.

Note: Refer to Council's [Economic Impact Assessment Guideline](#) that guides economic considerations for specific types of development.

Controls

- An economic impact assessment must be prepared and submitted to Council at the discretion of the assessing officer under the following circumstances:
 - Where development is valued at \$5,000,000 or greater, or
 - Where the proposed development has a floor area greater than 5000m², or
 - Where the development is inconsistent with the zone objectives.

2.19 UTILITIES

Objectives:

- To identify utility requirements and new infrastructure at an early stage of development.
- To ensure utilities structures are integrated in the site planning and design of development.
- To protect and improve the visual amenity of the primary street frontage.

Controls:

- All existing and additional utility infrastructure must be identified at the site planning stage.
- The location of existing and proposed electricity kiosk sub-stations, fire hydrants, along with clearance areas and access ways must be identified and shown on building and landscape plans.
- Council may require the provision of underground electricity services for the full length of the primary frontage.

3 DEVELOPMENT DESIGN

3.1 STREETSCAPE

Objectives

- a. To ensure that development responds to the existing, or desired future character of the street.
- b. To ensure that buildings address the street and any adjacent public space.
- c. To ensure that development provides passive surveillance of the street.
- d. To ensure that onsite car parking, garages, and driveways do not dominate the streetscape.
- e. To enhance street amenity for pedestrians and make a positive contribution to the streetscape.

Controls

1. The development design must contribute to the streetscape through built form and landscape that respects and responds to the local context, and the desired streetscape of the area.
2. Development design must recognise the street function, by using appropriate species, and locating utilities and services to reflect that function.
3. Development must provide direct and legible pedestrian access from the street to the front entry of each dwelling or building and provide non-discriminatory access.
4. Development design must include windows of habitable rooms that overlook the street. Developments on corner sites must overlook both streets.
5. Garages and parking structures must be setback and designed to minimise visual impact when viewed from the street.
6. Retain and incorporate existing buildings and structures that are in sound condition that positively contribute to the streetscape character including heritage items.

3.2 STREET SETBACK

Objectives

- a. To complement the existing streetscape character while accommodating a need for greater housing diversity and density.
- b. To permit flexibility for developments that may be vulnerable to the impacts of flooding.
- c. To define the street edge and provide definition between public and private space.
- d. To encourage entries, windows, balconies and living areas that overlook the street.

Controls

1. The front setback must not be less than the average setback of the two nearest properties.
2. Where there are no existing (or approved) dwellings within 40 metres of the lot, or the average setback is more than four metres, the front setback must be four metres or more from the front boundary.
3. The secondary street setback for corner allotments must be a minimum of two metres.
4. Entry features and porticos, porches, balconies, decks, verandahs, bay windows, eaves and awnings may encroach up to 1.5 metres into the front setback area. This encroachment must not cover more than 50 percent of building width.
5. Where the site is identified as being vulnerable to flooding or expected sea level rise, street setbacks may be reduced to ensure that developments are adequately setback from the shoreline.

Note: A front setback is measured at 90° from the front lot boundary to the building facade.

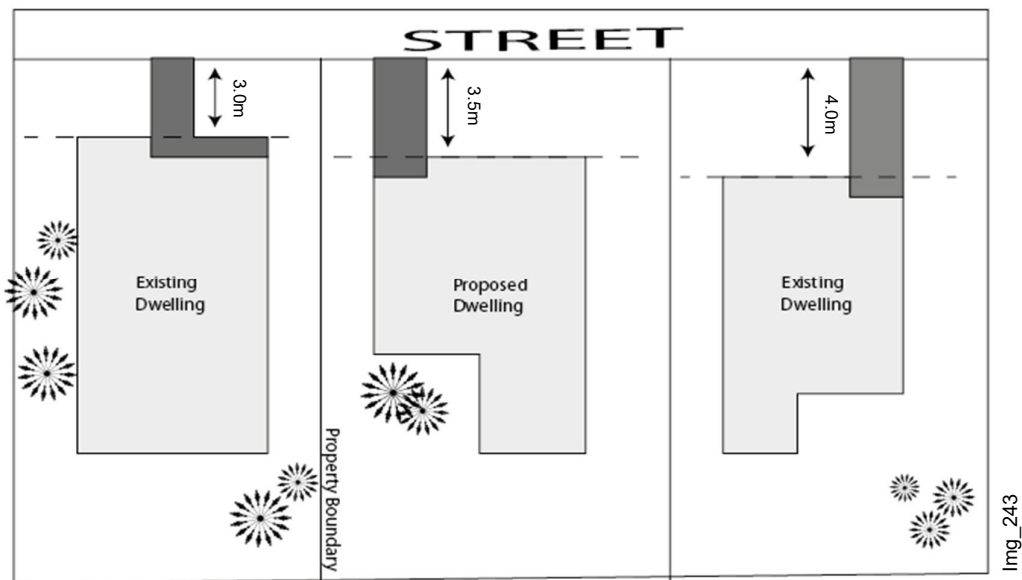


Figure 2 - Street Setback where adjoining dwellings are present

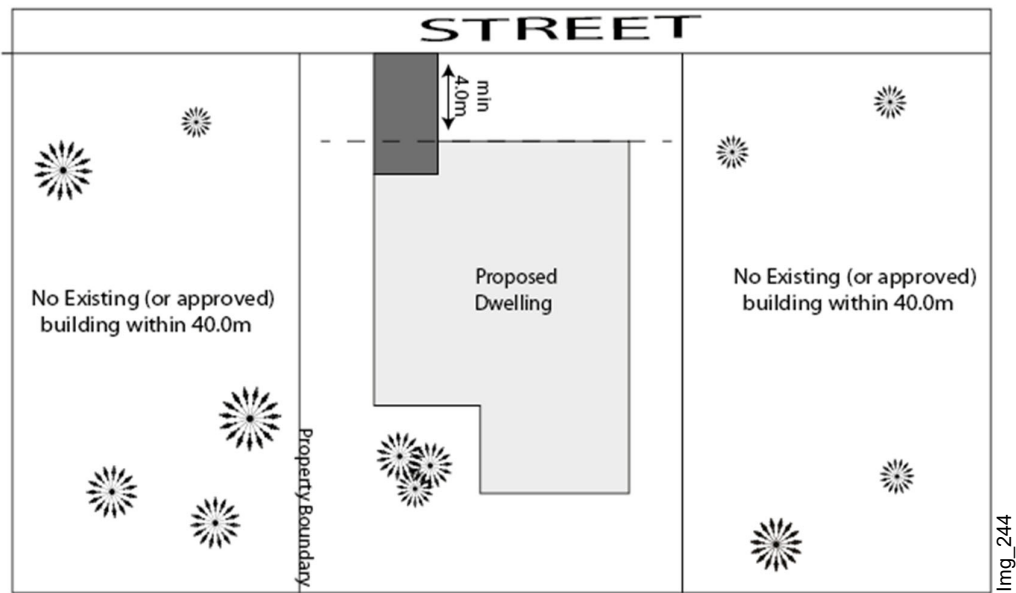


Figure 3 - Street Setback – no existing adjoining dwellings

3.3 SIDE SETBACK

Objectives

- To provide adequate separation between buildings to ensure there is a reasonable level of privacy, solar access and natural ventilation.
- To provide visual separation between buildings.
- To ensure greater separation between upper floors of adjacent dwellings.

Controls

- In the R2 and R3 zones, side setbacks must be a minimum of 900mm for building height up to 4.5 metres.
- In the R2 and R3 zones, side setbacks must be a minimum of 1.5 metres for building height over 4.5 metres but less than three storeys.
- In the R2 and R3 zones, the side setback must be a minimum of 3 metres for building height of three storeys or more.
- Privacy screening devices are not a suitable reason to reduce the required setback controls.
- Awnings and carports may be located within the side setback, as long as they are not located under the main roof of the dwelling.

Note: The minimum setback of a point on a building is based on the building height at that point.

Note: Any additional controls for specific development types are located in Part 9 (Specific Land Uses).

Note: Larger setbacks may be required on a sloping site as set out in Section 3.26 of this chapter.

Note: Section 3.5 of this chapter contains exceptions to the site boundary setbacks provided above.

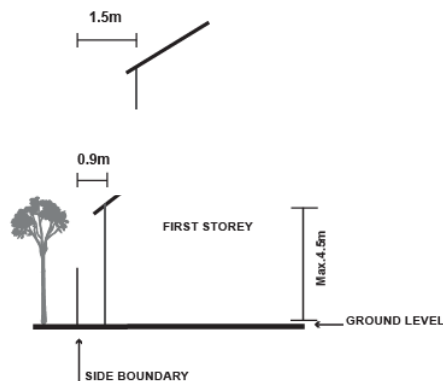


Figure 4 - Side setbacks for 2 storey buildings

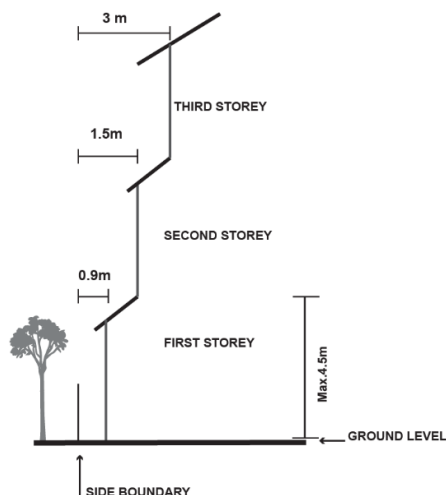


Figure 5 - Side setbacks for buildings of three storeys or more

3.4 REAR SETBACK

Objectives

- To provide for tree planting in deep soil at the rear of lots.
- To provide vegetation screening between dwellings.
- To provide sufficient space for outdoor living areas when these are located in the rear setback.

Controls

- In the R2 and R3 zones, rear setbacks must be a minimum of three metres for buildings up to 4.5 metres in height.
- In the R2 and R3 zones, rear setbacks must be a minimum of six metres for buildings over 4.5 metres in height, but less than three storeys.
- In the R2 and R3 zones, the rear setback must be a minimum of nine metres for building height of three storeys or more.

Note: The minimum setback of a point on a building is based on the building height at that point.

Note: Outbuildings, garages, carports, swimming pools, spas, decks, terraces and private open space may be located within the rear setback, as long as they are not located under the main roof of the dwelling.

Note: Any additional controls for specific development types are located in Part 9 (Specific Land Uses).

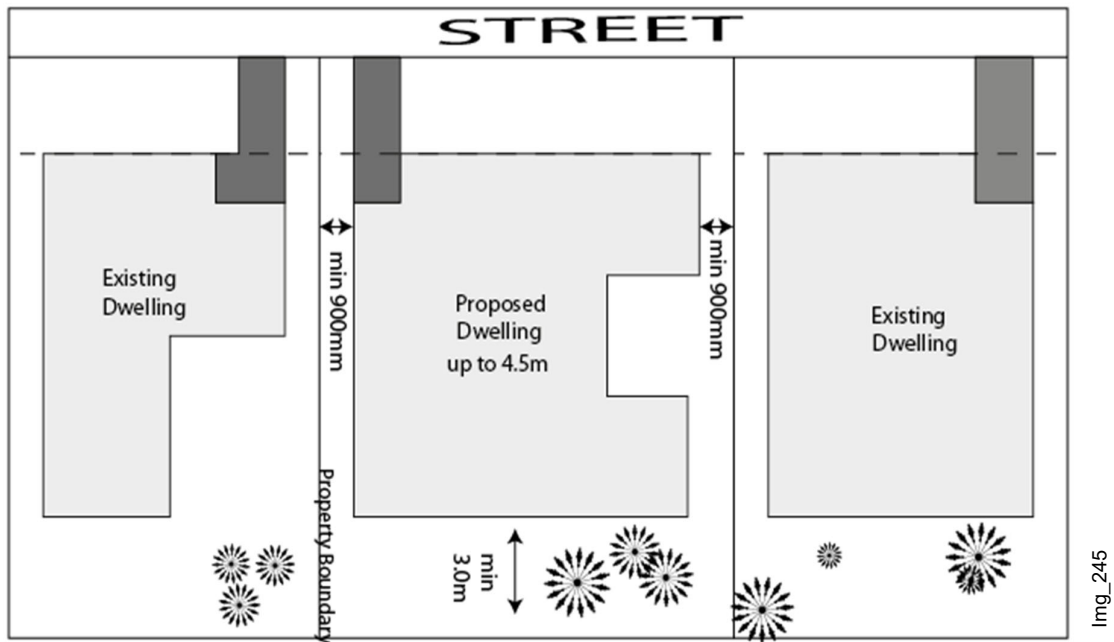


Figure 6 - Side and Rear Setback – buildings up to 4.5m in height.

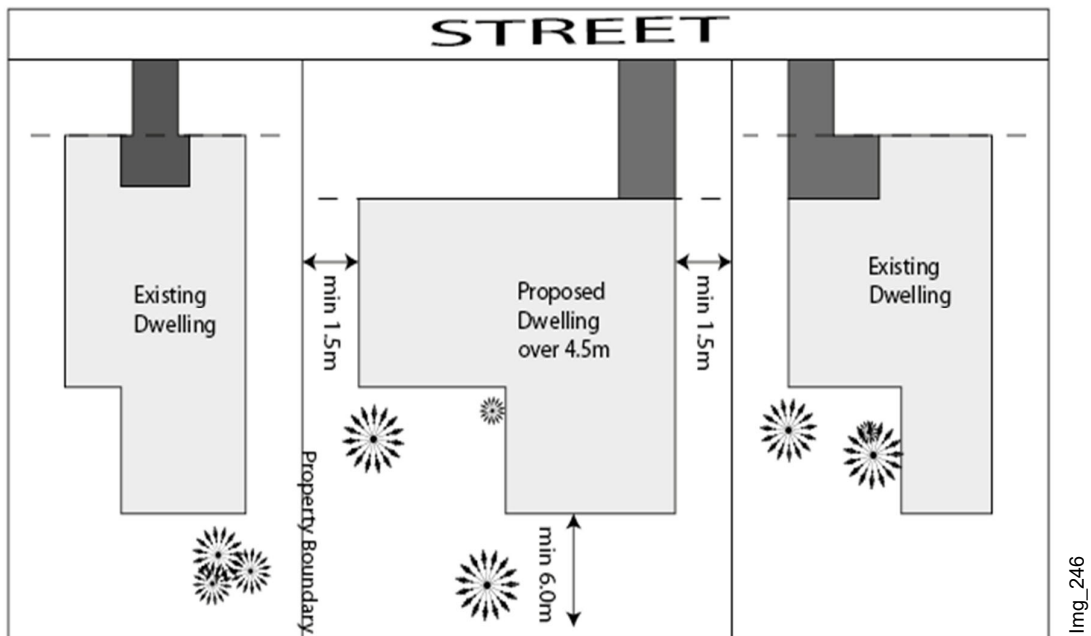


Figure 7 - Side and Rear Setback – building between 4.5m in height, but less than 3 storeys

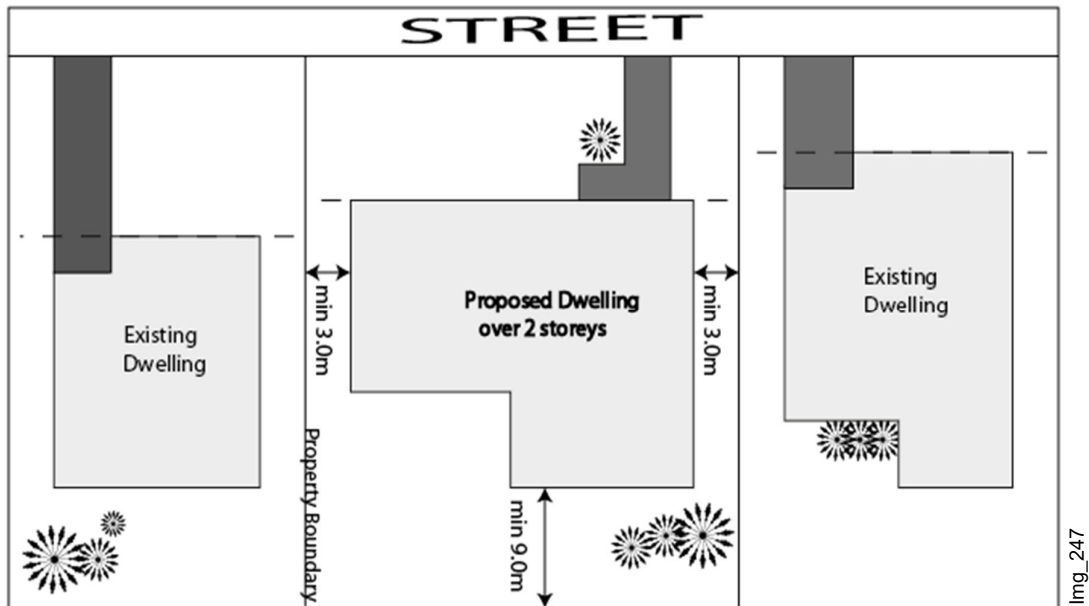


Figure 8 - Side and rear setback – building from 3 storeys or more

3.5 SITE COVERAGE

Objectives

- To ensure density of development is in keeping with the local street character.
- To provide sufficient area around a dwelling for access ways, private open space and landscape planting.
- To maximise the potential for on-site stormwater retention.

Controls

- The maximum site coverage, including ancillary development, must not exceed 50%.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design must be considered when determining whether structures are included in the site coverage calculations. **Note:** Any additional controls for specific development types are located in Part 9 (Specific Land Uses).

3.6 BUILDING BULK

Objectives

- a. To minimise the visual impact of development when viewed from adjoining properties, the street, waterways and land zoned for public recreation purposes.
- b. To ensure future development responds to the desired future character of the area and that its bulk and scale is not excessive.
- c. To provide adequate separation between buildings.

Controls

1. Building height, scale, and roof form must relate to the topography and the existing site conditions.
2. Verandas, recesses, surface treatments and variations in material selection and colour must be utilised to reduce building bulk.
3. Unbroken walls in excess of 15 metres in length or four metres in height must be avoided. This can be achieved by varying wall alignments, or incorporating door and window openings, balconies, awnings, architectural detail or changes in materials to provide visual relief.
4. Basement parking structures between the street frontage and the main front elevation must be no more than one metre above ground level at any point.
5. The scale and massing of landscape planting must be adequate to reduce the visual bulk of development.

3.7 GARAGES, CARPORTS, AND SHEDS

Objectives

- a. To ensure that garages, sheds and carports do not dominate the streetscape.
- b. To integrate the location and design of garages and car parking without compromising street character, landscape or pedestrian amenity and safety.

Controls

1. Garages and sheds must be setback a minimum of one metre from the front building line.
2. Garages, carports, and sheds must be integrated into the design of the building and be of an appropriate size and scale.
3. Laneways must be utilised where available, to provide rear access to car parking.
4. Where garages and carports address the street, openings must not exceed six metres or 50% of the building width, whichever is the lesser.
5. Where additional vehicular storage is required, garages and carports that address the street may be extended lengthwise, as opposed to increasing the width fronting the street.
6. Carports are preferred within the side or rear setbacks, but may be considered in the front setback where:
 - i. The carport does not have a trafficable roof;
 - ii. The carport is set back a minimum of two metres from the front street boundary;
 - iii. The design of the carport complements the dwelling; and
 - iv. The carport has minimal impact on the streetscape, does not obscure views from the street to the front elevation of the dwelling, and has at least three open sides.
7. Design of garages, carports, and sheds must contribute in a positive way to the streetscape and character of the locality.

3.8 ROOFS

Objectives

- a. To ensure that roof forms are designed to complement the local street character.
- b. To ensure that roof height does not unnecessarily increase the bulk of the building.
- c. To ensure that roofs are designed to conceal plant and other associated equipment.

Controls

1. The roof form must not be the dominant built element of a dwelling on any elevation.
2. The roof design must be a low angled pitched form where this complements the prevailing built form in the street.
3. For single storey development or where the second floor is fully contained within the roof space the roof must not exceed 5m in height.
4. For all other development the roof must not exceed 3m in height.
5. Air conditioning units, lift motor rooms and other plant must be fully integrated within the building volume, either within the roof volume or within an architectural roof feature.
6. Other roof elements, such as photovoltaic panels, communication devices, antennae, satellite dishes, chimneys and flues must not have an adverse impact on views from neighbouring properties, or from the public domain.

3.9 VIEWS

Objectives

- a. To allow for the reasonable sharing of views.
- b. To ensure that solar access to each dwelling has priority over access to views.
- c. To ensure that retention of existing canopy trees has priority over views.

Controls

1. Developments must provide for the reasonable sharing of views in accordance with the Planning Principle established by the Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSLEC 140 and *Davies v Penrith City Council* [2013] NSWLEC 1141.
2. Developments must provide for reasonable public domain views in accordance with the Planning Principle established by the Land and Environment Court in *Rose Bay Marina Pty Limited v Woollahra Municipal Council* [2013] NSWLEC 1046.
3. Dwelling design must address solar access before the access to views.

3.10 SOLAR ACCESS AND ORIENTATION

Objectives

- a. To ensure that reasonable access to sunlight is maintained for occupants of new and existing dwellings.
- b. To optimise solar access to habitable living areas.
- c. To ensure solar access is maintained to adjoining open space and public domain areas.

Controls

1. Developments must provide for the reasonable access to sunlight in accordance with the Planning Principle established by the Land and Environment Court in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 and *Davies v Penrith City Council* [2013] NSWLEC 1141.
2. At a minimum, three hours of sunlight must be available between 9am and 3pm on June 21, to at least 50% of:

- i. Habitable rooms, and
- ii. The required area of private open space of each development, and
- iii. The required area of private open space of adjoining developments.

Note: Council may accept a reduction in solar access for the development or adjacent sites if the topography and lot orientation is such that the three hour standard is considered unreasonable.

3. Where adjacent existing developments and their private open space receive less than the minimum requirements, any new development must seek to maintain or enhance the solar access of the adjacent buildings.
4. Dwellings with a single aspect facing south should be minimised. Where unavoidable, applications must demonstrate adequate levels of natural light penetration to habitable areas of the dwelling.
5. Where lot orientation allows, developments should be designed so that the long axis of the development is running east-west.
6. Building openings on the western elevations should be minimised. Where openings are unavoidable, they should be located higher on the façade and shaded by eaves or landscaping or similar.

Note: The shadow cast by fences, roof overhangs, and changes in level should be included on any shadow diagrams to allow assessment of the impact of overshadowing.

3.11 ENERGY EFFICIENCY AND GENERATION

Objectives

- a. To ensure building orientation maximises solar access and natural cross ventilation.
- b. To ensure energy efficiency is achieved in all developments.
- c. To allow opportunities for future installation of renewable energy generation and low carbon technology.
- d. To minimise the economic impacts of increasing electricity costs and any requirements to disclose energy efficiency when selling or leasing a property.
- e. To promote increased levels of energy efficiency in large-scale developments.

Controls

1. Buildings must be oriented to provide efficient use of solar energy and natural ventilation wherever possible.
2. Designs must consider future potential for renewable energy generation and low carbon technology.
3. Development design for detached and semi-detached homes should achieve a higher than compliant SEPP BASIX rating to reduce future energy costs.
4. Developments in excess of 2,000m² gross floor area should achieve the equivalent of a minimum 4 Star Rating under the Green Building Council of Australia's Green Star Rating tool.

Note: These controls are in addition to the requirements of SEPP BASIX and Section J of the Building Code of Australia. Formal certification of Green Star Rating under the Green Building Council of Australia is not required. Justification that the design would achieve the Green Star rate or an equivalent rating under a different system is only required.

4 VISUAL PRIVACY

Objectives

- a. To ensure that the design of buildings provides an acceptable level of internal and external visual privacy for new and existing developments, on the subject and surrounding land.
- b. To maximise outlook, views, and natural surveillance without compromising visual privacy.

Controls

1. Developments must provide for a reasonable level of privacy in accordance with the Planning Principle established by the Land and Environment Court in *Meriton v Sydney City Council* [2004] NSWLEC 313, *Super Studio v Waverley Council* [2004] NSWLEC 91 and *Davies v Penrith City Council* [2013] NSWLEC 1141.
2. Living areas, habitable rooms and windows must be orientated to private open space areas on the same lot, or to the street.
3. Doors, windows and balconies must be designed and orientated to avoid overlooking the private open space and habitable rooms of surrounding dwellings. Avoid direct or close views of 9 metres or less. Screening devices, high sills or obscured glass may be used only where other options are not feasible.
4. Planter boxes, louvres, screens, pergolas, balcony design and the like must be used to screen a minimum of 50% of the principal private open space of a lower dwelling from overlooking from a higher dwelling. Landscape planting must not be relied upon as sole protection against overlooking.

4.1 ACOUSTIC PRIVACY

Objectives

- a. To ensure that noise emissions do not unreasonably affect the amenity of the area or result in noise intrusion that would be unreasonable for occupants, users, or visitors.
- b. To ensure that dwellings have an acceptable level of acoustic privacy.

Controls

1. Developments near existing noise generating activities such as roads, railways and industry must be designed to mitigate the effect of noise on the occupants.
2. Where viable, noise sensitive areas – such as bedrooms and private open space in mixed use developments – must be located away from noise sources.
3. Building structures must be designed to minimise the transmission of sound, particularly to sleeping and living areas through design measures such as orientation, separation, double glazing, screened balconies.
4. Development must demonstrate that dwellings achieve an internal comfort level in accordance with the relevant Australian Standard.
5. Private open space including balconies must be designed to achieve comfort levels in accordance with relevant Australian Standards for noise accentuation.
6. Developments must provide for a reasonable level of acoustic privacy in accordance with the Planning Principle established by the Land and Environment Court in *Davies v Penrith City Council* [2013] NSWLEC 1141.

4.2 LANDSCAPED AREA

Objectives

- a. To provide areas of landscape planting that improve visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a development

- b. To enable landscape planting in front setback areas that enhances the streetscape.
- c. To enable landscape planting in rear setback areas that enhances residential amenity.
- d. To ensure landscape areas are integrated into the design of the development.
- e. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.
- f. To conserve significant vegetation, topographical features and fauna habitat.

Controls

- 1. For lots less than 600m², the minimum landscaped area must be 20% of the total lot area.
- 2. For lots between 600m² and 900m², the landscaped area must be at least 25% of the total lot area.
- 3. For lots greater than 900m², the landscaped area must be at least 35% of the total lot area.
- 4. For lots greater than 1500m², the landscaped area must be at least 45% of the total lot area.
- 5. Proposals must retain significant natural features on the site, including mature trees, rocky outcrops and other major vegetation where practical.
- 6. At least one landscaped area capable of supporting a mature tree must be located adjacent to the rear boundary.
- 7. A minimum width of 2 metres is required for an area to be included in the landscaped area calculations.

Note: The definition of landscaped area can be found in Part 13 – Dictionary.

4.3 LANDSCAPE DESIGN

Objectives

- a. To provide site landscaping that complements the nature and scale of the development and contributes to the desired streetscape character.
- b. To enhance the privacy and amenity of new and existing dwellings.
- c. To provide shade and screening to car parking areas.
- d. To maintain clear lines of sight to entry points and access ways.
- e. To design landscape works that are robust and require minimum maintenance.

Controls

- 1. Appropriate landscape documentation must be prepared and submitted, in accordance with Table 3 – Landscape Development Type and Requirements.
- 2. Appropriately qualified professionals must prepare landscape documentation. For Category 3 development, a qualified landscape architect should prepare landscape documentation. For Category 2 development, a landscape architect, landscape designer, or horticulturist should prepare landscape documentation.
- 3. The landscape consultant's declaration must be signed and submitted with the relevant landscape documentation.

Note: Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

Table 6 - Landscape development type and requirements

Development Type and Category	Landscape Documentation	
	Landscape Concept Plan at DA stage	Landscape Masterplan and Report at DA stage
Category 3: Large Scale • Development with an estimated value exceeding \$1m, or • Development of 10 or more dwellings, or • Designated development, or • Childcare facilities, community facilities, educational establishments, seniors housing, health services facilities, or tourist accommodation, or. • Development in areas of high scenic quality, adjacent to the lake or Pacific Highway, in or adjacent to an environmental zone, on visually dominant ridgelines, or in a heritage conservation area.	Yes	Yes
Category 2: Medium Scale • development for 3-9 dwellings, or • dual occupancy development	No	Yes
Category 1 Small Scale • single dwellings, or • development that will have little impact on the existing environment	No	No

Note: If a development type is not detailed in this table or you are unsure of the category and requirements seek advice from Council.

Note: See Part 9 Specific Land Uses for landscape requirements related to Residential Flat Buildings and Multi-Dwelling Housing.

4.4 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- To ensure that dwellings are provided with functional, well located areas of private open space.
- To ensure that private open space is integrated with, and is directly accessible from the living areas of a dwelling.
- To ensure that private open space receives sufficient solar access and privacy.
- To minimise adverse impacts on the private outdoor space of adjoining dwellings.

Controls

- Residential developments must include private open space for each dwelling that:
 - has a minimum area of 24m² and
 - has a minimum dimension of four metres, and
 - has a grade less than 1:50.
- Private open space must be accessible from, and adjacent to a habitable room other than a bedroom.

Part 3 – Development within Residential Zones

3. Private open space within the front setback may only be considered on local roads and where it cannot be accommodated anywhere else as demonstrated by the site analysis
4. Private open space located within the front setback area must:
 - i. maintain clear, direct access to dwelling entry when viewed from the street, and
 - ii. not cover more than 50% of the building frontage, and
 - iii. have a minimum of 3 hours of sun access between 9 am and 3 pm, and
 - iv. not have a solid fence that is more than 1 metres high or an open fence that is more than 1.5 metres high, and
 - v. incorporate landscaping in front of fence for privacy and streetscape, and
 - vi. maintain streetscape surveillance.

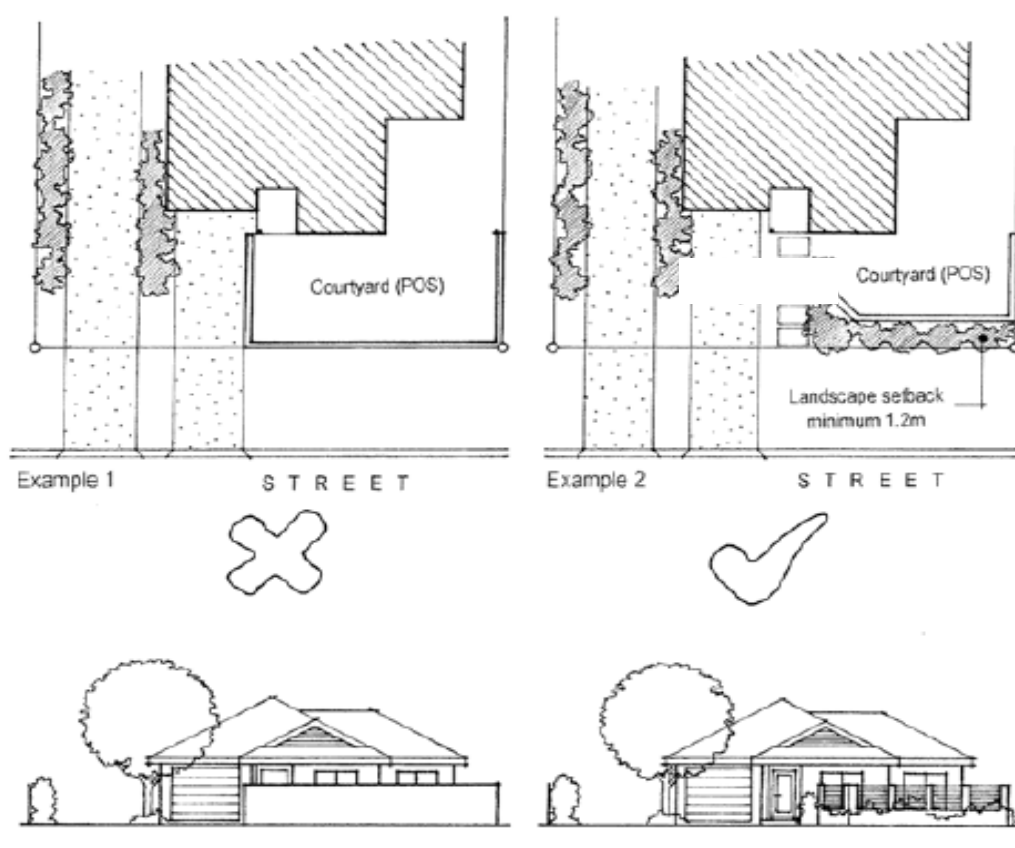


Figure 9 - Good and Poor Examples of Private Open Space within the Front Setback

4.5 FRONT FENCES

Objectives

- a. To ensure that fencing, terracing, and retaining walls are compatible with the existing streetscape character and do not dominate the street.
- b. To provide privacy and security for residents, by delineating between public space and private property.
- c. To allow passive surveillance of the street.

Controls

1. Front fences and front fence returns must not exceed 1.2 metres above the existing ground level or the footpath level (whichever is higher) when measured from the street side of the fence.
2. Front and side return fences must not be lapped or capped timber, or powder coated metal (Colorbond®) fencing.
3. Front fences must be designed to allow a direct line of sight from windows and entries to the street.
4. Retaining walls, if required, must be integrated in the design of the fence.
5. Where it can be demonstrated that a solid fence is consistent with the existing streetscape and is required to mitigate traffic noise, a fence up to 1.8 metres in height may be permitted when fronting arterial roads or highways.
6. On corner blocks, both the front fence and the secondary frontage fence, including fence returns, must not exceed 1.2 metres above the existing ground level or the footpath level (whichever is higher) when measured from the street side of the fence. The fence return on the secondary frontage shall extend to the rear building line.

Note: A front fence return is that part of the fence located between the street boundary and the building alignment.

4.6 SIDE AND REAR FENCES

Objectives

- a. To provide privacy and security for residents.
- b. To limit the visual impact of side and rear fences.

Controls

1. Side and rear boundary fences must not exceed 1.8 metres above the existing ground level.
2. For sloping sites, side and rear boundary fences may be regularly stepped provided the average height does not exceed 1.8 metres.
3. Where fences are proposed in conjunction with a retaining wall, the combined height of the fence and retaining wall must not exceed 1.8 metres above the existing ground level.

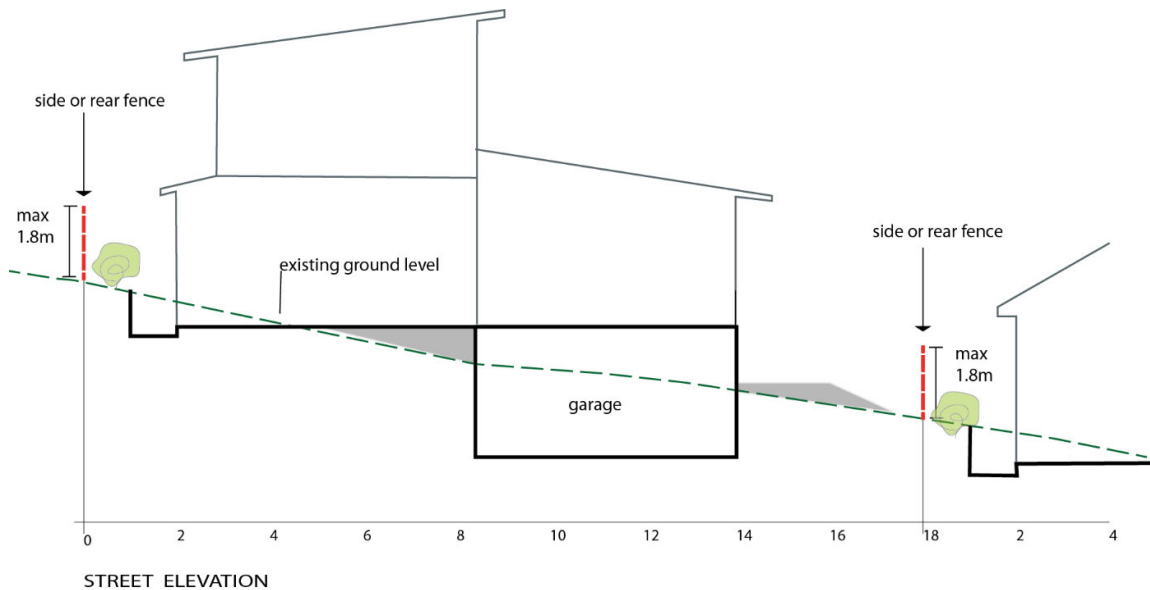


Figure 10 - Maximum Height of Side and Rear Fences

4.7 TRAFFIC AND TRANSPORT

Objectives

- To provide effective, efficient and safe movement within urban areas for pedestrians, cyclists, and motor vehicles.
- To ensure that vehicles can enter and leave a development site in a forward direction, unless otherwise justified to Council's satisfaction.
- To minimise vehicle crossing points along pedestrian footpaths.

Controls

- Vehicular access points to a site must be kept to a minimum. A single access point is preferred for most developments.
- Access directly from arterial and sub-arterial roads must be minimised to maintain the efficient flow of traffic on those roads. Alternative access is encouraged where available.
- Driveways must be designed and constructed to provide adequate sightlines.
- Driveways and internal road circulation must be designed to cater for safe manoeuvring and queuing so that traffic operations on external roads are not disturbed.
- Driveways are of a type, construction and width suitable to the proposed development.
- A Traffic Impact Statement must be prepared and submitted where:
 - More than 20 dwellings are proposed; or
 - More than 1000m² Gross Floor Area is proposed; or
 - Direct access is required for an arterial or sub-arterial road; or
 - The main entry driveway is within 50 metres of a signalised intersection.

Note: Refer to Council's [Traffic Impact Statement and Vehicle Access Guideline](#) for further details and requirements.

4.8 DESIGN OF PARKING AND SERVICE AREAS

Objectives:

- a. To ensure that on-site car parking and driveways do not dominate or detract from the appearance of the development or the local streetscape.
- b. To maximise pedestrian safety and amenity.
- c. To encourage co-operative approaches to car parking provision between adjoining small lots, such as amalgamation of car parks and shared access and egress points.
- d. To ensure the safe and efficient movement of vehicles within, entering and leaving properties.

Controls:

1. Car parking and driveway areas must be located to minimise disruption to pedestrian movement, safety and amenity on the public footpath.
2. Car park design must include direct, safe, and well marked pedestrian routes from the car park to building entries.
3. Car park design must not result in dead-end aisles.
4. Stack parking may be permitted only where two spaces are designated for a single dwelling.
5. Permanent sub-surface support and retention structures must be set back a minimum of 900mm from adjacent property boundaries.
6. The design of parking areas must comply with *AS2890 Parking Facilities*.

4.9 DESIGN OF DRIVEWAYS

Objectives

- a. To minimise the visual impact of driveways on the streetscape.
- b. To ensure that driveways are designed to cater for the demands of the development.

Controls

1. For Dwelling House and Dual Occupancies (attached and detached), only one driveway access is permitted per lot.
2. For Dwelling House and Dual Occupancies (attached and detached), driveway crossings must have a maximum width of four metres at the apron and five metres at the lot boundary. Consideration may be given to wider driveways where it is demonstrated that additional width is required for safety reasons and materials minimise impact.
3. Driveways must be offset a minimum of one metre from any side boundary for their full length.
4. Driveways must not have a longitudinal grade exceeding 20% (1:5).
5. Stacked parking in front of a garage may be permitted where all parking is within the property boundary and located on the driveway.
6. Driveways for battle-axe allotments must be designed to ensure that vehicles can enter and leave the lot in a forward direction.
7. Landscaping should minimise the impact of the driveway on the streetscape without risk to safety.

4.10 MOTOR BIKE PARKING AND BICYCLE STORAGE

Objectives:

- a. To provide convenient and safe access, movement and parking of motor bikes and bicycles for residential flat buildings.

Controls:

1. Development of a residential flat building must provide one motorbike parking space for each 20 car parking spaces (as required in Table 6: Parking Rates).
2. Development design should incorporate bicycle storage areas.

4.11 CAR PARKING RATES

Objectives

- a. To ensure that the number of car parking spaces is sufficient to support the intended use.
- b. To ensure that the number of car parking spaces does not discourage the use of public transport or other modes of transport.

Controls

1. The number of car parking spaces provided must be consistent with the specifications of the Table 6: Car Parking Rates.
2. Where vehicle parking requirements are not specified in Table 6, justification must be provided that supports the proposed vehicle parking provisions, such as:
 - i. Survey data from comparable facilities; and
 - ii. Survey data from existing operations where expansion is proposed.
3. Where the floor area of an existing development is being increased, the required car parking is to be calculated for the additional floor area only.
4. Where the proposed number of car parking spaces is **less than** or **greater than** as specified in Table 6, justification must be provided to support a variation, such as:
 - i. Survey data from comparable facilities;
 - ii. Survey data from existing operations where expansion is proposed; or
 - iii. A proposal for dual use of parking spaces.
5. A reduction to the car parking rate must not exceed 20% or 20 spaces whichever is the lesser.

Note: 'Amenities' and 'storage space' are not included when calculating Gross Floor Area (GFA) for car parking purposes.

Part 3 – Development within Residential Zones

Table 7 - Car Parking Rates for Development in Residential Zones

Development Type	Car Parking Rate		
Attached dwellings	Two spaces per dwelling.		
Boarding houses and group homes	One space plus 0.75 spaces per bed, where located on an Arterial or Sub Arterial Road. Or One space plus 1 space per bed where located on roads other than an Arterial or Sub Arterial Road.		
Disability parking rate	One space per 50 spaces. Where the requirement is between 5 and 50 spaces, at least 1 space is to be provided for persons with a disability. All disabled parking must comply with the relevant Australian Standard.		
Dual occupancies – attached or detached	Two spaces per dwelling.		
Dwelling house	Two spaces per dwelling.		
Residential flat buildings, multi dwelling housing and shop top housing. Including, as a component of mixed use developments.	No. of Bedrooms	Avg. Vehicle Spaces Per Dwelling	
	1 bedroom or studio apartment		0.75
	2 bedrooms		1.0
	3 bedrooms		1.5
	Plus		
	Visitor parking per dwelling –		
	Residential flat buildings		0.25
	Multi dwelling housing		0.5
	Single file parking may be used where two spaces are provided for one dwelling.		
Semi-detached dwellings	Two spaces per dwelling.		
Seniors housing	Car parking provision is in accordance with Housing SEPP requirements.		
Home business or home industry Where vehicles are an intrinsic component of the business or industry	As per Dwelling - i.e. 1 undercover space and 1 space as single file parking per dwelling. As per dwelling, plus 2 spaces		
Backpackers' accommodation	One space per 100m² GFA and parking for a mini-bus		
Bed and breakfast establishment	As per dwelling house, plus 1 space per guestroom. May be provided as single file parking where guest parking is provided behind dwelling parking.		
Hotel or motel accommodation May include dining facilities, outdoor eating areas or beer gardens. Where providing accommodation Where providing conference facilities	One space per 25m2 of GFA One space per short-stay room, plus 1 space per 2 staff. One space per 5m² of GFA. Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on activity mix.		
Serviced apartments	One space per unit, plus 1 space per 50m² GFA for any dining room provided as part of the development		

Development Type	Car Parking Rate
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Part 3 – Development within Residential Zones

Eco-tourist facilities (not including a Motel or Hotel) <i>Where Serviced Apartments</i> <i>Where Backpackers Hostel</i>	One space per unit, plus 1 space per 50m ² GFA for any dining room provided as part of the development, One space per 100m ² GFA and parking for a mini-bus
Business premises	One space per 40m ² GFA. And where more than 20 car spaces are required and the development is within 400m of a designated bus route, the development provides a 'Bus shelter' (or approved equivalent) in lieu of 1 car space in every 40, or part thereof, of the onsite spaces required. One shelter to be provided for each car space deleted
Funeral homes	One space per employee plus 1 space per 3 seats in chapel(s)
Restaurant or café <i>Where the total area is less than 5000m² GFA</i> <i>Where the total area is greater than 5000m² GFA</i>	1 space per 25m ² GFA 1 space per 40m ² GFA Note – See Australian Standard for Fast Food takeaway vehicle queuing lengths.
Neighbourhood Shops <i>Where the total area is less than 5000m² GFA</i> <i>Where the total area is greater than 5000m² GFA</i>	One space per 25m ² GFA One space per 40m ² GFA
Education establishments <i>Where pre-school with normal school Hours</i> <i>Where primary or secondary school</i> <i>Above secondary school</i>	One space per 4 children, plus 1 space per 1.5 full-time equivalent staff. One space per 1.5 full-time equivalent staff, plus 1 space per 50 students One space per 1.5 full-time equivalent staff, plus 1 space per 8 students
Hospitals (not including a day surgery facility – refer to Medical Centres) <i>Where a nursing home, hospice, or similar long-stay establishment</i>	One space per 2 beds, plus 1 space per 2 staff, plus Ambulance spaces One space per 6 nursing home beds, plus 1 space per 2 staff. Note – Calculate staff spaces on the maximum number of staff at any one time. Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix
Medical centres <i>Where a health centre or diagnostic technology centre</i> <i>Where a day surgery</i> <i>Where a collection Centre</i> <i>Where a laboratory</i>	One space per on-duty practitioner, plus 1 space per 2 full-time equivalent employees, plus 1.5 spaces per consulting room, plus 1 space for delivery and collection service As above, plus 1 space per 2 operating theatres One space, plus 1 space per collection room, plus 1 space for delivery and collection service Two spaces, plus 1 space per 50m ² GFA Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix
Health consulting rooms	One space per on-duty practitioner, plus 1 space per 2 full-time equivalent staff, plus 2 spaces per consulting room.

Part 3 – Development within Residential Zones

Development Type	Car Parking Rate
Child care centres	One car space per 8 children, plus 0.75 spaces per staff member. Parking designated for staff may be provided as single file parking where practical.
Community facilities	Five spaces, plus 1 space per 40m ² GFA
Place of Public Worship	One space per 3 seats
Recreation facilities (outdoor)	
<i>Football</i>	Thirty spaces per field, plus 1 space per 3 seats, where spectator seating is provided.
<i>Lawn bowls</i>	Thirty spaces for the first green then 15 spaces for each additional green
<i>Swimming</i>	Fifteen spaces, plus 1 space per 100m ² of site area
<i>Tennis</i>	Three spaces per court
Exhibition homes	Two spaces per dwelling house used for exhibition

4.12 NON-DISCRIMINATORY ACCESS

Objectives

- To ensure non-discriminatory access so that development accommodates all people.

Controls

- The design and construction of development must ensure that non-discriminatory access is provided to enable all users of that development to access the same level of service/use.
- Where development is listed in Table 7, a Disability Access Audit must be prepared in accordance with Council's [Non-discriminatory Access Guideline](#) and submitted to Council. The Disability Access Audit must be prepared by an accredited access consultant.

Note: Refer to Council's [Non-discriminatory Access Guideline](#) for further information.

Note: A Disability Access Audit may be waived for some developments at the discretion of the assessing officer for some Change of Use proposals.

Table 8 - Development types requiring a Disability Access Audit

Amusement centres with a total floor area of 500m ² or more	Markets with a total floor area of 500m ² or more
Backpackers' accommodation with 20 or more bedrooms	Manufactured home estate/caravan park
Boarding House with more than 20 rooms	Medical centre
Business/commercial premises with a total floor area of 500m ² or more	Mixed use development with a total floor area of 500m ² or more
Child care centre	Multi-dwelling housing with 10 or more dwellings
Community facility	Nightclub
Educational establishment	Passenger transport facilities
Entertainment facility	Place of public worship
Function centre	Recreation facilities – indoor, outdoor and major
Group home	Registered club
Health consulting rooms with four or more consulting rooms	Retail premises with a total floor area of 500m ² or more
Health services facilities	Residential care facility
Hospital	Residential flat building with 10 units or more

Hotel or motel accommodation	Seniors housing
Information and education facility	Tourist accommodation with 20 units or more
Licensed premises	Change of Use

4.13 SAFETY AND SECURITY

Objectives

- a. To assist the development in mitigating opportunities for criminal activity, behaviour, and perceived opportunities for crime.
- b. To ensure a development contributes to the liveability, safety and security of its users.

Controls

1. Developments must ensure that the following Crime Prevention Through Environmental Design (CPTED) principles have informed the design of the proposed development:
 - i. Surveillance – Developments must be designed and managed to maximise the potential for passive surveillance;
 - ii. Access Control – Developments must be designed so as to make them legible for users without losing the capacity for variety and interest;
 - iii. Territorial Reinforcement – Developments must be designed to define clearly legitimate boundaries between private, semi private and public space; and
 - iv. Space Management – Developments must be designed and detailed to minimise damage and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building.

Note: Refer to Council's [Crime Prevention Through Environmental Design Guideline](#) for further information on CPTED principles.

2. Where development:
 - i. is listed in Table 8, or
 - ii. is valued at \$5,000,000 or more, or
 - iii. has a gross floor area greater than 5,000m², or
 - iv. will be open to the public between the hours of 9pm and 6am, a Crime Risk Assessment must be prepared and submitted to Council.
3. The Crime Risk Assessment should be prepared by a person who has undertaken the NSW Police Service 'Safer by Design' course (or equivalent) and must:
 - i. Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible;
 - ii. Provide information as to how the design was informed by the CPTED principles; and
 - iii. Inform the design, construction or future management practices of the development (eg: building materials, signage, lighting, landscaping, security patrols, maintenance and graffiti removal practices).
4. Any recommendations or shortfalls identified by a Crime Risk Assessment are to be implemented into the design of the development to the satisfaction of the assessing officer.

Note: Refer to Council's [Crime Prevention Through Environmental Design Guideline](#) for further information on what needs to be covered in a Crime Risk Assessment.

Table 9 - Development types requiring a Crime Risk Assessment

Child care centres	Community facilities
Health services facilities	Seniors housing developments and hospitals with more than 30 beds
Group homes	Recreation areas
Health services facilities	Hostels
Residential development comprising more than 20 dwellings	Boarding houses
Educational establishments	Recreation facilities (indoor)
Place of public worship	Car Parking Station

4.14 CUT AND FILL

Objectives

- To minimise land shaping, particularly outside the building footprint.
- To ensure development is on a stable site.
- To minimise the impact on groundwater flow.
- To ensure that development does not concentrate surface water flows to adjoining properties.
- To minimise the extent of earthworks, stormwater infrastructure and retaining structures and the associated costs.
- To minimise the cost of future maintenance works required for retaining structures.
- To maintain amenity and privacy for residents of the new dwelling and adjoining dwellings.
- To ensure that fences are constructed on existing ground.

Controls

- Fill is not permitted within core riparian zones, within the Lakefront Development Area or the Foreshore Development Area, or within the extent of the 100 year probable ARI (1% AEP) flood event.
- All calculations for proposed fill must include existing fill material on the site.
- Cut and fill associated with development must comply with the provisions in Table 9 and Figure 11 below.
- Where the ground level change across the proposed footprint of a dwelling, measured in any direction, exceeds 2m, the dwelling design must include one or more of the following:
 - split level design
 - 2 storey design with the garage below habitable floorspace
 - drop edge beam or suspended slab on a footing wall
 - pier and beam construction
- Fences on common boundaries must be built at existing ground level.
- A retaining wall within the front setback area or that faces the secondary street on a corner site must be constructed of masonry materials.
- The face of a retaining wall must be a minimum of 1m from a common boundary.
- Retaining structures greater than 1m in height must be designed by an engineer, and the certification details lodged with the development application.

9. Batter slopes must not exceed a gradient of 1:4, unless stabilised by dense planting.
10. Fill must not contribute to unreasonable impacts on amenity or the redirection of water onto adjoining properties.
11. Any fill used must be certified Virgin Excavated Natural Materials, certified Excavated Natural Material or uncontaminated engineered fill.

Note: If an application seeks to replace an existing retaining wall, consideration must be given to whether it is possible to achieve the above controls on the particular site.

Table 10 – Requirements for cut and fill works

Location	Type of Works	Requirement	Other Requirement
within building footprint	cut and/or fill - retained	c =3 m max	
outside building footprint	cut and/or fill - retained	1.0m max	
near common boundary	cut and/or fill - retained	a =1m min* b =1m max	landscape planting to area between boundary fence and retaining wall
near common boundary	fill – unretained batter	e =400 min	side and rear fences built on existing ground level
remainder of site	cut and/or fill - retained	1.0m max	retaining walls on or near a front boundary do not exceed 1.0m.
all of site	fill – unretained batter	d = 600mm max	batter slope not to exceed 1:4

Note *: distance to a boundary is measured from the face of the retaining wall

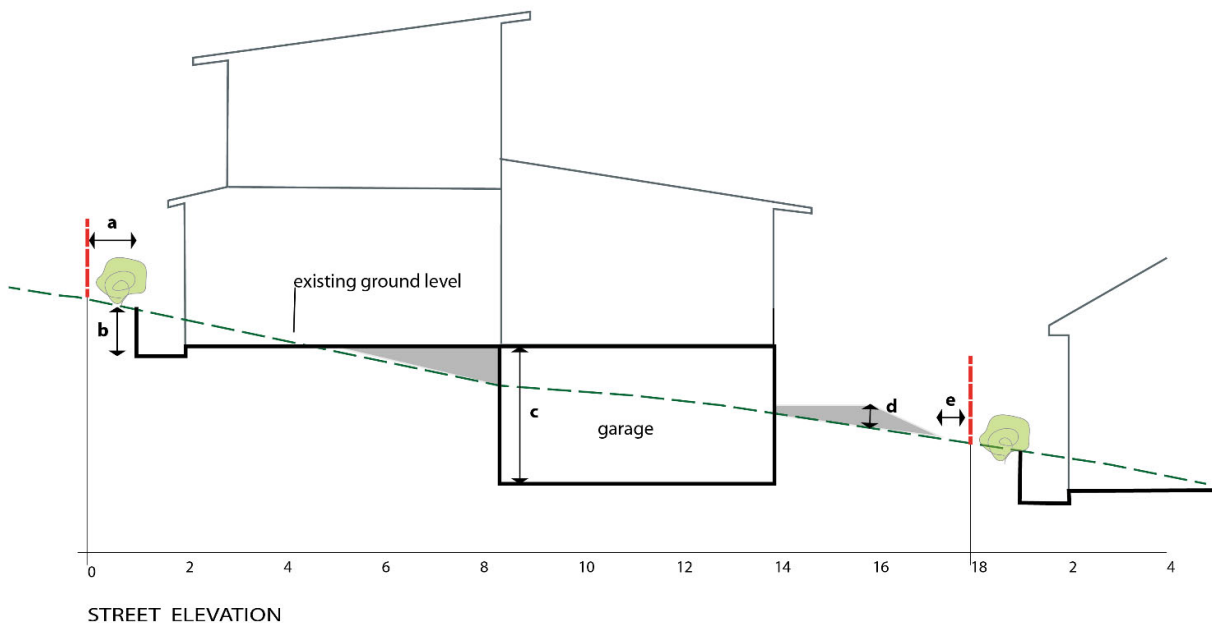


Figure 11 - Cut and fill for a dwelling

5 OPERATIONAL REQUIREMENTS

5.1 DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

Objectives

- a. To reduce demolition waste by maximising beneficial reuse of infrastructure, buildings and materials onsite.
- b. To avoid creating construction waste wherever possible.
- c. To enable maximum diversion of demolition and construction waste to reuse, recycling or composting.
- d. To ensure that waste management is planned across all demolition and construction stages so that reusable resources and waste can be appropriately and effectively stored and removed safely from site without adverse impacts on local amenity.

Controls

1. Applications must provide a completed Demolition Waste Management Plan (WMP) (where there are demolition works) and a Construction WMP (for construction works), in accordance with Chapter 2 (for Demolition) and Chapter 3 (for Construction) of the *Lake Macquarie City Council Waste Management Guidelines* unless the development is:
 - i. Permitted without consent in this zone
 - ii. Drainage
 - iii. Earthworks
 - iv. Roads
 - v. Signs
 - vi. Stormwater management facilities
 - vii. Utility installations

These plans must be provided to any relevant person involved in the demolition and/or construction, including architects, project managers, builders, contractors and sub-contractors.
2. The Demolition WMP must describe how the proposal avoids creating waste and how it maximises the reuse and recycling of demolition and construction materials.
3. The following must be shown on scaled plans to be submitted with the development application for demolition and construction stages:
 - i. waste storage area(s) with bins and equipment shown to scale;
 - ii. waste collection area(s) with bins shown to scale (if different from storage areas);
 - iii. waste carting route(s) from buildings to waste storage area(s);
 - iv. bin carting route(s) from waste storage to collection point(s) (if different from storage areas); and
 - v. for developments proposing onsite collection, the waste collection vehicle route, swept path and clearances.

5.2 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure that waste management infrastructure and operational procedures are an integral part of the development's design and ongoing management.

- b. To ensure sufficient volume of equitably accessible, safe, hygienic and aesthetically appropriate waste storage is provided on the property to minimise negative impacts of waste management on occupants and neighbours.
- c. To enable maximum opportunities for separation of reusable, recyclable, compostable and problem wastes from residual garbage bins.
- d. To ensure equitable access for all occupants to opportunities to maximise diversion of waste.
- e. To provide flexibility to expand or reconfigure waste separation systems, so that owners and occupants have options to access a range of waste services.
- f. To ensure secure separation of commercial waste from residential waste storage and collection.
- g. To provide unobstructed waste collection point(s) that are safely and efficiently accessible by Council waste collection vehicles wherever possible.
- h. To provide unobstructed, safe access to move bins and bulk waste (such as furniture and whitegoods) between storage and collection points.

Controls

1. An Operational Waste Management Plan (WMP) must be prepared in accordance with the Lake Macquarie Waste Management Guidelines and submitted with the development application for all identified in Table 11, in other parts of this Development Control Plan or when Council identifies that particular circumstances warrant it.

Table 11 - Uses requiring an Operational Waste Management Plan

• Dwellings • Commercial and retail, recreation and tourism facilities • Industrial developments and infrastructure • Events • Subdivisions

2. The Operational WMP must address all wastes that will be generated from the operation of the premises. The plan must maximise opportunity for separation from general waste of reusable, recyclable and compostable materials for reuse, recycling and composting wherever possible.
3. The development application must demonstrate - in the Operational WMP and on plans with bins, equipment, waste collection vehicle swept paths and clearances all shown to scale - that the development has sufficient and usable:
 - i. bin type, sizes, numbers and collection frequency; and
 - ii. internal storage within premises; and
 - iii. waste carting route(s) from premises to external waste storage area(s); and
 - iv. external waste storage areas; and
 - v. bin carting route(s) from waste storage to waste collection point(s); and
 - vi. waste collection point(s);
 - vii. for developments proposing onsite collection, the waste collection vehicle route(s), swept paths and clearances; and
 - viii. waste management information guide for owners and occupants
4. For developments with the following specific land uses, the development and Operational WMP must address other matters as identified in the Lake Macquarie Waste Management Guidelines:
 - i. boarding houses and hostels; group homes; short-term rental accommodation; social housing; and seniors' living developments;
 - ii. commercial and retail premises
 - iii. veterinary hospitals;
 - iv. aged care facilities;

- v. child care centres;
 - vi. service stations;
 - vii. public and private recreation; and amusement and functions centres and entertainment facilities;
 - viii. vehicle repair workshops and depots;
 - ix. sustainable aquaculture; and
 - x. light, heavy and general industries, hazardous, offensive and high technology industries; infrastructure; and waste management or resource recovery facilities.
- to demonstrate compliance with the Lake Macquarie Waste Management Guidelines.
5. If the development is not designed to enable Lake Macquarie City Council waste services, a letter must be provided from a private waste contractor advising how they are able to provide the required garbage, recycling and green (garden and food) waste services and (if needed) access the premises.

5.3 ON-SITE SEWAGE MANAGEMENT

Objectives

- a. To ensure that land is suitable for on-site sewage management, and that on-site sewage management systems are designed to operate sustainably, without resulting in environmental harm or risk to public health.

Controls

1. On-site sewage management must not be located on sites:
 - i. Where connection to reticulated sewer is available (this requirement does not apply to greywater treatment systems); or
 - ii. Below the 20 year ARI flood level.
2. Where an on-site sewage management system is proposed, an assessment report must be provided to determine land capacity for sewage effluent. The assessment must be carried out by an appropriately qualified consultant. The site assessment must:
 - i. Be undertaken in accordance with the *Environmental Health Protection Guidelines*, and *On-site Sewage Management for Single Households*;
 - ii. Recommend suitable wastewater treatment technology;
 - iii. Include water balance calculations for determination of the size of the effluent irrigation area, based on zero wet weather storage requirements; and
 - iv. For greywater treatment systems, it must be demonstrated that the proposed system complies with the [NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises](#).
3. Applications for sewage treatment systems must include a:
 - i. Sewerage Site Plan (1:200) indicating the location of the treatment system, disposal area, and buffer distances to boundaries, dwellings, water courses and other significant features on the site; and
 - ii. Detailed plans and sections of the proposed effluent disposal system.
4. Other than for greywater treatment systems, surface and subsurface irrigation areas must be made up of irrigation zones that are a minimum 300m² and maximum 500m². Multiple irrigation zones must be dosed via an automatic irrigation controller or indexing valve.
5. Pump-out septic systems are only acceptable where on-site disposal of effluent is not feasible, and where access is available for a pump-out service to be rendered safely from a public road at the property boundary.

5.4 LIQUID TRADE WASTE AND CHEMICAL STORAGE

Objectives

- a. To ensure that liquid trade waste is disposed of appropriately, and does not enter the environment.
- b. To ensure that chemicals associated with a development are stored in a secure manner.

Controls

1. Where development is proposed that will generate liquid trade wastes, evidence of a liquid trade waste agreement with Hunter Water must be provided. On-site treatment and/or disposal of liquid trade waste will not be permitted.
2. Developments that generate liquid trade waste must ensure that this waste is adequately contained and bunded to prevent pollution entering the environment.
3. Where chemicals are stored within, or as part of development, those chemicals must be adequately contained and bunded to prevent chemicals entering the environment unintentionally in the event of a spill, flooding, or any other event that may lead to the escape of chemicals.
4. All containment and bunded areas must drain to the reticulated sewerage system under agreement with Hunter Water. No on-site treatment or disposal of liquid trade waste or spilt chemicals will be permitted.

5.5 EROSION AND SEDIMENT CONTROL

Objectives

- a. To ensure that development is designed to prevent erosion by minimising disturbance, retaining vegetation and reducing the need for earthworks.
- b. To prevent erosion and sediment-laden run-off during site preparation, construction and the ongoing use of land.
- c. To ensure that a number of integrated solutions, using a treatment train approach, are implemented for the control and treatment of erosion and sediment.

Controls

1. For proposals where the area of soil disturbance is less than 250m², appropriate erosion and sediment control measures must be installed and maintained. This will prevent pollutants from entering water courses during construction and until 70% ground cover is attained.
2. For proposals where the area of soil disturbance is more than 250m² but less than 2500m², an Erosion and Sediment Control Plan (ESCP) must be prepared and lodged, in accordance with Council's [Erosion and Sediment Control Guideline](#).
3. For proposals where the area of soil disturbance is more than 2500m², a Soil and Water Management Plan, identifying erosion prevention and sediment control measures, must be prepared and lodged, in accordance with Council's *Erosion and Sediment Control Guideline*.
4. The maximum area of soil exposure at any one time must not exceed 2.5 hectares.

Note: Council may vary the requirements, especially where there is a higher or lower risk of polluting receiving waters. Further information may be required for any site depending on, but not limited to, the calculated soil loss, sediment type and an assessment of site constraints and opportunities.

5.6 AIR QUALITY

Objectives

- a. To ensure that development does not adversely affect air quality beyond the National Environment Protection Measure (Ambient Air Quality) standard for criteria air pollutants.
- b. To ensure that measures are implemented to maintain air quality.
- c. To ensure that odours and emissions do not have an unreasonable impact on the amenity of neighbouring properties, or the health of their occupants

- d. To ensure that odours and emissions do not have an unreasonable impact on public health.
- e. To ensure that emissions do not have an unreasonable impact on natural environment.

Controls

1. An air quality report must be prepared by an air quality/odour expert where a proposed development has the potential to adversely affect air quality. This report must:
 - i. Consider the information provided on Council's [Local Air Quality Maps](#);
 - ii. Address impacts caused by construction and ongoing operation or occupation of the development;
 - iii. Identify emissions, and measures to mitigate the overall impact, and the impact on nearby residences and occupants of other properties especially sensitive receivers; and
 - iv. Be prepared in accordance with the [Approved Methods for the Modelling and Assessment of air pollutants in New South Wales](#) and other requirements prescribed in State and Federal legislation.

Note: Council's air quality map is based on modelling air pollution in the local government area and identifies areas where the Criteria Air Pollutants exceed the National Environment Protection Measure (Ambient Air Quality) standard.

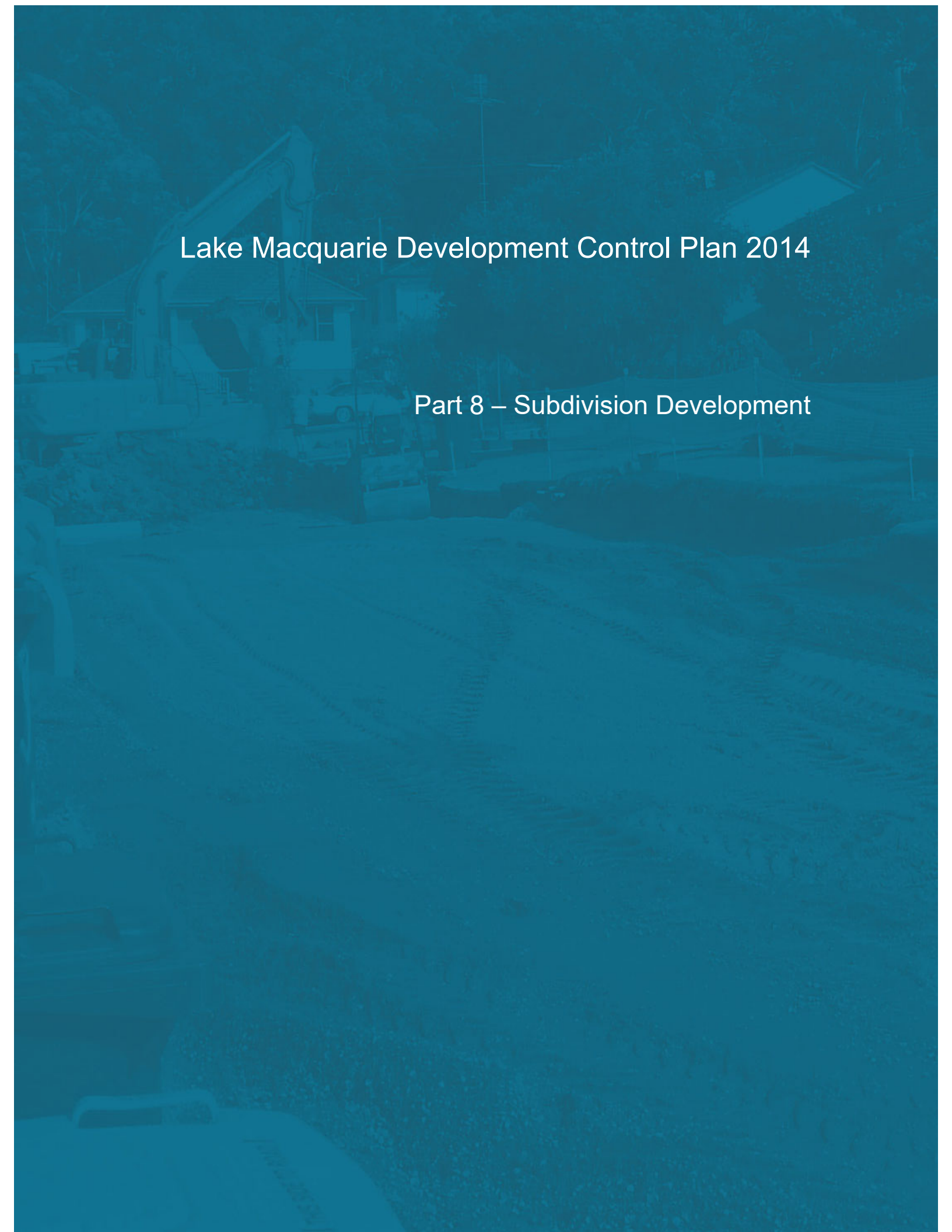
5.7 NOISE AND VIBRATION

Objectives

- a. To minimise the generation of noise and/or vibration, and to mitigate associated adverse impacts on the amenity of neighbouring properties and their occupants, and on occupants of the proposed development.

Controls

1. Where proposed development has the potential to produce an adverse noise or vibration impact on occupants of the site or of nearby properties, an acoustic and vibration study must be prepared by a qualified consultant, to Council's satisfaction.
2. Noise or vibration generated by development must not exceed the criteria stipulated in the [NSW Industrial Noise Policy](#) or the [Noise Guide for Local Government](#) at the property boundary of the noise source, or at a receiving lot boundary.
3. Measures must be implemented to ensure that any noise or vibration generated is not offensive, in accordance with the [Noise Guide for Local Government](#).
4. During construction, the operating noise level of machinery, plant and equipment must comply with the [Noise Guide for Local Government](#).
5. A suitably qualified acoustics consultant must prepare a Noise Management Plan where construction is proposed to exceed 26 weeks.
6. Noise generating operations and outdoor operations must only occur between 7am and 6pm Monday to Saturday.
7. Council may request at any stage an independent report to confirm that noise emissions are within acceptable limits; such costs are to be borne by the applicant/ operator.

The background image is a photograph of a construction site, overlaid with a semi-transparent blue filter. It shows an excavator working on a dirt mound, with a house and trees visible in the background.

Lake Macquarie Development Control Plan 2014

Part 8 – Subdivision Development

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1 INTRODUCTION

Part 8 – Subdivision Development applies to subdivision development in all zones. It is intended to ensure that subdivision occurs in a manner that supports the intention of the Zone in which it is proposed and achieves orderly development of land and good urban structure outcomes.

This part of LMDCP 2014 does not apply to strata subdivision.

This part of LMDCP 2014 is to be read in conjunction with Part 1 (Introduction), which outlines Council's general requirements for all developments and provides advice on the lodgement requirements for a Development Application.

Additionally, an Area Plan may apply depending on the location of the development. Area Plans contain area specific controls that need to be considered and can be found in Parts 10, 11 and 12 of this DCP.

This part of the LMDCP 2014 divides subdivision into different categories depending on the scale and number of lots.

Minor scale subdivision means subdivision of land creating less than 10 lots.

Medium scale subdivision means subdivision of land creating between 10 and 50 lots.

Major scale subdivision means subdivision of land creating more than 50 lots.

1.1 HOW TO USE THIS PLAN

LMDCP 2014 is the primary document used by Council's development assessment staff to assess development applications. Proponents of development will need to:

1. Determine the land use zone that applies to the development site (refer to LMLEP 2014).
2. Refer to Part 8 of LMDCP 2014 that contains controls subdivision.
3. Check if an Area Plan applies to the proposed development site (Parts 10, 11 or 12).

The development controls contained within each part and section, seek to achieve desired land use, conservation and/or built outcomes consistent with corresponding LMLEP 2014 zone objectives and aims in each part of LMDCP 2014.

Each part of LMDCP 2014 is structured to promote a development application process where the site and context analysis informs the design of the development. This part of the DCP has the following main headings:

- **Introduction** – provides information about the particular part of the DCP, how to use the DCP and aims for development.
- **Context and Setting** – outlines the site issues and environmental opportunities and constraints that need to be addressed in the development application.
- **Subdivision Design** – provides Council's detailed design related requirements.
- **Subdivision Construction** – provides Council's detailed requirements associated with the construction and ongoing operation of the development.

The detailed provisions of each subsection in each part of LMDCP 2014 are presented as follows:

- **Objectives** – state what outcomes Lake Macquarie City Council is seeking new development to achieve, and
- **Controls** – advise the requirements for achieving outcomes and the desired future character identified by the aims and objectives.

Additionally, Part 8 contains specific aims that LMDCP 2014 seeks to achieve. Where specific controls are not provided, these will be used to provide direction for a merits based assessment of a development application.

For more information on how to use this document, please consult Part 1 – Introduction.

1.2 AIMS FOR SUBDIVISION DEVELOPMENT

The aims of LMDCP 2014 for subdivision development are:

1. To ensure that all subdivisions, and the potential impacts of such subdivisions and subsequent development take account of the principles of environmentally sustainable development.
2. To ensure that the subdivision of land balances environmental, social and economic issues, and achieves good urban structure outcomes through increased connectivity, legibility and permeability.
3. To ensure that the road network is efficient and legible through providing a grid or modified grid subdivision pattern. Subdivisions must also integrate closely with surrounding existing and planned future development.
4. To ensure that all proposed lots are provided with an appropriate level of amenity, and are physically capable of development. They must also have access to infrastructure and utility services.

1.3 SUBMISSION REQUIREMENTS

Different scale subdivision proposals require a different level of detail to be submitted to Council. The three scales of subdivision development discussed in this part of LMDCP 2014 include;

- Minor – subdivision creating less than 10 lots.
- Medium – subdivision creating between 10 and 50 lots.
- Major – subdivision creating more than 50 lots.

Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* sets out the minimum submission requirements. This part of Lake Macquarie DCP 2014 outlines Council's requirements for subdivision applications. The following documents may be required to be submitted to Council with an application for subdivision. The detail in these documents will depend on the scale and complexity of the subdivision proposal.

- Site analysis plan and report;
- Structure plan;
- Water Cycle Strategy; and
- Subdivision Plan and report.

Please refer to the *Subdivision Guideline* for further information on the requirements of these documents.

Studies, reports or assessments conducted by suitable qualified consultants are to be submitted with subdivision applications where required by relevant controls contained in this part of LMDCP 2014, LMLEP 2014, or when requested by Council. These may include, but are not limited to:

- Flora and Fauna Assessment, a Species Impact Statement, and a Significance Test where applicable;
- Visual Impact Assessment;
- Land Clearance Plan;
- Bushfire Risk Assessment and Bushfire Management Plan;
- Flood Study;
- Geotechnical Report;
- Preliminary Acid Sulphate Soil Assessment and Management Plan;
- Erosion and Sediment Control Plan when not required as a component of a Soil and Water Management Plan;
- Contamination Assessment;
- Acoustic Assessment;

- Subdivision Waste Management Plan;
- Social Impact Assessment;
- Economic Impact Assessment;
- Heritage Report and/or Aboriginal Archaeology Report,
- Servicing and Infrastructure Plan;
- Water Quality and Stormwater Management Plan;
- Traffic and Transport Study;
- Landscape Plan; and
- Engineering Design Plans for Roads and Drainage.

The stage at which these documents are prepared will be dependent on the scale and complexity of the proposal. Early consultation with Council staff is strongly recommended to help determine what studies and/or reports are required and their detail.

2 CONTEXT AND SETTING

This section of the DCP applies to subdivision in all land use zones under Lake Macquarie LEP 2014.

2.1 SUBDIVISION AND EXISTING DEVELOPMENT

Where subdivision is proposed on a lot which includes an existing development, the following provisions apply.

Objectives

- a. To ensure that the amenity and function of existing development on the parent lot is maintained.

Controls

1. Relevant controls within other parts of this DCP must be considered where subdivision is proposed on a lot containing existing development.
2. Subdivision must not result in the existing development being inconsistent with relevant controls contained in other parts of this DCP.
3. Subdivision must not result in the existing development being left with inadequate waste storage or waste collection location options.

2.2 SITE ANALYSIS

Objectives

- a. To encourage good site planning and landscape outcomes, informed by an understanding of the site and its context.
- b. To ensure that development occurs in an ecologically sustainable manner.
- c. To ensure that potential social, environmental and economic impacts of development are identified early in the planning process.
- d. To inform a design that is energy efficient in terms of site layout, consumption and materials.

Controls

1. A Site Analysis Plan must be submitted. It must identify the existing conditions relating to the subject site and the surrounding land that may influence the site planning process.
2. The Site Analysis Plan must address:
 - i. All relevant items as set out in the *Subdivision Guidelines*; and
 - ii. All relevant matters outlined below in section 2.3 to 2.18.
3. The Site Analysis Plan must provide a comprehensive view of the constraints and opportunities of the development site that will guide the design process.
4. The development application must clearly show that the constraints and opportunities identified in the Site Analysis Plan have been used to inform and resolve the subdivision design.
5. Where development is proposed adjacent to a common boundary shared with Council or another public authority, Council may request a registered surveyor's plan to confirm that development and access arrangements are wholly confined within the subject lot.

Note: The detail of the Site Analysis Plan should be tailored to the site and complexity of the proposed subdivision.

2.3 SCENIC VALUES

The **Landscape Settings and Significant Natural Landscape Features Maps** identify the Landscape Setting boundaries and the relevant Scenic Management Zone for each Landscape Setting. The maps are a guide to the scenic quality associated with lands within the City of Lake Macquarie and are contained within the *Scenic Management Guidelines*. The *Scenic Management Guidelines* provide supporting documentation to this DCP.

Objectives

- a. To ensure that the scenic values of the City are protected.
- b. To ensure that developments visible or adjoining the coastline, Lake Macquarie or ridgelines maintain and enhance the scenic value of these features.

Controls

1. A landscape and visual impact assessment is required for subdivision development in any zone where:
 - i. The site is within 300m of the mean high water mark of the lake or coast
 - ii. 10 or more lots are proposed,
 - iii. Loss of native tree cover of one hectare or more, or
 - iv. A tree on the significant tree register is proposed to be removed.
2. A landscape and visual impact assessment must be prepared in accordance with section 7.3 of the Scenic Management Guidelines.
3. Developments must be designed and sited to complement their location through:
 - i. the retention of existing vegetation,
 - ii. incorporating appropriate landscaping,
 - iii. minimising cut and fill, and
 - iv. subdivision design and layout being compatible with its natural context.

2.4 GEOTECHNICAL

Objectives

- a. To minimise the potential of damage to buildings/structures resulting from land movement.
- b. To provide guidance on the preparation of geotechnical reports required to support a development application.

Controls

- 1 A Slope Stability Assessment is not required with a development application for subdivision development consisting of:
 - i. 4 or less lots; and
 - ii. Not including any new public road; and
 - iii. Within any of the following LMLEP 2014 zones: Rural and Transition zones, Residential Zones or Environmental Protection zones; and
 - iv. Within a Geo_4, Geo_5 or Geo_6 zone.
- 2 A geotechnical report prepared by a geotechnical engineer must accompany an application for all other development as specified in Council's Geotechnical Slope Stability Guideline. The report must be prepared in accordance with these Guidelines.
- 3 Subdivision type should comply with Table 1 – Slope and Development Suitability.

Note: After lodgement of a Development Application, Council may still require the submission of Geotechnical Report for the development types identified at (1) following a site inspection.

Table 1 - Slope and Development Suitability

Slope	Potential Hazard	Develop. Suitability
<1:20 (0-5%)	Flooding, high shrink swell soils, gravelly soils.	Drainage, stormwater reserve, open space. All types of subdivision
1:20 – 1:10 (5-10%)	Shallow soils, stony/gravel soils, overland flow and poor surface. Profile drainage, deep, swelling, erodable or dispersible soils.	All types of subdivision
1:10 – 1:7 (10-15%)	Overland flow, geological constraints – possibility of mass movement, swelling and erodable soils.	Residential subdivisions for detached housing, multiple dwelling housing, residential flat buildings. Industrial subdivision for smaller footprint modular industrial buildings,
1:7-1:5 (15-20%)	Geological constraints – possibility of mass movement, swelling and erodable soils.	Residential subdivisions for detached housing of a suitable form and construction.
1:5 – 1:4 (20-25%)	Geological constraints – possibility of mass movement, high to very high erosion hazard.	Selective residential subdivision, generally of low density on lots larger than 450m ² and of suitable form and construction
>1:4 (>25%)	Geological constraints – possibility of mass movement, severe erosion hazard.	No type of subdivision is recommended

2.5 MINE SUBSIDENCE

Objectives

- To minimise risks to buildings and structures associated with potential mine subsidence.

Controls

- Where an application is made for the construction of a structure or building within a Mine Subsidence District, written concurrence must be obtained from the Mine Subsidence Board. Written concurrence should be obtained prior to the application being submitted to Council.
- Written concurrence from the Mine Subsidence Board is not required for certain works that have deemed approval under the Mine Subsidence Board's publication 'A Guide for Council Staff'.

Note: Please refer to the Mine Subsidence Board's 'Surface Development Guidelines' for important information.

2.6 CONTAMINATED LAND

Objectives:

- To ensure that contaminated land is identified through appropriate investigations
- To ensure that contaminated the site is appropriately and effectively remediated prior to development taking place.
- To ensure that changes to land use will not increase the risks to public health or the environment as a result of contamination on site, or adjacent properties.

Controls:

- Where development is proposed on land identified as being potentially contaminated, a Preliminary Site Investigation Report must be prepared and submitted with the application for development. Refer to Council's Policy for Managing Contaminated or Potentially Contaminated Land for further information.

2. Where contaminants are found within the site, a Detailed Site Investigation Report must be prepared and lodged with the development application.
3. Where a Detailed Site Investigation Report identifies the need for remediation, a Remedial Action Plan must be prepared and submitted with the application.
4. The site must be validated as suitable for its intended use.

Note: At discretion, Council may request an independent third party peer review of a consultant's report (including but not limited to, the Preliminary Site Investigation Report, Detailed Site Investigation Report, Remedial Action Plan), prior to the commencement of the construction of the development. In some circumstances, these "site audits" must be performed by a site auditor accredited by the NSW Environment Protection Authority under the Contaminated Land Management Act 1997. Further information on site audits can be found in the Managing Land Contamination: Planning Guidelines.

Note: Refer to Resilience and Hazards SEPP and the NSW State Governments 'Managing Land Contamination: Planning Guidelines' for more information.

2.7 ACID SULFATE SOILS

Objectives

- a. To ensure that disturbance of Acid Sulfate Soils or Potential Acid Sulfate Soils is minimised, to prevent adverse environmental impact on soil conditions.
- b. To ensure that water quality and associated receiving waters are not detrimentally affected by the effects of Acid Sulfate Soils.
- c. To ensure that habitat is not detrimentally affected by the effects of Acid Sulfate Soils.
- d. To ensure that built structures and infrastructure are not detrimentally affected by Acid Sulfate Soils.

Controls

1. Development should be sited or designed to avoid the disturbance of Acid Sulfate Soils or potential Acid Sulfate Soils.
2. Where the disturbance of Acid Sulfate Soils is unavoidable, a Preliminary Acid Sulfate Soil Assessment report must be submitted with the development application, in accordance with the NSW Acid Sulfate Soils Planning Guidelines.
3. Where a Preliminary Acid Sulfate Soil Assessment report identifies potential adverse impacts, a detailed assessment report and management plan must be submitted, in accordance with the NSW Acid Sulfate Soils Planning Guidelines.
4. Any Acid Sulfate Soils must be identified on the site analysis plan.

Note: Refer to Lake Macquarie Council's Acid Sulfate Soil planning maps showing classes of land containing potential or actual Acid Sulfate Soils. These maps are available at Council's Customer Service Centre, Speers Point.

2.8 WATER CYCLE MANAGEMENT

Objectives

- a. To ensure that development does not adversely affect natural flow regimes, water quality or availability, including ground water, and to ensure that water quality is maintained or improved.
- b. To incorporate Water Sensitive Urban Design techniques into subdivision design.
- c. To minimise any adverse impacts of increased development on downstream built or natural environments or nearby land.
- d. To minimise the volume and rate of stormwater leaving a development site.

- e. To reduce consumption of potable water by reducing demand, increasing water efficiency and using non-potable water sources (rainwater, stormwater, greywater, recycled water), as appropriate.
- f. To ensure that natural water systems that contribute to improved water quality (creeks, rivers, wetlands, estuaries, lakes, lagoons, groundwater systems and their associated vegetation) are protected and enhanced.
- g. To integrate water management systems into the landscape in a manner that provides multiple benefits. This should include water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.
- h. To ensure that stormwater and wastewater management and re-use systems operate sustainably, without resulting in environmental harm or risk to public health.

Controls

- 1. A *Water Cycle Management Plan* must be prepared and submitted. It must detail the management of stormwater and any measures to mitigate the effects of stormwater on adjoining or downstream sites. Refer to Council's *Water Cycle Management Guidelines* and *Protection of Watercourses and Drainage Channels Policy* for further information.
- 2. The *Water Cycle Management Plan* will identify how the development avoids disturbance of natural watercourses and associated vegetation, and protects the quality of receiving waters.
- 3. On-site measures must be implemented to maintain water quality, minimise the volume of stormwater run-off and the peak discharge at which stormwater leaves the site.
- 4. Finished lots should have a minimum 2% fall to the proposed stormwater management system.
- 5. The elements of the drainage system and stormwater treatment devices are to be designed in accordance with Council's *Water Cycle Management Guidelines* and *Engineering Guidelines*. They should be visually unobtrusive and integrated within individual sites, landscaped areas, roads and open space areas.
- 6. Subdivision that involves the re-use of stormwater or the use of recycled water must demonstrate compliance with the *Australian Guidelines for Water Recycling*, and the licensing requirements of the *Water Industry Competition Act (2006)*.

2.9 CATCHMENT FLOOD MANAGEMENT

This section applies to land in the various creek catchments in Lake Macquarie City that are within the flood planning area. This section also applies to sensitive use development on land affected by the Probable Maximum Flood.

Information on flood risk and flood planning levels (floor levels) for particular lots can be obtained through the [flood report tool](#) or by applying for a Flood Certificate from Council. Some lots are affected by both catchment flooding and Lake flooding. The development controls that apply to these lots depend on the type of development, and further advice should be sought from Council.

Provisions regarding lake flooding are contained in section 2.10 of this Part of DCP 2014.

Where inconsistencies arise, the controls in area plans prevail over controls in parts 2 to 9 of this DCP.

Objectives

- a. To ensure that new lots are located above the 1 in 100 year flood level.
- b. To ensure that subdivision is sited and designed to minimise potentially adverse impacts of flooding on future development or on other surrounding properties.
- c. To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property. They must also reduce private and public losses resulting from flooding and manage risks to property and life from flood events.

Controls

1. Development must be consistent with the current version of the *NSW Floodplain Development Manual*, and any local flood study, floodplain management study or plan applying to the land that has been endorsed by Council.
2. The proposed subdivision must consider and respond to flooding hazards. It must also mitigate risks to life and/or property through design and positioning of development.
3. Subdivision must not result in lots that are located in an identified floodway.
4. Proposed lots must allow future habitable rooms to have a finished floor height at least 500mm above the 100 year probable ARI (1% AEP) event. Where probability flood levels are not available, Council may require a flood study to be undertaken to determine the flood levels. Lesser provisions may be acceptable where the applicant can demonstrate that the type of development or the proposed use poses no significant risk to life or property by flooding.
5. Development on designated flood prone land should incorporate the floodplain risk management measures as recommended by a local flood study, floodplain management study or plan, which identifies and addresses appropriate actions in the event of flooding.
6. Fill is not permitted within core riparian zones, within the Lakefront Development Area or the Foreshore Development Area, or within the extent of the 100 year probable ARI (1% AEP) flood event.
7. Subdivision works on land subject to flooding must use flood compatible materials that will minimise damage by flooding.
8. Flood prone areas and flood hazard zones must be identified on the subdivision Site Analysis Plan.

Note: Refer to Council's *Flood Management Guideline* for further information on the *NSW Floodplain Development Manual*, completed floodplain management plans, and on Council's requirements for flood studies.

2.10 LAKE FLOODING AND TIDAL INUNDATION (INCORPORATING SEA LEVEL RISE)

This section applies to land on and near the Lake Macquarie foreshore that is within the flood planning area. This section also applies to sensitive use developments on land affected by the Probably Maximum Flood.

Information on flood risk and flood planning levels (floor levels) for particular lots can be obtained through the flood report tool or by applying for a Flood Certificate from Council.

Some lots are affected by both catchment flooding and lake flooding. The development controls that apply to these lots depend on the type of development, and further advice should be sought from Council.

Provisions regarding catchment flooding are contained in section 2.9 of this Part of DCP 2014.

Council completed the Lake Macquarie Waterway Flood Study and Risk Management Plan in 2012. This flood study and risk management plan incorporated the implications of predicted sea level rise.

Predicted sea level rise is based on expert advice from NSW Government agencies and expert scientific agencies, namely that projections of sea level rise along the NSW coast are for a rise relative to 1990 mean sea levels of 40cm by 2050 and 90cm by 2100.

The controls contained in this section prevail where there is an inconsistency with other development requirements. This is particularly relevant to cut and fill controls.

Objectives

- a. To avoid the creation of new lots for residential, commercial or industrial development on land covered in the Lake Macquarie Waterway Flood Study and Risk Management Plan 2012.
- b. To ensure that development adequately considers and responds to sea level rise projections and the predicted effects on inundation, flooding, coastal and foreshore recession, and on groundwater levels.
- c. To ensure that development on land vulnerable to sea level rise is situated and designed to minimise the risk from future inundation, flooding, coastal and foreshore recession, and from rises in groundwater levels during the expected life of the development.

- d. To ensure that the development is designed to allow for future adaptation if sea levels rise more than expected, or protective measures are needed in the future.
- e. To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the proposed development, or on other properties.
- f. To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property. Such measures must also reduce private and public losses resulting from flooding, and manage risks to property and life from flood events.

Controls

1. In Greenfield subdivision, the creation of new lots for residential, commercial or industrial development must be avoided on land below 3m AHD that is open to inundation from the ocean or lake.
2. Council may consider the subdivision of land below 3m AHD where it is in an established urban area and within the R2 Residential zone. Each resulting lot must have a minimum building area of 250m² located above 2m AHD without the need for filling, and must have adequate flood-free access.
3. If subdividing land below 3m AHD, all new roads, associated infrastructure and utilities must be located above 3m AHD.
4. Except for the conditions described in Control 2, all lots resulting from a subdivision, where part of the site is below 3m AHD must provide a sufficient building area above 3m AHD to accommodate new development appropriate to the zone.
5. Subdivision should be designed to mitigate the effects of changes in ecosystems, foreshore processes and flood behaviour, in response to sea level rise.
6. Notwithstanding the provisions for Cut and Fill in section 3.26, special consideration may be given to increased fill allowances in areas affected by sea level rise, provided that:
 - i. The additional fill does not adversely affect stormwater management, drainage, or the flow of water from roads, natural or constructed watercourses, foreshore areas or adjoining properties; and
 - ii. The filled area maintains functional connections to adjoining footpaths, roads, neighbouring blocks and other local features.
7. Land below 3m AHD must be identified on the site analysis plan.

2.11 NATURAL WATER SYSTEMS

Definition: A **natural water system** is a naturally occurring watercourse, waterway, lake, wetland, lagoon, estuary, and/or other water body.

Objectives

- a. To protect and maintain the water regime of natural water systems.
- b. To ensure that development does not adversely affect aquatic fauna.
- c. To ensure that development does not adversely affect water quality or availability, including ground water.
- d. To ensure that watercourses and associated riparian vegetation are maintained to contribute to water quality, and to mitigate sedimentation of the Lake Macquarie waterway.
- e. To ensure that natural water systems and associated vegetation and landforms are protected to improve the ecological processes and ensure that land is adequately buffered from development.
- f. To ensure that the pre-development water quality of receiving waters is maintained or improved.

Controls

1. Natural water systems must be maintained in a natural state, including the maintenance of riparian vegetation and habitat such as fallen debris.
2. Where a development is associated with, or will affect a natural water system, rehabilitation must occur to return that natural water system – as much as possible – to a natural state. The Rehabilitation Plan must be prepared in accordance with Council's *Guidelines for the Preparation of Rehabilitation Plans for Degraded Watercourses or Waterbodies*.
3. Rehabilitation should occur where a development site includes a degraded watercourse, water body, or wetland. Rehabilitation is to be carried out following the completion of a Rehabilitation Plan. This Plan must be prepared in accordance with Council's *Guidelines for the Preparation of Rehabilitation Plans for Degraded Watercourses or Waterbodies*.
4. Stormwater must be managed to minimise nutrient and sediment run-off entering constructed drainage lines, natural watercourses, or waterways.
5. Development within a Vegetated Riparian Zone (VRZ), as shown in Figure 1 – Vegetated Riparian Zones, should be avoided where possible to retain its ecological processes. Where development is unavoidable within the VRZ, it must be demonstrated that potential impacts on water quality, aquatic habitat, and riparian vegetation will be negligible.
6. A Plan of Management must be submitted in accordance with State Government guidelines for development proposed within a VRZ.
7. Asset Protection Zones must not be located within the Vegetated Riparian Zones.

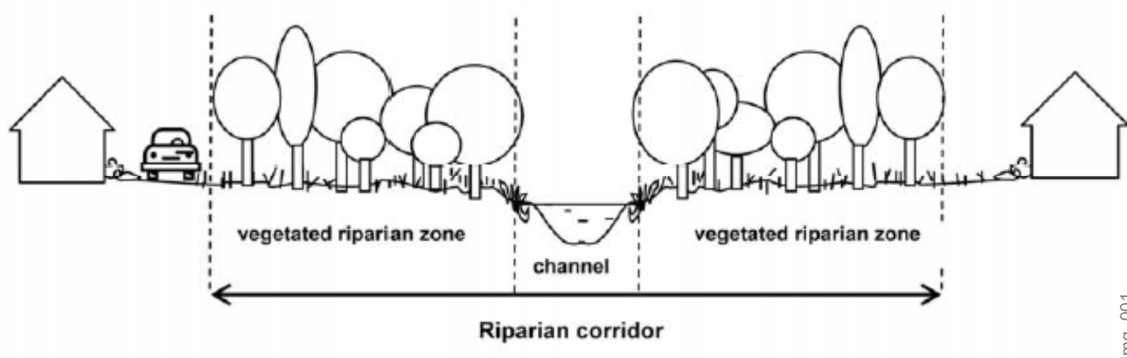


Figure 1 - Vegetated Riparian Zones

Types of watercourses	VRZ Width ² (Each side of watercourse)	Total Riparian Corridor Width
Any first order ¹ watercourse	10 metres	20m + channel width
Any second order ¹ watercourse	20 metres	40m + channel width
Any third order ¹ watercourse	30 metres	60m + channel width
Any fourth order ¹ watercourse or greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80m + channel width

¹ As classified under the Strahler System of ordering watercourses.

² Bushfire Asset Protection zones will not be permitted in the Vegetated Riparian Zone. Additional areas may need to be protected to support ecological processes.

2.12 BUSHFIRE

Objectives

- To ensure that risks associated with bushfire are appropriately and effectively managed.
- To mitigate risks to property and life associated with bushfire hazards.
- To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.

Controls

- Development must comply with the NSW Planning for Bushfire Protection Guidelines.
- Bushfire prone areas and Asset Protection Zones must be identified on the Site Analysis Plan. Refer to Council's Bushfire Prone Land Map.
- Asset Protection Zones must occur within the development lots.
- Asset Protection Zones should:
 - Be incorporated into the design of the development;
 - Be as low maintenance as possible;
 - Be located outside areas of ecological value and the buffers necessary to protect them.
- The subdivision plan must provide perimeter roads between the bushfire prone land and development lots.
- Where subdivision is proposed on environmental zoned land, a development site must be identified that avoids significant vegetation, endangered ecological communities and fauna habitat. The development site must include the required Asset Protection Zones for each lot.
- Clearing for the purposes of Asset Protection Zones should be avoided on ridgelines and slopes of 1:5 or greater.
- Clearing of vegetation must be limited to that necessary to meet the NSW Planning for Bushfire Protection Guidelines.
- Clearing of native vegetation or trees for the purposes of reducing bushfire risk must be consistent with the current Bushfire Risk Management Plan prepared under the *Rural Fires Act 1997*.
- Designated Asset Protection Zones must be shown on the subdivision plan, along with any other measures to address bushfire risk.

Note: Development Consent is not required for clearing for the purpose of bushfire hazard reduction if the clearing is consistent with the current Bushfire Risk Management Plan, and is undertaken in accordance with a current hazard reduction certificate issued by the Rural Fire Service or other certifying authority.

2.13 FLORA AND FAUNA

Objectives

- a. To avoid and minimise impacts on native flora and fauna.
- b. To protect and enhance significant flora and fauna, vegetation communities and significant habitat on the site, and on surrounding development sites.
- c. To protect and enhance ecological corridors and increase the connections between habitats.
- d. To ensure rehabilitation of degraded areas.

Controls

1. Where the proposed development is likely to have an impact on native vegetation or fauna habitat, or where five or more native trees are proposed to be removed, a Flora and Fauna Assessment must be submitted with the development application, in accordance with Council's Flora and Fauna Survey Guidelines.
2. The flora and fauna assessment must be sufficient to adequately identify and assess all the impacts of the proposed development. This includes cumulative, direct and indirect impacts, as well as the impacts of Asset Protection Zones, the provision of services (water and sewer, etc) and stormwater management.
3. Where a proposed development site is within a vegetation corridor identified on Council's Native Vegetation and Corridors Map, or identified as part of a site-specific flora and fauna assessment, the corridor must be surveyed. Within the survey, the appropriate corridor width must be determined with reference to core habitat areas and potential edge effects and fragmentation. The proposed development should be located and designed to avoid impacts on the identified vegetation corridor. Where this is not possible, the design should aim to minimise impacts.
4. Development should be designed to avoid impacts on native flora and fauna, and minimise any unavoidable impacts. Significant flora and fauna species, vegetation communities and habitat should be protected and enhanced through appropriate site planning, design and construction.
5. A Site Vegetation Plan must be submitted, clearly indicating the location of the proposed development in relation to vegetation communities, significant flora and fauna species and vegetation, and significant habitat and corridors on the site.
6. Native vegetation buffers must be provided between development and areas containing threatened flora and fauna species or their habitat, threatened vegetation communities and native vegetation corridors. The width of the buffer should be determined with reference to the function of the habitat, the threat of sea level rise and the type of development proposed. The buffer should be designed to keep the area of significance in natural condition.
7. A suitable barrier such as a perimeter road should be provided between development, including landscaped areas and native vegetation or significant habitat features, to minimise edge effects.
8. Where development is proposed to impact on an area of native vegetation, it must be demonstrated that no reasonable alternative is available. Suitable ameliorative measures must also be proposed (eg: weed management, rehabilitation, nest boxes).
9. Degraded areas of the development site should be rehabilitated using local native species to establish a self-maintaining ecosystem as close as possible to the natural state.
10. Buildings and structures, roads, driveways, fences, dams, infrastructure, drainage and asset protection zones should be located outside of areas with significant flora and fauna, native vegetation corridors and buffers.

11. An application for removal of native vegetation will only be considered where it is ancillary to and necessary for conducting an approved use of the land (ie: an application for clearing alone will not be supported).
12. Where retention or rehabilitation of native vegetation and/or habitat is required, a vegetation management plan must be prepared in accordance with Council's *Vegetation Management Plan Guidelines*. This must detail how vegetation will be protected, rehabilitated and managed before, during and after construction.
13. Long-term protection and management of areas set aside for ecological reasons is encouraged, through secure tenure with appropriate conservation management. This may be achieved through a Planning Agreement.
14. Development should be consistent with the effective conservation of land within any adjacent Environmental or Waterway zone. Conservation measures should include protection from adverse impacts including, but not limited to weed invasion, erosion and sedimentation, pollution, chemicals, nutrients, stormwater run-off, and feral and domestic animals.
15. The development should include mechanisms to minimise and manage key threatening processes (eg: environmental weeds, domestic dogs and cats).

Note: Council may require a bond to ensure that native vegetation is protected, and that ameliorative measures are undertaken.

2.14 PRESERVATION OF TREES AND VEGETATION

Objectives

- a. To ensure that trees listed on Council's Significant Tree register are not adversely affected by development.
- b. To maintain and enhance the natural bushland or vegetated character of the city.
- c. To retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide.

Controls

1. Development consent is required to ring bark, cut down, top, lop, remove, injure, wilfully destroy or clear:
 - i. Any species of vegetation that existed in the State of New South Wales before European Settlement;
 - ii. A tree which is listed in Council's Significant Tree Register;
 - iii. Tree(s) or native vegetation listed as heritage items or located within a Heritage Conservation Area; or
 - iv. A Norfolk Island Pine Tree (*Araucaria heterophylla*) that is greater than three metres in height, or that has a trunk diameter of 75mm or greater, measured at ground level.

Note: This clause includes Native Vegetation defined in the *Native Vegetation Act 2003* and marine vegetation covered by section 205 of the *Fisheries Management Act 1994*.

2. Except in the C2 Zone, development consent is not required to remove, injure, wilfully destroy or clear native vegetation (excluding native trees and shrubs over 3m in height), only if:
 - i. The work is for the purpose of landscaping understorey vegetation and lawn areas where the area to be cleared is less than 600m² (in total), and is on the same allotment as, and within the curtilage of an approved dwelling;
 - ii. The soil surface exposed in any period of 90 consecutive days is less than 250m²;
 - iii. The slope of the land is less than 15 degrees;

- iv. The area is not subject to a development consent that requires the native vegetation to be retained; and
- v. The work does not involve the disturbance of habitat for threatened species.
- 3. Development consent is not required to ring bark, cut down top, lop, remove, injure, wilfully destroy or clear a tree or native vegetation, if:
 - i. The tree is not listed on Council's Significant Tree Register or as Heritage Item or is located within a heritage conservation area, and
 - ii. The tree or native vegetation is not required to be retained by a development consent, and
 - iii. The tree or native vegetation is within five metres of the outermost projection of a lawfully used building (that is not exempt or complying development) and is on the same allotment as the building, or
 - iv. The tree or native vegetation is within one metre of a sealed driveway to a lawfully used building (that is not exempt or complying development) and is on the same allotment as the building, or
 - v. The tree or native vegetation is within five metres of the outermost projection of a lawfully used building (that is not exempt or complying development) on an adjoining allotment as the building and owners of both properties reach a written agreement before removal occurs.

Note: For the purposes of clause 3 the distance must be measured from the trunk of a tree or shrub measured at ground level to the outer most projection of the building.

Note: A sealed driveway is a driveway or car park with an impervious surface such as concrete, pavers, or bitumen. A gravel driveway is not classed as a sealed driveway.

Note: A lawfully used building does not include drainage, excavation, a garden shed or jetty, but does include an underground water storage structure or septic tank.

- 4. Development consent is not required for removal of a tree or native vegetation if Council is satisfied beforehand that the tree or native vegetation:
 - i. Is dead and is not required as habitat for native fauna or
 - ii. Is a risk to life or property.

Note: Evidence to support removal should be forwarded to Council in accordance with requirements outlined in Council's *Tree Preservation and Native Vegetation Management Guidelines*. Council's Tree Assessment Officer may undertake a site inspection to verify that these conditions are satisfied.

Note: Habitat required for native fauna includes native vegetation and trees (including dead or dying trees) support hollows, spouts, splits, nests and roosts.

- 5. Development consent is not required for removal of a tree or native vegetation if:
 - i. The tree or native vegetation is in danger of imminent failure and there is risk to life or property; and
 - ii. The tree is not listed on Council's Significant Tree Register or as Heritage Item or is located within a heritage conservation area, and
 - iii. Evidence to support its removal is forwarded to Council following the removal, in accordance with Council's *Tree Preservation and Native Vegetation Management Guidelines*.
- 6. Development consent is not required for removal of a NSW native tree if the tree is:
 - i. not listed on Council's Significant Tree Register or as Heritage Item or is located within a heritage conservation area, and
 - ii. not located within other native vegetation and,
 - iii. less than three metres in height and
 - iv. has a trunk diameter at ground level of less than 75mm.

7. An application for removal of tree(s) and native vegetation will be considered only where it is necessary for conducting an approved use of the land. An application for clearing alone will not be supported.
8. A report from a suitably qualified arborist must be submitted to support:
 - i. Any application that may have an impact on a tree listed in Council's Significant Tree Register, or on tree(s) or native vegetation listed as heritage items or located within a heritage conservation area;
 - ii. Any request to review Council's determination of an application for tree pruning or removal; or
 - iii. Any application that Council determines may cause significant impacts on native trees or native vegetation.
9. An arborist report must include a plan to scale that clearly shows:
 - i. The location of the proposed development;
 - ii. The location, diameter, canopy spread, condition and species of each tree on the site;
 - iii. All trees to be removed;
 - iv. All trees to be retained;
 - v. All trees with habitat hollows;
 - vi. Tree protection zones for all trees to be retained; and
 - vii. Any asset protection zones.
10. Habitat trees must be assessed by a suitably qualified flora and fauna specialist.
11. Measures must be implemented to protect native vegetation and trees to be retained during construction works. Such protection measures must be specified in the development application, and should be compiled in accordance with Council's *Tree Preservation and Native Vegetation Management Guidelines*.
12. Where habitat trees are removed, measures (such as nest boxes) must be implemented to mitigate against injury or loss of native fauna and habitat. Such measures must be specified in the development application.
13. Boundary fences must be located, designed and constructed to avoid removing or damaging native trees that have a diameter of 200mm or greater, measured at ground level.

Note: Refer to Council's *Tree Preservation and Native Vegetation Management Guidelines* for further details and the Significant Tree Register.

2.15 EUROPEAN HERITAGE

Objectives

- a. To protect and maintain European heritage items and their facades.
- b. To retain, preserve and promote the adaptive re-use of heritage-listed buildings and contributory buildings in particular, and other buildings that contribute to the heritage character of the locality.
- c. To appropriately manage demolition of items of heritage significance, when all other alternatives to demolition have been fully investigated.
- d. To ensure that development is sympathetic to heritage items and contributory buildings.

Controls

1. A Heritage Assessment and Statement of Heritage Impact must be submitted to Council where a proposed development:
 - i. incorporates, or is adjacent to an item of heritage significance;
 - ii. is located within a heritage conservation area, or,

- iii. has been identified by Council to have particular circumstances that warrant it.

Note: Council officers will use the following criteria to determine the need for Heritage Assessment and Statement of Heritage Impact is required under control 1(iii) above:

- The subject site includes a building erected prior to 1950 whether or not it is identified as being of a particular architectural style,
 - The development is considered in conflict with its heritage context , streetscape, or heritage precinct,
 - The subject site includes a potential heritage item.
2. The impact of development on an item of heritage significance must be minimised by:
 - i. Restricting the extent of development to that which is necessary;
 - ii. Conserving what is significant about the item;
 - iii. Clearly differentiating new development from the existing significant fabric;
 - iv. Ensuring that development is of a scale, form, mass, proportion and finish that is sympathetic with the heritage item; and
 - v. Ensuring that development is sufficiently separated from the heritage item, so as not to compromise the existing level of visibility.
 3. For development involving demolition of an item of heritage significance, a heritage assessment and Statement of Heritage Impact must be prepared and lodged. It must verify that all alternative options to demolition have been fully investigated, and demonstrate the replacement building's compatibility with the physical context. The Statement of Heritage Impact must include details of the:
 - i. Structural condition;
 - ii. Overall extent of the remaining fabric;
 - iii. Potential retention and adaptive reuse; and
 - iv. Comparative costings.
 4. Where demolition of the whole of a heritage item is proposed, approval must be sought concurrently for the replacement building.
 5. Alterations and additions to items of heritage significance must where possible:
 - i. Occur at the rear of the building;
 - ii. Maintain the established building line;
 - iii. Maintain an existing driveway access to the rear of the property;
 - iv. Incorporate or retain elements such as chimneys, windows and gables;
 - v. Maintain established patterns of buildings and garden; and
 - vi. Not overwhelm or dominate the existing building.
 6. Alterations and additions to items of heritage significance must be recognisable, on inspection, as new work. They must not mimic the design, materials or historic details of the heritage item.
 7. Garages, sheds, carports, external utilitarian structures and the like must be detached and located at the rear, or set back at least two metres behind the heritage item.

2.16 ABORIGINAL HERITAGE

Objectives:

- a. To protect and conserve Aboriginal cultural, spiritual, and sacred sites within the City.
- b. To ensure the impact of a proposed development on the heritage significance of an Aboriginal place or object is considered by adequate investigation and assessment.

Controls:

1. Where a development will disturb the ground surface and the natural ground surface has not been significantly disturbed, the development application must demonstrate that adequate due diligence has been undertaken. This includes (but is not limited to) submitting the following documentation in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. This includes submitting the following documentation:
 - i) A statement and results of a basic 200m Aboriginal Heritage Information Management System (AHIMS) search. Where a site is identified within 200m of the development site, a statement and results of a 50m AHIMS search must be included.
 - ii) Identify whether the development site is partially or wholly within the Sensitive Aboriginal Landscape map under the LMLEP2014 and whether the exemptions under the Excluded Development Criteria (Table 2) apply
 - iii) A statement indicating whether there are landscape features that indicate the potential presence of Aboriginal objects.

Note: landscape features include: foreshore areas, creek lines, rocky areas, wetlands, ridge tops, ridgelines, headlands, sand dunes, caves.

2. A Due Diligence Assessment must be prepared by a suitably qualified person to determine whether the proposed development is likely to harm Aboriginal objects and identify whether an Aboriginal Heritage Impact Permit is required where:
 - i) An AHIMS search has identified the likelihood of an Aboriginal item within 200m of the development site, and/or
 - ii) The site is identified on the Sensitive Aboriginal Landscape map and the Excluded Development Criteria do not apply.
3. The Due Diligence Assessment must include an assessment of the cultural significance of the place to the Aboriginal Community.

Note: Clause 5.10(8) – Heritage Conservation of the LMLEP 2014 and the Lake Macquarie Aboriginal Heritage Management Strategy requires assessments to be forwarded to the Local Aboriginal Land Council for comment for a 28 day period.

4. An Aboriginal Cultural Heritage Assessment Report should be prepared where:
 - i) A Due Diligence assessment has identified the potential for the site to contain an Aboriginal object or contains a place of significance, or
 - ii) The development will have an impact on a known Aboriginal object or place.

Table 2 - Excluded Development Criteria for Development in Sensitive Aboriginal Landscape Map

Excluded Development	Land on which excluded development may not be carried out
All development on sites having a combined/total area less than 800m ²	Within 200m of an AHIMS site Setback from DP High Water mark does not exceed 50m.
Exempt development under the SEPP (Exempt and Complying Development Codes) 2008 on sites having a total area greater than 800m² subject to: • 75% of combined/total site area already disturbed; or • Works do not exceed existing disturbed footprint; or • Site has previously been assessed for Aboriginal heritage such as subdivision applications post 1997 development consent.	

Note: The SEPP (Exempt and Complying Development Codes) 2008 does not apply to land within the Sensitive Aboriginal Landscape area. However, exempt development within this SEPP may not require further Aboriginal assessment if it fulfills the requirements of the Excluded Development Criteria Table.

- Where required, the Aboriginal Heritage Impact Statement must be prepared in accordance with the Lake Macquarie Aboriginal Heritage Management Strategy and the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, which includes consultation with the Aboriginal community.
- Where a proposal seeks to destroy, remove or impact on an Aboriginal object, any development should be Integrated Development and will also require a permit from the Office of Environment and Heritage.

2.17 NATURAL HERITAGE

Objectives

- To ensure the protection of items of natural heritage significance.
- To ensure that insect fossil beds and fossilised trees are maintained, along with features of scientific interest in their natural state.
- To facilitate public appreciation and scientific investigation of insect fossil beds and geological features of scientific interest, without destruction or damage.

Controls

- Where development is proposed on land within 50 metres of an item of natural heritage significance identified in the Lake Macquarie Local Environmental Plan 2014, a Heritage Impact Assessment must be prepared in accordance with the Natural Heritage Guidelines.
- The likely impact of development proposals on the insect fossil beds and geological features of scientific interest should be identified through a report by a palaeontologist or geologist, which establishes the significance of the site. Such a report should include management strategies before, during, and after construction.

3. The development should be designed to avoid natural heritage items.
4. Where it is not reasonable to avoid natural heritage items, the item must be protected and incorporated into the design. Reasonable access to the construction site and any excavated material should be provided to researchers and/or palaeontologists from the Australian Museum or other research institution.
5. Any natural heritage items extracted should be fully documented and catalogued prior to being forwarded to the Australian Museum. Documentation and cataloguing must be undertaken to museum standards.

2.18 SOCIAL IMPACT

Council has a statutory obligation under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* to consider the social impact of a proposal when assessing a specific development application.

Social Impact Assessment focuses on the human dimension of a locality. It seeks to address the question “what will be the impact of a project/development on people and facilities they use?” and to anticipate outcomes that may flow from a proposed development which are likely to affect people’s way of life, their culture and/or their community.

Social Impact Assessment is not a tool to stop development, but is to assist in the assessment of development proposals so that the best development results.

Objectives

- a. To ensure that development takes into consideration the likely social impacts that may arise because of the development.
- b. To ensure that development considers the availability of adequate services and facilities to support the community and its needs.
- c. To ensure that the full range of services and facilities are accessible to all members of the community.

Controls

1. A Social Impact Assessment (SIA) must be prepared in accordance with Council’s *Social Impact Assessment Guidelines*, and submitted with the development application in the following circumstances:
 - i. Where a major scale subdivision (creating more than 50 lots) is proposed, or
 - ii. For medium scale subdivision (creating between 20 and 50 lots) proposals where Council identifies that particular circumstances warrant it.

Note: Council officers will use the following criteria to determine if a SIA is required under control 1(ii) above:

The development is targeted at a particular socio-economic or demographic group, and

The development has, or is anticipated to generate, significant levels of community opposition.

2. Potential adverse impacts identified by a SIA must be mitigated through redesign, whilst positive impacts should be enhanced by the design or other actions.

Note: The scope, complexity and requirements of a SIA will be commensurate with the scale of the proposed development. Applicants are advised to consult with Council’s Social Planner regarding specific requirements. Where the development is proposed on land that has been the subject of rezoning in the previous two years and where a SIA was undertaken for that rezoning, the previous SIA can be submitted.

3 SUBDIVISION DESIGN

The following definitions are provided for words and phrases used in this section of LMDCP 2014:

standard lot means a lot that is generally rectangular in shape.

corner lot means a lot that has frontage to two or more intersecting roads.

battle axe lot means an allotment of land behind another with access to a public road via a narrow drive or access handle.

irregular lot means a lot that is not a standard lot.

small lot means a lot created under Clause 4.1A of the Lake Macquarie LEP 2014.

building area means the area of the site capable of supporting development. It does not include:

- (a) front, side and rear setbacks, or
- (b) the access handle of a battle-axe lot.

community association, community development lot, community parcel, community property and community scheme have the same meaning as they have in the Community Land Development Act 1989.

neighbourhood scheme has the same meaning as it has in the Community Land Development Act 1989.

3.1 LOT SIZES AND DIMENSIONS – RU2 RURAL LANDSCAPE ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots, including consideration of where bin collection from the property can occur.

Controls

- 1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
- 2. For any subdivision, the minimum area for the resulting lot(s) is 20 hectares.

3.2 LOT SIZES AND DIMENSIONS – RU3 FORESTRY ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that subdivision does not preclude the orderly development of land.
- b. To promote the efficient use of land.

Controls

- 1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
- 2. No other numerical standards.

3.3 LOT SIZES AND DIMENSIONS – RU4 PRIMARY PRODUCTION SMALL LOTS ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. Subdivision for the purpose of:
 - i. A standard lot, the minimum area of the resulting lot(s) is one hectare.
 - ii. Community title schemes, the minimum area for the resulting lot(s) is 1000m² and the maximum is 1500m²; and
 - o Lots must be clustered together, or otherwise established for the purpose of retaining a significant area of unbuilt open space, in order to preserve the natural quality of the land and the rural character of the area. All remaining land must be community property under the control of the community association;
 - o Lots must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and that the subdivision will preserve the natural and scenic quality of the land;
 - o To undertake a Community Title subdivision, the parent lot must be at least five hectares; and
 - o The maximum density of lots (excluding the community lot) is 1.6 lots per hectare.

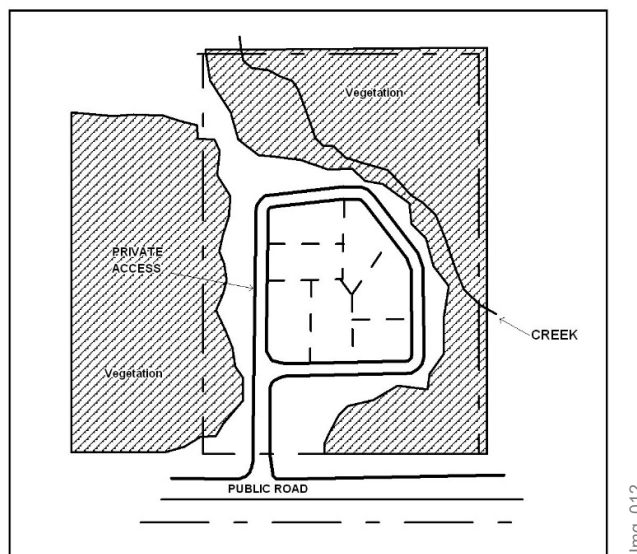


Figure 2 - Example of Community Title Subdivision

3.4 LOT SIZES AND DIMENSIONS – RU6 TRANSITION ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision does not preclude the orderly development of land.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. For any subdivision, the minimum area for the resulting lot(s) is 200 hectares.

3.5 LOT SIZES AND DIMENSIONS – R1 GENERAL RESIDENTIAL ZONE (NORTH WALLARAH)

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. Subdivision must comply with the North Wallarah Area Plan in Part 12 of this DCP.

3.6 LOT SIZES AND DIMENSIONS – R2 LOW DENSITY RESIDENTIAL ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision for the purpose of:
 - i. A standard lot, the minimum area of the resulting lot(s) is 450m² and the minimum width is 14 metres.
 - ii. A corner lot, the minimum area of the resulting lot(s) is 600m² and the minimum width is 18 metres.
 - iii. A battle-axe lot, the minimum area of the resulting lot(s) is 600m² and the minimum width is 18 metres. Additionally:

- a. A battle-axe lot must have a minimum rectangular building area of 250m² with a minimum width of 12 metres and
- b. The minimum width of the battle-axe access handle is four metres when servicing one lot, and five metres when servicing two lots. The maximum number of battle-axe lots sharing a single access handle is two.
- c. If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- iv. An irregular lot, the minimum area of the resulting lot(s) is 450m². Irregular shaped lots must have a minimum rectangular building area of 250m² with a minimum width of 12 metres and

Note: A small lot, that does not comply with this section, may be permissible under Clause 4.1A of the Lake Macquarie LEP 2014.

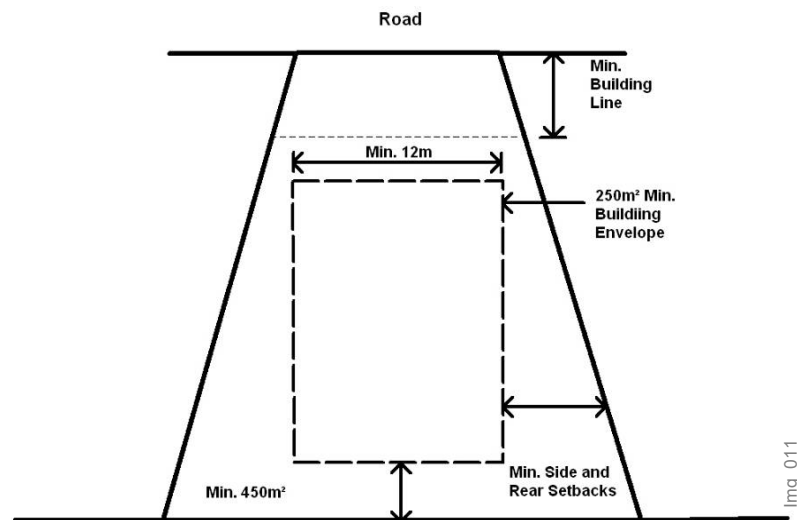


Figure 3 - Example of Irregular shaped lot

3.7 LOT SIZES AND DIMENSIONS – R3 MEDIUM DENSITY RESIDENTIAL ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.
- f. To ensure all lots created including any small lots retain high amenity, using multiple storeys if necessary to meet such requirements for landscaping and other amenity related conditions.

Controls

1. Subdivision for the purpose of
 - i. A standard lot, the minimum area of the resulting lot(s) is 900m² and the minimum width is 18 metres.

- ii. A corner lot, the minimum area of the resulting lot(s) is 1000m² and the minimum width is 20 metres.
- iii. A battle-axe lot:
 - a. The minimum area of the resulting lot(s) is 1250m² and the minimum width is 20 metres.
 - b. The minimum width of the battle-axe access handle is four metres when servicing one lot, and five metres when servicing two lots. The maximum number of battle-axe lots sharing a single access handle is two.
 - c. If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- iv. An irregular shaped lot, the minimum area of the resulting lot(s) is 1200m². Irregular shaped lots must have a minimum rectangular building area of 900m² with a minimum width of 23 metres.

3.8 GUIDANCE FOR CLAUSE 4.1A – EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZE

This section provides requirements for an application prepared in accordance with Clause 4.1A of Lake Macquarie LEP 2014 where an exception to the lot size maps in Lake Macquarie LEP 2014 is sought.

Objectives

- a. To ensure all residential lots created can achieve a high level of amenity for the subject lot and for neighbouring lots.
- b. To support a range of lot sizes that provides diversity of housing choice without adversely impacting residential amenity.

Controls

- 1. As referred to in 4.1A (3a), frontage to a road includes frontage to a public road and also a private road within a community title scheme, but does not include frontage via a privately owned battle axe handle. A privately owned battle-axe handle, will not be considered frontage to a road for the purposes of this clause.
- 2. An application submitted pursuant to Clause 4.1A (3) or 4.1A (4) of the Lake Macquarie LEP 2014 must include the following information, prepared consistently with the provisions contained in Part 9 – Specific Land Uses – Housing on Small and Narrow Lots and any other applicable provision of this DCP:
 - i. A character statement, that recognises the place the subject site is located, and demonstrates how the development will meet community expectations for appearance, use and density.
 - ii. A Site Analysis Plan.
 - iii. Subdivision Design Plans (see Figure 4 below for examples) showing:
 - the front, side and rear building setbacks, including articulation zones
 - lot widths and depths
 - the location of any zero lots lines
 - the locations for principal private open space, including an area that meets the solar access requirements of the DCP
 - the ground floor and second floor building zones
 - the locations for garages and driveways
 - where it is proposed to build dwellings to the boundary on both sides, consideration must be given to the construction sequencing and how this will be achieved

- utility and stormwater easements
- the location of any benching or retaining walls.
- iv. An indication of how the subdivision design and proposed building zones respond to site topography and landscape features.
- v. A development application for proposed dwellings for lots less than 200m² and
- vi. Any site specific development controls for the area.

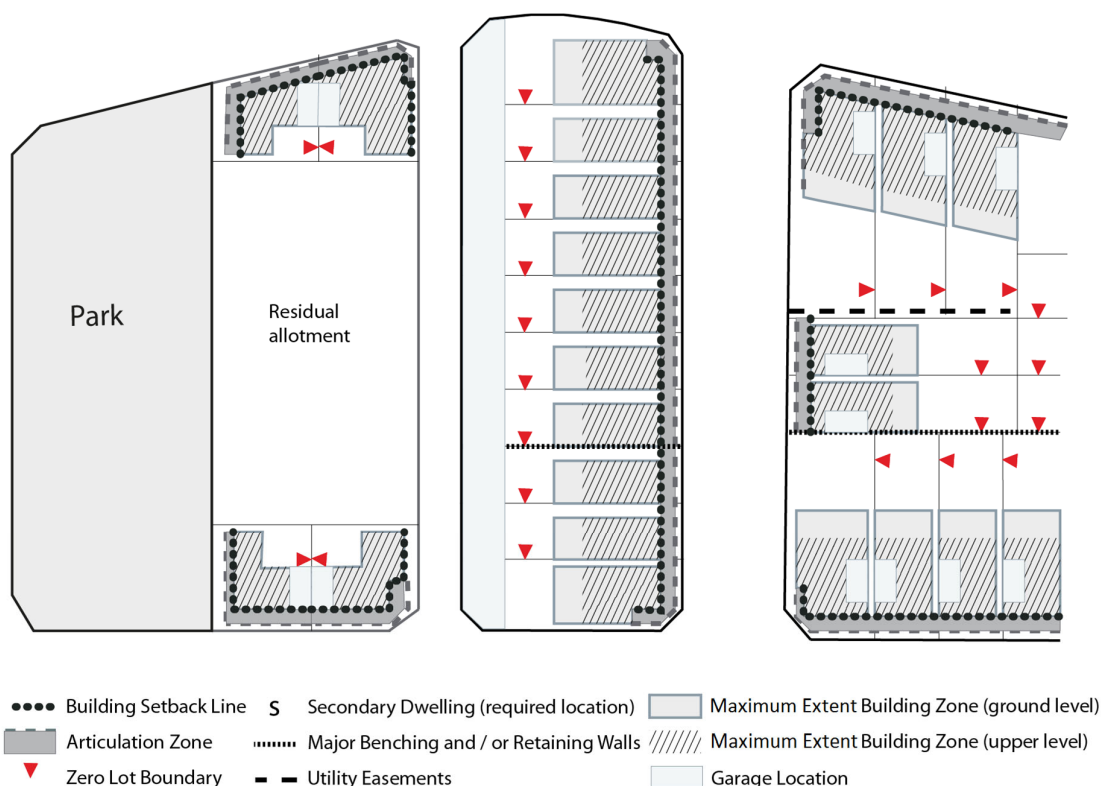


Figure 4 - Example of a Subdivision Design Plan

3.9 LOT SIZES AND DIMENSIONS – E1 LOCAL CENTRE, E2 COMMERCIAL CENTRE AND MU1 MIXED USE ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. No numerical standards apply.

3.10 LOT SIZES AND DIMENSIONS – E3 PRODUCTIVITY SUPPORT ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. For subdivision for the purpose of a standard lot or an irregular lot, the minimum area of the resulting lot(s) is 1500m² and the minimum width is 25 metres.
3. For subdivision for the purpose of a battle-axe lot, the minimum area of the resulting lot(s) is 1500m² and the minimum width is 25 metres. Additionally, the minimum width of the battle-axe access handle is nine metres. The maximum number of battle-axe lots sharing a single access handle is two.

3.11 LOT SIZES AND DIMENSIONS – E5 HEAVY INDUSTRIAL ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. For subdivision for the purpose of a standard lot or an irregular lot, the minimum area of the resulting lot(s) is 4000m² and the minimum width is 40 metres.
3. For subdivision for the purpose of a battle-axe lot, the minimum area of the resulting lot(s) is 4000m² and the minimum width is 40 metres. Additionally, the minimum width of the battle-axe access handle is 12 metres. The maximum number of battle-axe lots sharing a single access handle is two.

3.12 LOT SIZES AND DIMENSIONS – E4 GENERAL INDUSTRIAL ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To promote the efficient use of land.
- b. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- c. To facilitate subdivision which results in predominately rectangular shaped lots.
- d. To ensure that subdivision does not preclude the orderly development of land.
- e. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. For subdivision for the purpose of a standard lot or an irregular lot, the minimum area of the resulting lot(s) is 1500m² and the minimum width is 25 metres
3. For subdivision for the purpose of a battle-axe lot, the minimum area of the resulting lot(s) is 1500m² and the minimum width is 25 metres. Additionally, the minimum width of the battle-axe access handle is nine metres. The maximum number of battle-axe lots sharing a single access handle is two.

3.13 LOT SIZES AND DIMENSIONS – SP1 SPECIAL ACTIVITIES, SP2 SPECIAL INFRASTRUCTURE, AND SP3 TOURIST ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that subdivision does not preclude the orderly development of land.
- b. To promote the efficient use of land.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. No numerical standards apply.

3.14 LOT SIZES AND DIMENSIONS – RE1 PUBLIC RECREATION AND RE2 PRIVATE RECREATION ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that subdivision does not preclude the orderly development of land.
- b. To promote the efficient use of land.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. No numerical standards apply.

3.15 LOT SIZES AND DIMENSIONS – C1 NATIONAL PARK AND NATURE RESERVE ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that land zoned for environmental conservation continues to maintain its ecological function.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.

2. No numerical standards apply.

3.16 LOT SIZES AND DIMENSIONS – C2 ENVIRONMENTAL CONSERVATION ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that land zoned for environmental conservation continues to maintain its ecological function.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. The minimum area of the resulting lot(s) for all land within C2 Zone is 40 hectares.
3. The minimum area of the resulting lot(s) for land within South Wallarah Peninsula – being land east of the Pacific Highway, as shown on the Lot Size Map in Lake Macquarie LEP 2014 – is 100 hectares.

3.17 LOT SIZES AND DIMENSIONS – C3 ENVIRONMENTAL MANAGEMENT ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that land zoned for environmental management continues to maintain its ecological function.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. Subdivision for the purpose of:
 - i. A standard lot, the minimum area of the resulting lot(s) is 40 hectares. The resulting lot must have a minimum building area of 1600m² with a minimum width of 40 metres, and a slope less than 1:5; and
 - ii. A Community Title scheme, the minimum area for the resulting lot(s) is 1000m² and the maximum is 2500m². The maximum density (excluding community property) is one lot per 10 hectares. Additionally:
 - a. Lots must be clustered together, or otherwise established for the purpose of retaining a significant area of unbuilt open space in order to preserve, maintain and enhance the natural and scenic quality of the land. All remaining land must be community property under the control of the community association;
 - b. Lots must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and that the subdivision will preserve the natural and scenic quality of the land;
 - c. To qualify to subdivide using community title, the parent lot must be at least 40 hectares.

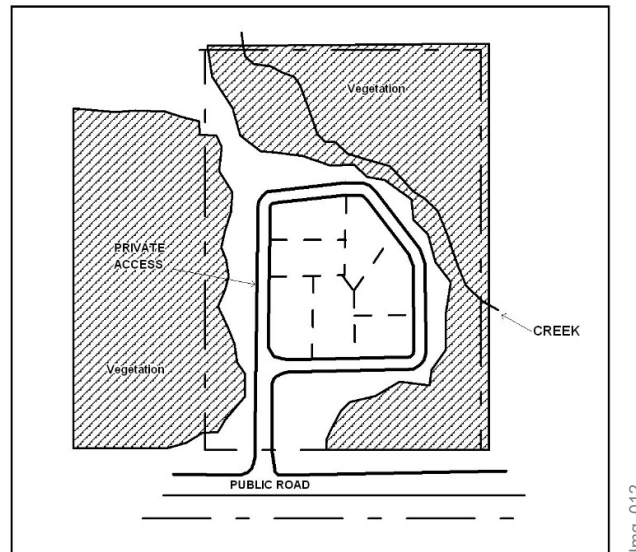


Figure 5 - Example of Community Title Subdivision

3.18 LOT SIZES AND DIMENSIONS – C4 ENVIRONMENTAL LIVING ZONE

The subdivision standards in this part do not apply to strata subdivision.

Objectives

- a. To ensure that land zoned for environmental living continues to maintain its ecological function.
- b. To promote the efficient use of land.
- c. To ensure that subdivision provides a variety of lot sizes that meet community and economic needs, while ensuring that ecological, social and cultural values are safeguarded.
- d. To facilitate subdivision which results in predominately rectangular shaped lots.
- e. To ensure that subdivision does not preclude the orderly development of land.
- f. To require adequate street frontages and dimensions for standard, battle-axe and irregular shaped lots.

Controls

1. Subdivision must comply with the lot size map in Lake Macquarie LEP 2014.
2. Subdivision for the purpose of:
 - i. A standard lot, the minimum area of the resulting lot(s) is two hectares. The resulting lot must have a minimum building area of 1600m² with a minimum width of 40 metres, and a slope less than 1:5.
 - ii. A Community Title scheme, the minimum area for the resulting lot(s) is 600m² and the maximum is 1200m². The maximum density (excluding community property) is one lot per hectare. Additionally:
 - a. Lots must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space in order to preserve, maintain and enhance the natural and scenic quality of the land. All remaining land must be community property under the control of the community association;
 - b. Lots must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and that the subdivision will preserve the natural and scenic quality of the land; and

- c. To qualify to subdivide using community title, the parent lot must be at least 10 hectares.

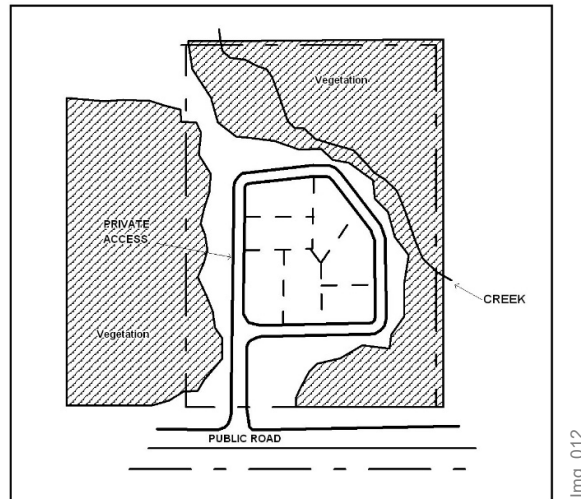


Figure 6 - Example of Community Title Subdivision

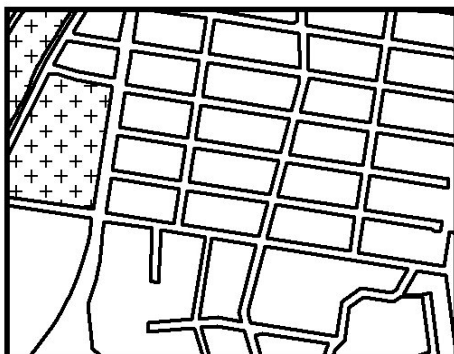
3.19 SUBDIVISION LAYOUT

Objectives

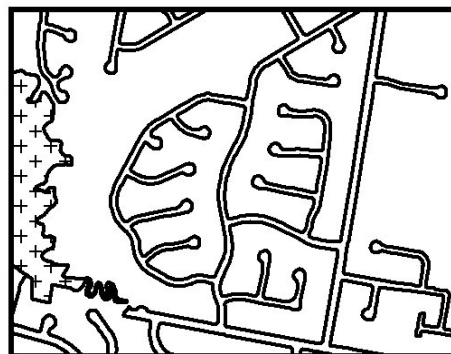
- a. To ensure the subdivision layout responds to site characteristics, setting, landmarks, views, site constraints and land capability.
- b. To ensure the street layout minimises cut and fill for road construction, and for future house construction.
- c. To ensure street and lot orientation and lot dimensions facilitate the siting and design of energy efficient buildings with good solar access.
- d. To ensure subdivision layout is designed to integrate with surrounding neighbourhoods and the natural environment.
- e. To ensure that development occurs in an ecologically sustainable manner, and is energy efficient in terms of design and layout, consumption and materials.
- f. To ensure waste management systems, including servicing, are an integral component of the development.
- g. To ensure layout and roads are designed with consideration to maximising sustainable waste collection by optimising waste collection routes and collection points.

Controls

1. A Site Analysis Plan, Structure Plan, Water Cycle Strategy and Subdivision Site Plan must be prepared and submitted with an application for subdivision. These plans must demonstrate how the subdivision responds to the site's characteristics and integrates with the surrounding settlement pattern.
2. Street layout should minimise cut and fill for road construction.
3. Road layout must reflect a grid pattern or modified grid pattern and avoid the use of cul-de-sacs. See Figure 7.



Good Example



Poor Example

Img_013

Figure 7 - Good and Poor example of grid road layout

4. Lots must be regular and rectangular in shape where possible, to maximise siting opportunities and lot yield.
5. Lots should be orientated and sized to allow good solar access for future developments. Lots fronting north-south orientated roads should be deeper, to maximise solar access opportunities for future development.
6. Narrow lots must avoid being oriented with the rear of the allotment to the south due to the lack of solar access at the rear of the house.
7. In residential subdivision and where topography allows, 80% of lots should achieve a 5 Star energy efficiency rating. Refer to Council's *Subdivision Guideline* for more information.
8. The subdivision pattern must be integrated with the surrounding neighbourhood in terms of lot size, orientation and road connectivity.
9. A perimeter road should be provided to separate development from bushfire areas, public open space and from ecological habitat and corridors.
10. All lots must have direct access to a road.
11. In residential subdivisions, access to individual lots must be gained predominately from local or collector roads. Refer to the hierarchy of streets in Figure8.
12. Splays of at least 4m x 4m must be provided on corner allotments. Small lots are located in proximity to public or communal open space and / or close to public transport and / or close to amenities such as community services and shops.
13. Lots with vehicle access from the front that are 12.5m wide or less must be located on streets, which facilitate on-street parking on both sides. These streets should consist of two travel and two parking lanes where possible.
14. Different housing types are spread throughout a subdivision in localised clusters rather than distinct precincts to help create a desirable streetscape and neighbourhood character.
15. To achieve a more sustainable design, street layouts (and in staged development, interim stage street layouts) should, as described in the *Lake Macquarie City Council Waste Management Guidelines*:
 - i. Minimise the need for waste collection vehicles to stop and collect bins in an uphill direction, and maximise collection stop points where a waste collection vehicle is traversing downhill;
 - ii. Minimise the waste collection vehicle having to traverse the street more than once (or once in each direction);
 - iii. Have collection routes with as few right hand turns across intersections as possible;

- iv. Minimise need for bin collection on heavily trafficked streets and turning off from heavily trafficked streets into properties to service bins;
- v. Minimise dead end streets, tight turning spaces, height-restricting overpasses, and any other situations requiring reversing, three-point turns and U-turns by waste collection vehicles;
- vi. Avoid the need to place bins for collection on the kerbside around a tight curve or cul-de-sac that would interfere with a waste collection vehicle swept path; and
- vii. In areas where safe waste collection space is limited, plan and design for waste collection vehicle pull-in bays and locate shared bin collection points there. However, these collection points should not be more than 75m from all waste storage areas that they service.

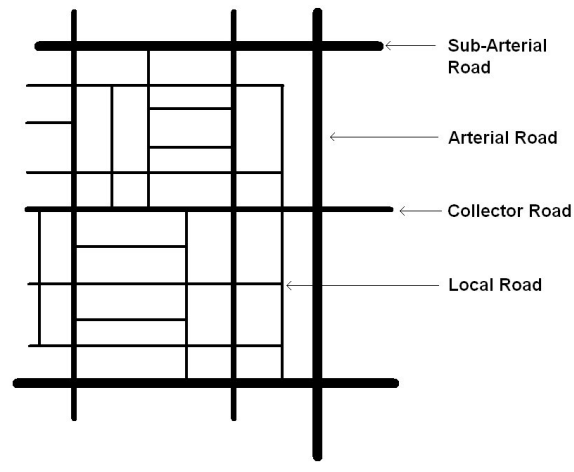
3.20 MOVEMENT SYSTEM

Objectives

- a. The movement system is safe, efficient and facilitates connectivity, permeability and legibility for all road users (motor vehicles, cyclists and pedestrians).
- b. The movement system is consistent with Council's Hierarchy of Streets (Figure 8).
- c. The movement system has a clear structure with a clear physical distinction between each road type.
- d. The movement system is designed to encourage non-motorised transport.

Controls

- 1. A Traffic Study must be prepared and lodged for medium and major scale subdivision applications, justifying the proposed road layout and addressing any other traffic implications. See Council's *Traffic Impact Statement and Vehicle Access Guideline* for more information.
- 2. For local and collector streets in residential subdivisions, street blocks must not exceed a maximum of 180 metres long and 90 metres wide. This will provide well connected and permeable neighbourhoods that encourage walking and cycling.
- 3. Commercial Street blocks must not exceed a maximum of 100 metres long and 70 metres wide, with rear lanes. Shorter lots dimensions must front the main or active road.
- 4. Cul-de-sacs or dead end streets should be avoided. Where residential dead ends streets are unavoidable, they must provide access to no more than 10 lots. The head of the cul-de-sac must be visible from the cross street (Figure 9). Cul-de-sacs must be designed to provide for on street parking, and movement of a medium-rigid vehicle. See figure 10 for the minimum dimensions for T-Head cul-de-sacs. If waste is to be collected within the cul-de-sac then the road must be designed for Council and contractors' waste collection vehicle fleet to be able to access the street, collect bins, turn and exit the street in a forward direction. Alternatively, a suitable waste collection point must be provided on the cross street, and be less than 75 metres from the furthest house in the cul-de-sac.
- 5. Road intersections must be appropriately spaced to allow for convenient and safe movement for all road users.



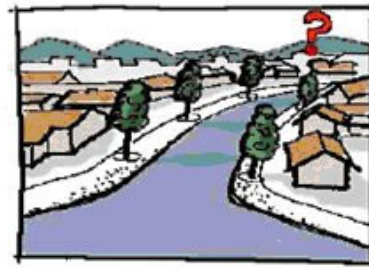
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Figure 8 - Hierarchy of Streets

Acceptable cul-de-sac design



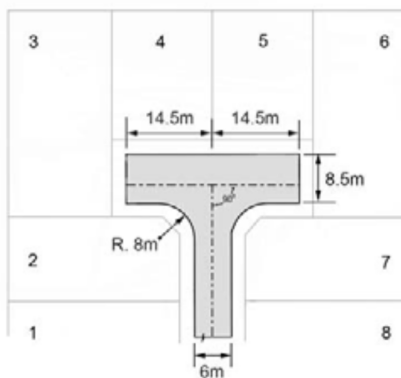
Undesirable cul-de-sac design



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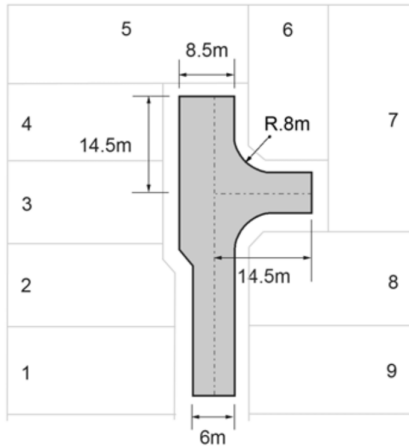
Figure 9 - Acceptable Cul-de-sac design

T-Head Cul-de-sac



R4 - 0015

*Reversible T-Head cul-de-sac
Dimensions*



R4 - 0014

Figure 10 - Minimum dimensions for T-Head and Reversible T-Head cul-de-sacs

3.21 ROAD DESIGN

Objectives

- The road network reflects the function of the road and the needs of all road users.
- Roads are designed for a variety of transport modes.
- Roads are designed and constructed to suit the intended use, and to minimise maintenance costs.

Controls

- Roads must be designed to meet the requirements of Table 3 - Road types and dimensions.
- When developing subdivisions that front existing roads, Council may require the construction of foot-paving, kerb and guttering, drainage and road-works. The extent of the required works will depend on the specific circumstances, the existing provision in the vicinity and the desired future development outcomes of the area. As a minimum, Council will require works in Business, Residential, Industrial, Tourism and Recreation and Infrastructure Zones where:
 - Subdivision will result in five or more lots; or
 - The lot frontage is greater than 100 metres; or
 - Existing drainage problems will benefit from kerbing and associated works; or
 - The development will adjoin existing footpath, kerbing or associated works; or
 - The development is in Environmental (Living) and Rural Zones, and where subdivision will result in additional lots.
- Roads must be constructed using sound engineering practices and to the relevant Australian Standards and Council's Volume 2 Engineering Guidelines.
- The location and design of arterial and sub-arterial roads must be determined in consultation with the Roads and Maritime Services (RMS) and Council.
- Where subdivision is in a bushfire prone area, roads must be constructed in accordance with NSW Planning for Bushfire Protection Guideline.
- Splays of at least four metres by four metres must be provided on all corner allotments.

Table 3 - Road types and dimensions

Street type	Maximum number of lots	Maximum traffic volume (vpd)	Preferred design speed ¹ (km/h)	Road Reserve width (m) ²	Carriage way width (m)	Footway verge width (m)	Footpath	Shared Pathway	Street trees	On-road cycling provision	Kerbing ³	Design considerations
Residential												
Access lane ⁴	N/A	2,000	10-30	8	6	1 & 1	No	No	No	No	Upright/flush	
Cul-de-sacs / Access Streets	Up to 10	2,000	30	15	8	3.5 & 3.5	No ⁵	No	Yes	No	Upright	
Local Street – Secondary	10 – 100	2,000	30	16	8	4.5 & 3.5	1 x 1.5m	No	Yes	No	Upright	
Local Street – Primary	100 – 200	3,000	40	17 18	9 9	4.5 & 3.5 4.5 & 4.5	1 x 1.5m 2 x 1.5m ⁶	No	Yes	No	Upright	
Collector	200+	≥3,000	50	24.6	14.6	4.5 & 5.5	1 x 1.5m	1 x 2.5 (min)	Yes	Yes—cycle lanes	Upright	Carriageway width based on 2 x 1.2 bicycle lanes plus 0.7m buffer x 2, 2 x 3.3 travel lanes, 2 x 2.1m parking lanes

¹ Design speed differs to sign-posted speed. Entry treatments including kerb extensions and continuous footpaths are preferred for local and access streets. Mid-block treatments such as mini-roundabouts, chicanes, slow points and wombat crossings are appropriate for streets blocks longer than 150m. Refer to Councils Walking, Cycling and Better Streets strategy and NSW Movement and Place design solutions.

² In bushfire prone areas, the carriageway and road reserves may be required to be widened, to comply with the requirements of Planning for Bushfire Protection

³ Where subdivision is designed using Water Sensitive Urban Design (WSUD), kerb and guttering may be replaced with table drains/roadside swales

⁴ Access lanes should be provided as part of residential rear access (to accommodate shared paths on collector streets) and commercial subdivision for access and servicing

⁵ Footpaths required on one side of the street within Principal Pedestrian Network R3 medium density zoned areas

⁶ Footpaths required on both sides of the road if located in the principal pedestrian network. Refer to the walking, cycling and better streets strategy and maps.

Street type	Maximum number of lots	Maximum traffic volume (vpd)	Preferred design speed ¹ (km/h)	Road Reserve width (m) ²	Carriage way width (m)	Footway verge width (m)	Footpath	Shared Pathway	Street trees	On-road cycling provision	Kerbing ³	Design considerations
Sub-Arterial	200+	≥3,000	≥60	24.8	14.8	4.5 & 5.5	1 x 1.5m	1 x 2.5 (min)	Yes	Yes – cycle lanes	Upright	
Other												
Commercial / Business area (excluding Business Park)	N/A	N/A	50	23.8 – 24.8	14.8 – 15.6	4.5 & 4.5	Yes – full width of verge both sides	No – see kerb separated cycle lanes	Yes	Yes – kerb separated main street ⁷	Upright	Carriageway width based on 2 x 3.3 travel lanes, 2 x 2.1m parking lanes, 1 x 4m two-way separated bicycle path OR 2 x 2.4m one-way separated bicycle paths
Industrial / Business Park	N/A	N/A	50	22	14	4.5 & 3.5	1 x 1.5m	Note ⁸	Yes	Yes – cycle lanes	Upright	
Non-Urban Living (Rural / Environmental Living)	N/A	N/A	90-110	19.5	6.5 with 2 x 1.5m shoulders	5	No	Note ⁹	Yes	Yes	WSUD	

⁷ Kerb separated bicycle lanes (bicycle path within a road related area) preferred treatment as defined by Austroads for town centres and neighbourhood centres, to reduce conflict between pedestrians, cyclists, mobility scooters and vehicle movements. Facilities may be restricted to 'through' routes only (to link two connections either end of a town centre).

⁸ Shared path may be required if Walking, Cycling and Better Streets Strategy identifies route (refer to digital cycle routes planning map).

⁹ Shared path may be required if Walking, Cycling and Better Streets Strategy identifies route (refer to digital cycle routes planning map).

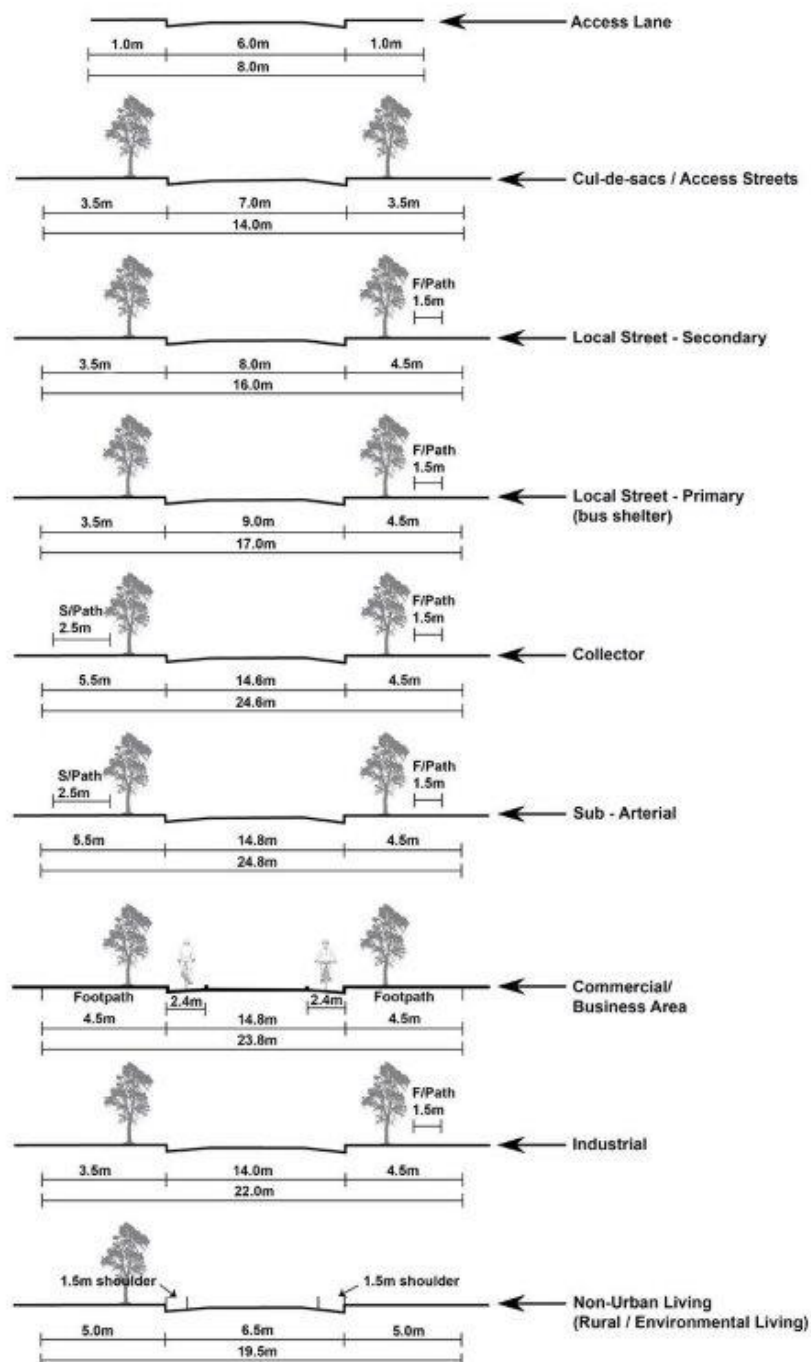


Figure 11 - Indicative road cross sections

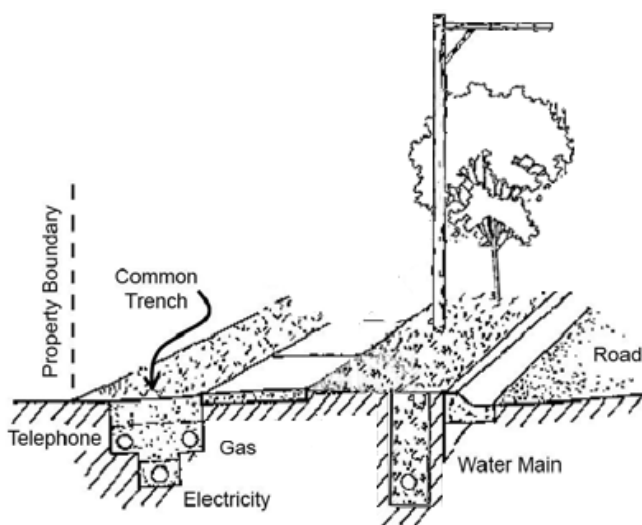


Figure 12 - 4.5 meter wide road verge with footpath

3.22 PEDESTRIAN AND CYCLE NETWORK

Objectives

- a. To ensure the provision of accessible, well located and designed pedestrian and shared pathways.
- b. To provide a highly accessible network of pedestrian and shared pathways that encourage walking and cycling to local destinations, including schools, shops, sporting and community facilities, parks, playgrounds, public transport stops/stations and employment areas.
- c. To ensure that the width and location of pedestrian and shared pathways are safe, and that they have adequate lighting, conserve trees and other vegetation. They must also have suitable grades that allow for passing at potential congestion points, and meet relevant Council and Australian Standards.

Controls

1. Pedestrian and shared pathways must be provided for all major scale subdivisions. The routes of the pedestrian and shared pathway network must be identified on the subdivision plan.
2. Pedestrian and shared pathways must be within the road network and/or as a component of the open space network. The location of pedestrian and shared pathways in a road reserve is determined by the road type, vehicle speeds and volumes. It is preferable that pedestrian and cycle paths are separated from the road.
3. Pedestrian and shared pathways must be provided in accordance with Table 3 – Road types and dimensions.
4. Pedestrian and shared pathways should provide a shorter route (in length) than the alternative car route to major centres, recreational areas and transport nodes.
5. Pedestrian and shared pathways must comply with the design and construction requirements detailed in *Volume 2 Engineering Guidelines* and *Austroads Part 14: Bicycle Standards*, along with other relevant Council and Australian Standards.
6. Where provided, pedestrian and shared pathway corridors between lots must be a minimum width of four metres, and comply with the following criteria:

- i. Are a straight route that allows a direct sight line for the length of the connection;
 - ii. Incorporate a street light at either end; and
 - iii. If the length exceeds 75 metres, low level intermediate lighting and appropriate landscaping is provided.
7. Pedestrian and shared pathways:
- i. Widths must meet Austroads' standards, but can be wider where required to reflect their expected usage. They must also take into account usage generated by the development and surrounding development – such as schools, sporting and community facilities, parks and Centres;
 - ii. Must be located and designed to complement and protect the natural attributes of riparian areas, native bushland areas, foreshore areas and surrounding environments;
 - iii. Must provide directional, hazard warning, tactile indicators and interpretive signage;
 - iv. Must provide facilities such as bike racks in accordance with relevant Australian Standards, seating, and drinking fountains at activity nodes within the open space network; and
 - v. Must include lighting in accordance with Australian Standards.

Note: Please refer to Council's Walking, Cycling and Better Streets Strategy for further information.

3.23 PUBLIC TRANSPORT

Objectives

- a. To maximise public transport usage.
- b. To encourage higher population densities within a walkable catchment of public transport routes, stops or stations. This will capitalise on the infrastructure investment, and support the economic operation of the public transport network.
- c. To ensure that the road network facilitates efficient bus routes and pedestrian access to bus stops and/or railway stations.

Controls

- 1. Higher lot densities should be provided within 200 metres of a public transport stop/station or interchange.
- 2. Public transport facilities such as bus shelters, seating and lighting must be provided for developments that incorporate a bus route, and/or where development is adjoining an existing or proposed bus route. All facilities must comply with the relevant Australian Standards and government guidelines.
- 3. Bus routes should be located on primary local streets, collector, sub-arterial and/or arterial roads.
- 4. Road networks must be a grid pattern and designed to maximise connectivity from local roads to the bus route. Ninety percent of proposed residential lots should be within a 400-metre walk to the preferred public transport route.
- 5. Subdivision applications must provide evidence of discussions with local bus service providers regarding potential location of bus routes, and the requirements for bus shelters/stops.

3.24 UTILITIES INFRASTRUCTURE

Objectives

- a. The distribution and design of land uses minimise capital and maintenance cost of infrastructure and promotes the efficient use of infrastructure.
- b. The location of utility infrastructure minimises visual impact.

Controls

1. All lots must have access to reticulated water and sewer, electricity, telecommunications and where available gas. Where an equal or superior service can be provided using alternative technology and this service meets all the requirements of the relevant service provider, this alternative may be considered.
2. Common underground trenching for electricity, gas and telecommunications must be provided wherever a new road is constructed. The common trench should be located adjacent to the lot boundary. Refer to Figure 13 – Example of common underground utility trench.
3. Water mains must be located in the road verge adjacent to the carriageway, and to Hunter Water's specifications.

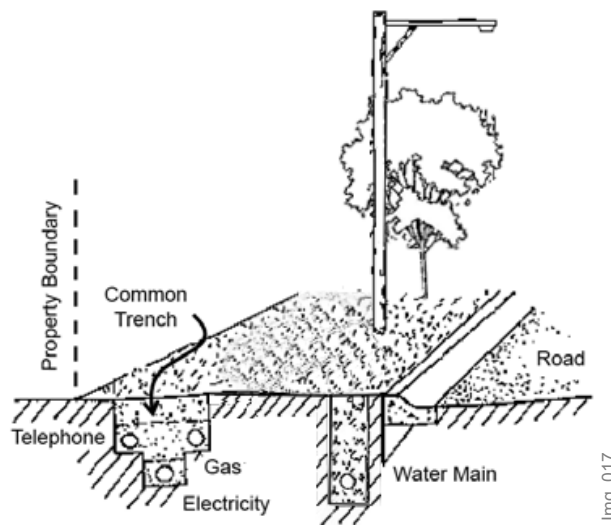


Figure 13 - Example of location of common underground utility trench.

3.25 OPEN SPACE AND RECREATION

The requirement for open space is typically required for residential subdivision. However, the open space and recreational requirements of subdivision in all zones will be considered during the assessment of any application for subdivision.

Objectives

- a. To provide a highly accessible mix of local and district public open space areas and community facilities.
- b. To ensure that public open space of appropriate quantity and quality is provided to meet the recreational and social needs of the community.
- c. To provide for well distributed and highly accessible open spaces and recreation facilities that:
 - i. Provide the community with a range of passive and active recreational opportunities;

- ii. Are of a manageable size for cost effective maintenance;
- iii. Are designed so as to contribute to water cycle management, without hindering their core purpose; and
- iv. Complement the broader open space network within the City.

Controls

1. Open space locations and networks must be shown on the subdivision structure plan.
2. The number, size and location of open space and local parks must be consistent with Council's requirements, and the relevant Section 7.11 Contributions Plan.
3. Open space and recreation facilities should be located so that 90% of residential lots are within 800 metres of a local park.
4. Subdivision layout must provide a direct access from all lots to regional and district level open space and recreation facilities.

3.26 SAFETY AND SECURITY

Objectives

- a. To assist the development in mitigating opportunities for criminal activity, behaviour, and perceived opportunities for crime.
- b. To ensure a development contributes to the liveability, safety and security of its users.

Controls

1. Developments must ensure that the following Crime Prevention Through Environmental Design (CPTED) principles have informed the design of the proposed development:
 - i. Surveillance – Developments must be designed and managed to maximise the potential for passive surveillance;
 - ii. Access Control – Developments must be designed so as to make them legible for users without losing the capacity for variety and interest;
 - iii. Territorial Reinforcement – Developments must be designed to define clearly legitimate boundaries between private, semi private and public space; and
 - iv. Space Management – Developments must be designed and detailed to minimise damage and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building

Note: Refer to Council's [Crime Prevention through Environmental Design Guideline](#) for further information.

2. A Crime Risk Assessment must be prepared and submitted to Council for major scale subdivision applications (more than 50 lots). The Crime Risk Assessment should be prepared by a person who has undertaken the NSW Police Service 'Safer by Design' course (or equivalent) and must:
 - i. Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible;
 - ii. Provide information as to how the design was informed by the CPTED principles; and
 - iii. Inform the design, construction or future management practises of the development (eg: building materials, signage, lighting, landscaping, security patrols, maintenance and graffiti removal practices)
3. Any recommendations or shortfalls identified by a Crime Risk Assessment are to be implemented into the design of the development to the satisfaction of the assessing officer.

Note: Refer to Council's *Crime Prevention Through Environmental Design Guideline* for further information on what needs to be covered in a Crime Risk Assessment.

3.27 SITE BENCHING

Objectives

- a. To ensure that subdivision design and layout responds to the site's characteristics.
- b. To maintain site stability.
- c. To allow site benching of suitable land at subdivision stage.
- d. To ensure that cut and fill does not significantly alter the flow of water or exacerbate flooding.

Controls

1. Fill is not permitted within core riparian zones, within the Lakefront Development Area or the Foreshore Development Area, or within the extent of the 100 year probable ARI (1% AEP) flood event.
2. Cut and fill associated with subdivision development must be minimised.
3. Trees and other native vegetation must be retained on site where possible. Justification is required for removal of trees and other native vegetation.
4. Any fill used must be virgin Excavated Natural Materials, certified Excavated Natural Material or be uncontaminated engineered fill.
5. Benching of allotment for residential subdivision is permitted at the subdivision stage if:
 - i. The side-to-side crossfall on the resulting benched lots does not exceed 5%.
 - ii. The height of retaining walls should generally be limited to 1 metre, and must not exceed 1.5 metres at any one point.
 - iii. All retaining wall designs include a sub-soil drainage system;
 - iv. Retaining walls must be located entirely on the lot being retained, including all necessary sub-soil drainage;
 - v. Retaining walls are designed to accommodate the future dwellings, or a restriction is placed on the lots to ensure that buildings are not built within the zone of influence of the retaining wall;
 - vi. Retaining walls are constructed of decorative masonry or similar high quality materials;
 - vii. Retaining walls incorporate provision for future fencing.

Note: Benching is excavation and / or filling of the natural slope of land to create flat building sites. The earthworks are held in place by a retaining wall.

Note: Section 4.14 of Part 3 – Development within Residential Zones of LMDCP 2014 contains controls for cut and fill that apply in addition to those provided above. Where retaining walls are proposed at the development application stage for an individual lot or detached dual occupancy with two lot subdivision, only the provisions under Section 4.14 of Part 3 of the DCP apply and the retaining wall must be offset 1m from the allotment boundary and located within the low side lot.

3.28 STREET TREES AND STREETScape IMPROVEMENTS

Objectives

- a. To provide high amenity neighbourhoods that enhance the desirable features of the surrounding area.
- b. To provide neighbourhoods with a distinctive character.
- c. To ensure that street trees and adequate street lighting are provided at the subdivision stage.
- d. To integrate the location of street trees, street lighting, and utility services.

Controls

1. For new residential streets, street trees must be supplied and installed at a minimum rate of one tree every lot (two per corner lot). For new industrial subdivisions, street trees must be supplied and installed at a rate of at least one tree every 20 metres. For new business subdivisions, street trees must be supplied and installed at a rate of at least one tree every 10 metres.
2. Street trees must be located in the road verge where practical. Street trees in the carriageway or median strip are permitted where there is inadequate space in the verge, or where other constraints exist that preclude plantings in the road verge.
3. Street tree location and species must not cause obstruction of the carriageway, vehicle sight distances at intersections. They must not obstruct the efficient movement of vehicles such as garbage trucks.
4. All street tree species must have at least three metres clearance from ground level to the lowest branch when mature.
5. In residential subdivisions, street tree species must be selected to provide summer shading while not impeding solar access in winter.
6. All trees installed must be advanced stock and at least 75L container size.
7. The tree supplier or landscape contractor must provide evidence that all trees generally comply with NATSPEC Guide to Specifying Trees - Assessment of Tree Quality.
8. All trees installed must be established and maintained for a minimum period of 24 months. Any failed trees must be replaced immediately.
9. Street lights must be provided for roads and intersections. Pedestrian crossings and traffic calming devices must also be provided, in accordance with relevant Australian Standards.
10. Appropriate landscape documentation must be prepared and submitted in accordance with Table 4 – Landscape Development Type and Requirements.
11. Landscape documentation must be prepared by appropriately qualified professionals. For Category 3 development, landscape documentation must be prepared by a qualified landscape architect. For Category 2 development, landscape documentation must be prepared by a landscape architect, landscape designer or horticulturist.
12. The landscape consultant's declaration must be signed and submitted with the relevant landscape documentation.

Note: Refer to Council's *Landscape Design Guidelines* for further details and requirements.

Table 4 - Landscape Development Type and Category

Development Type and Category	Landscape Documentation	
	Landscape Concept Plan at DA stage	Landscape Masterplan and Landscape Report at DA stage
Category 3: Large Scale - subdivision for 50 or more residential lots, or - subdivision for 10 or more industrial or commercial lots.	Yes	Yes
Category 2: Medium Scale - subdivision for less than 50 residential lots, or - subdivision for less than 10 industrial or commercial lots	No	Yes

3.29 COMMUNITY TITLE SUBDIVISION

Objectives

- To encourage subdivision which achieves better social, environmental and economic outcomes that would not otherwise be achieved by conventional subdivision.
- To provide appropriate access, amenity and siting for all development lots.
- To ensure that separate private and communal open areas are provided.

Controls

- Lot sizes and dimensions must be in accordance with clauses 3.1 to 3.18 of this part of LMDCP 2014.
- A development site must be identified for each lot. The development site must be an appropriate size and shape to encompass the dwelling and all ancillary uses and structures.
- Internal access ways and driveways must be designed to clearly indicate their function. They must provide acceptable levels of access, safety, amenity and convenience for users, as well as catering for vehicle parking. Internal access is designed in accordance with Table 5.

Table 5 - Internal Access Ways for Community Title Development

	Type 1	Type 2	Type 3
Maximum design speed	40km/h	30km/h	20km/h
Minimum carriage width	6m	5.5m low speed entrance treatment	5m
Minimum total access way reserve	10m	8m	8m
Minimum shoulder width	1.5m	1m	1m
Nature strip width	1.5m	No	No
Cul-de-sac design for service vehicle	3 point turn	3 point turn	3 point turn
Kerb and gutter	Yes In Business and Residential zones only	Yes In Business and Residential zones only	Yes
Footpath	Yes	Yes	No

Note:

Type 1 – Minor loop road not exceeding 200 metres in length.

Type 2 – Minor loop for vehicular and pedestrian use not exceeding 100 metres in length.

Type 3 – Road for vehicular and pedestrian use not exceeding 50 metres in length

Community Title Subdivisions that have Private roads that exceed the “Type 1” requirements must be designed to meet the standards shown in Table 3 for Public Road standards

4. Ingress/egress to individual lots is not from a public road.
5. Communal open space areas must be distinguished from private open space. Communal open space areas must be designed to meet user needs, and determined by:
 - i. Overall housing density;
 - ii. Their design to ensure non-discriminatory access and use; and
 - iii. The quality and extent of alternative, nearby public open space.
6. The application for community title subdivision development must include a Schedule of Unit Entitlements, a Management Statement, and may also require a Development Contract.

3.30 SUBDIVISION IN RURAL AND CONSERVATION ZONES

The controls in this section are in addition to the controls elsewhere in this part of DCP 2014.

Objectives

- a. To ensure that subdivision in the rural and conservation protection zones protects the natural environment, including water catchments.
- b. To ensure that subdivision protects the character of the location, and does not adversely impact on the agricultural productivity of rural zoned land.
- c. To ensure the adequate servicing and suitable siting of development.

Controls

1. For each proposed lot, a ‘development area’ must be nominated that:
 - i. Contains the dwelling and all ancillary buildings, structures and APZs, and where required, on-site sewage treatment;
 - ii. Is not subject to flooding, landslip, land instability or other unreasonable risks or hazards;
 - iii. Minimises the need for earthworks and vegetation clearing; and

- iv. Onsite sewage treatment is suitably located, if no access to reticulated sewer is available.
- 2. An access corridor to the development site must be identified which:
 - i. Is at a grade that is less than 20%, and minimises the need for earthworks;
 - ii. Is designed and located to minimise clearing of vegetation, and does not adversely impact on views from areas external to the site; and
 - iii. In bushfire prone areas, the access complies with the requirements of the NSW Rural Fire Service's document Planning for Bushfire Protection.
- 3. Utility Services to the site should be located along the access corridor, and not require additional clearing.
- 4. An adequate level and type of utility service must be provided and identified on the Subdivision Plan, with details of how those services will be provided to each lot.
- 5. Adequate buffers should be provided between incompatible land uses.

3.31 SUBDIVISION FOR BIODIVERSITY CONSERVATION

Objectives:

- a. To facilitate the subdivision of land for the purposes of biodiversity conservation.

Controls:

- 1 Subdivision of land below the minimum lot size for the purposes of biodiversity conservation must:
 - i. not create the opportunity for an additional dwelling or structure ;
 - ii. not result in the clearing of any additional native vegetation other than native vegetation required to be removed for the long term protection conservation and management of the lot (e.g. perimeter fencing);
 - iii. Ensure that the land is managed in accordance with a plan of management (and/or a management plan) and with sufficient resourcing available to implement the plan of management (and/or management plan);
 - iv. Ensure that arrangements for managing the land are secured in-perpetuity under a legally binding conservation mechanism.

Note: Legally binding conservation mechanisms include biobanking, biocertification, Native Conservation Trust agreements and planning agreements

4 SUBDIVISION CONSTRUCTION

4.1 EROSION AND SEDIMENT CONTROL

Objectives

- a. To ensure that development is designed to avoid and reduce erosion by minimising disturbance, retaining vegetation and reducing the need for earthworks.
- b. To prevent erosion and sediment laden run-off during site preparation, construction and the ongoing use of land.
- c. To ensure that integrated solutions are implemented for the control and treatment of erosion and sediment, using a treatment train approach.

Controls

1. For proposals where the area of soil disturbance is less than 250m², appropriate erosion and sediment control measures must be installed and maintained, in order to prevent pollutants from entering water courses during construction and until 70% ground cover is attained.
2. For proposals where the area of soil disturbance is more than 250m² but less than 2500m², an Erosion Sediment Control Plan (ESCP) must be prepared and lodged, in accordance with the requirements in Council's Erosion and Sediment Control Guideline.
3. For proposals where the area of soil disturbance is more than 2500m², a Soil and Water Management Plan, identifying erosion prevention and sediment control measures must be prepared and lodged, in accordance with Council's Erosion and Sediment Control Guideline.
4. The maximum area of bare earth exposure at any one time should be restricted to 2.5 hectares.

Note: Council may vary the requirements, especially where there is a higher or lower risk of polluting receiving waters. Further information may be required for any site depending on, but not limited to, the calculated soil loss, sediment type and an assessment of site constraints and opportunities.

4.2 AIR QUALITY

Objectives

- a. To ensure that development does not adversely affect air quality beyond the National Environment Protection Measure (Ambient Air Quality) standard for criteria air pollutants.
- b. To ensure that measures are implemented to maintain air quality.
- c. To ensure that odours and emissions do not have an unreasonable impact on the amenity of neighbouring properties, or the health of their occupants
- d. To ensure that odours and emissions do not have an unreasonable impact on public health.
- e. To ensure that emissions do not have an unreasonable impact on natural environment.

Controls

1. An air quality report must be prepared by an air quality/odour expert where a proposed development has the potential to adversely affect air quality. This report must:
 - i. Consider the information provided on Council's Local Air Quality Maps;
 - ii. Address impacts caused by construction and ongoing operation or occupation of the development;
 - iii. Identify emissions, and measures to mitigate the overall impact, and the impact on nearby residences and occupants of other properties especially sensitive receivers; and
 - iv. Be prepared in accordance with the Approved Methods for the Modelling and Assessment of air pollutants in New South Wales and other requirements prescribed in State and Federal legislation.

Note: Council's air quality map is based on modelling air pollution in the local government area and identifies areas where the Criteria Air Pollutants exceed the National Environment Protection Measure (Ambient Air Quality) standard.

4.3 NOISE AND VIBRATION

Objectives

- a. To minimise the generation of noise and/or vibration and to mitigate associated adverse impacts on the amenity of neighbouring properties, their occupants and occupants of the proposed development.

Controls

1. Where proposed development has the potential to produce an adverse noise or vibration impact on occupants of the site or nearby properties, an acoustic and vibration study must be prepared by a qualified consultant and submitted to Council.
2. Any noise or vibration generated by development must not exceed the criteria stipulated in the NSW Industrial Noise Policy or the Noise Guide for Local Government at the property boundary of the noise source, or at a receiving lot boundary.
3. Measures must be implemented to ensure that any noise or vibration generated is not offensive, in accordance with the Noise Guide for Local Government.
4. During construction, the operating noise level of machinery, plant and equipment must comply with the Noise Guide for Local Government.
5. Any noise generating operations and outdoor operations must only occur between 7am and 6pm Monday to Saturday.
6. A suitably qualified acoustics consultant must prepare a Noise Management Plan if construction is proposed to exceed 26 weeks.
7. Council may request at any stage an independent report to confirm that any noise emissions are within acceptable limits; such costs are to be borne by the applicant.
8. Where construction vibration has the potential to damage nearby existing buildings, a dilapidation survey of the buildings must be undertaken before and after the construction works.

4.4 DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

Objectives

- a. To reduce demolition waste by maximising beneficial reuse of infrastructure, buildings and materials onsite.
- b. To avoid creating construction waste wherever possible.
- c. To enable maximum diversion of demolition and construction waste to reuse, recycling or composting.
- d. To ensure that waste management is planned across all demolition and construction stages so that reusable resources and waste can be appropriately and effectively stored and removed safely from site without adverse impacts on local amenity.

Controls

1. For all demolition works, a Demolition Waste Management Plan (WMP) must be prepared and submitted. For all construction works, a Construction WMP must be prepared and submitted. Both plans must be prepared in accordance with Lake Macquarie City Council Waste Management Guidelines, must describe how the proposal avoids creating waste, and how they maximises the reuse and recycling of demolition and construction materials.
2. Waste should be contained within the construction site in a suitably screened area of at least 3.5m² and 1.2 metres high for removal during, or at the completion of, the construction stage. All

demolition and construction stage waste storage areas must be shown on a demolition and construction waste site plan.

3. No waste should be left onsite unless it:
 - i. can genuinely be reused onsite, in which case the materials to be reused must be included in the design;
 - ii. will be used as replacement or spare parts for future maintenance; or
 - iii. can be reused on another authorised part of the property.
4. In order to manage noise levels, collection of waste from the demolition and construction site must only occur during hours approved for construction and demolition work.
5. For staged constructions, a waste management plan must be prepared showing:
 - i. the waste storage locations relating to construction sequencing of the dwellings; and
 - ii. the waste collection locations relating to each construction and occupation stage for both occupants' wastes and separately collected construction wastes, including evidence that waste collection vehicle access and turning space is available at every stage and will not be compromised by parking or unloading of construction-related vehicles or other consequences of construction staging.



Lake Macquarie Development Control Plan 2014

Part 9 – Specific Land Use

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6. Dual Occupancy
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1 ATTACHED DWELLINGS

This section of the DCP only provides Council's specific requirements for Attached Dwelling development. Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

Groups of structurally independent dwellings built to both boundaries (abutting dwellings) are similar to attached dwellings as defined under the LMLEP 2014, but are not attached by a common wall. Abutting dwellings are considered to be a dwelling house under the LMLEP 2014 definitions, but the controls provided in this part of the LMDCP 2014 are applicable because of the similar built form.

1.1 SITE REQUIREMENTS

Objectives

- a. To ensure that Attached Dwelling developments are located on sites with sufficient size and street frontage to accommodate the required building envelope, car parking, landscaping, and private open space.

Controls

1. The development site must have direct frontage to a public road.

1.2 SITE COVERAGE

Objectives

- a. To ensure development maximises permeable surfaces and maintains a balance between built, and unbuilt areas.
- b. To facilitate on-site stormwater infiltration and harvesting for re-use.
- c. To incorporate suitable measures to minimise run-off directly accessing the Lake or its waterways.

Controls

1. The maximum site coverage for Attached Dwellings, including ancillary development, must not exceed 75%.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

1.3 LANDSCAPED AREA

Objectives

- a. To enable landscape planting in front setback areas that enhances the streetscape.
- b. To enable landscape planting in side and rear setback areas that enhances residential amenity.
- c. To conserve significant vegetation, topographical features, and fauna habitat.
- d. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.

Controls

1. The minimum landscaped area must be 10% of the total lot area. The landscaped area must have a minimum width of 1.5 metres to be included in the landscaped area calculations.
2. Landscaping should be used to define the entrances to individual dwellings.

Note: The landscaped area should be spread across the front, side and rear setbacks. The definition of landscaped area can be found in Part 13 – Dictionary.

1.4 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure that Attached Dwelling developments provide sufficient outdoor areas for residents' needs

Controls

1. A Principal Private Open Space with a minimum area of 16m² and a minimum width of four metres must be provided for each dwelling
2. Private open space must be:
 - i. free of any storage areas, retaining walls, fencing, supports, tanks, structures or landscape planting, and
 - ii. have a minimum dimension of 3 metres, and
 - iii. have a grade less than 1:50.
3. Principal Private Open Space may be split across a maximum of two separate locations, provided each has a minimum area of 9 m².
4. Principal Private Open Space must be directly accessible from a habitable room, with at least one area adjoining a living space.

1.5 TREE PLANTING

Objectives

- a. To allow for the planting and healthy growth of large canopy trees to enhance amenity and mitigate urban heat.

Controls

1. Development must include installation and maintenance of at least one advanced clear-trunked broad-canopy tree per lot.
2. The root volume for each tree in the front setback area must be a minimum of 8m³ and between 600 and 750mm deep.
3. Each area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.
4. All trees installed must be advanced stock and be in at least a 45L container size.
5. Understorey planting must comprise low growing species less than 900mm in height.
6. A minimum offset of 1.5m from the trunk to services such as stormwater and sewer is required.

Note: The proposed location of the tree and services such as stormwater and sewer is required to be shown on the site plan /site analysis. Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

1.6 SERVICES

Objectives

- a. To ensure that Attached Dwelling developments provide adequate services to cater for residents' needs, which are unobtrusive and integrated into a development.

Controls

1. Where any part of the Attached Dwelling development is located 120 metres or more from an existing street fire hydrant, a fire hydrant should be provided.

2. Air-conditioning plants should be located towards the centre of the site and be acoustically insulated.

1.7 DRIVEWAY DESIGN

Objectives

- a. To ensure vehicular access has minimal impacts on neighbouring dwellings.
- b. To ensure that vehicular access points and parking is safe and convenient for residents, visitors, and service providers.

Controls

1. All dwellings within an Attached Dwelling development must have direct access to a road frontage.

1.8 ACCESSIBILITY OF DWELLINGS

Objectives

- a. To ensure that developments incorporate housing that is accessible to all members of the community.

Controls

1. For proposals for more than 10 dwellings, one dwelling in every 10 should be provided as an adaptable dwelling.
2. Adaptable dwellings must have a car park linked to the dwelling by an unobstructed path of travel, at a suitable gradient for wheelchair access.
3. Adaptable dwellings must have entries, doors and passageways that are of suitable dimensions to facilitate wheelchair access.
4. Each dwelling should have an individual entrance at ground level, which is direct to a public road.

1.9 SIDE SETBACKS

Objectives

- a. To ensure that attached housing is provided in a coordinated manner.
- b. To ensure a reasonable level of privacy, solar access and natural ventilation.

Controls

1. The composition of groups of attached and abutting dwelling lots must be designed to accommodate side setbacks to the end dwellings in each group, as shown in Figure 1 below.

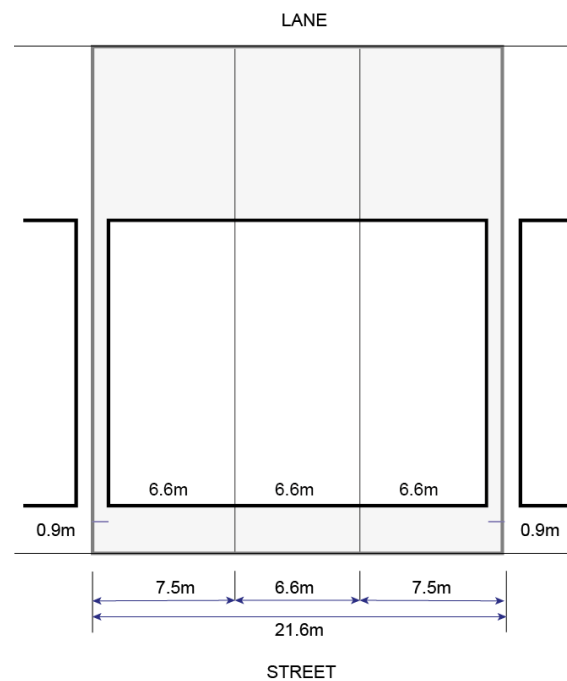


Figure 1 - Side setbacks for 'sets' of attached or abutting terraces

1.10 SOLAR ACCESS

Objectives

- a. To ensure that reasonable access to sunlight is maintained for occupants of new and existing dwellings.
- b. To optimise solar access to habitable living areas.

Controls

1. Attached and abutting dwellings must be located with the rear of the allotment to the north or to the east in order to meet solar access requirements set out elsewhere in this DCP.

1.11 CONSTRUCTION REQUIREMENTS

Objectives

- a. To ensure that attached housing is provided in a coordinated manner.

Controls

1. Consideration must be given to the construction sequencing of groups of abutting dwellings.

1.12 OPERATIONAL WASTE MANAGEMENT

Objectives

- b. To ensure that waste bins can be safely and conveniently moved between storage location(s) and collection point(s).
- c. To ensure that occupants have reasonable access to the waste storage area.
- d. To ensure that the location of bin storage and collection points do not obstruct access.
- e. To ensure that bulk waste such as furniture and whitegoods can be effectively managed.
- f. To ensure any bin storage area enclosures are an integral part of the built form and landscape character.

Controls

5. Waste management for Attached Dwellings must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
 - i. Waste Storage area(s)
 - a) The development must ensure there is a common property shared waste storage area that is accessible to both dwellings to share a set of 240 litre bins, or another accessible common property shared waste storage area shared with other nearby dwellings or a minimum space for waste bin storage of three 240 litre bins (and access space) allocated per dwelling.
 - b) Bin enclosures must be in character with the land use zone characteristics. The enclosure must be set back behind the front building line or suitably integrated visually to form part of the building line. The enclosure must visually integrate with the building or landscaping in terms of appearance, materials, bulk and scale, and location and orientation.
 - ii. Waste carting route(s) from premises to external waste storage area(s):
 - a) Distance of routes from dwelling door to waste storage location for that dwelling must be no further than 75 metres, or for adaptable dwellings must be no further than 50 metres at a maximum 1:14 gradient with wheelchair accessibility.
 - iii. Bin carting route(s) from waste storage area(s) to waste collection point(s):
 - a) Bin routes between storage and collection locations must be no further than 75 metres, or 50 metres for adaptable dwellings.

- b) The route from storage to collection location must not pass through the interior of dwellings, but bins can be taken through garages and courtyards. Bin routes must not traverse up or down kerbs or steps, stairs or gradients steeper than 1:14 or over stepping-stones, loose gravel, or soft materials. For adaptable dwellings, the route through a garage must not require the removal of the vehicle to wheel the bin through.
- iv. Waste collection point(s):
 - a) All dwellings must have access to space to place one to two (1-2) cubic metres of bulk waste such as furniture and whitegoods on kerbside for collection, or a suitable alternative bulk waste collection management option must be provided and described in the waste management plan.
 - b) A waste system information guide must be provided with the Waste Management Plan that will be given to owners, occupants and property managers. The guide must outline the waste service system and how to use it, the locations for bin storage and waste collection points, options within the planning for alternative waste service solutions, and wording to be included in the tenancy agreements about waste management.

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6 DUAL OCCUPANCY

This section of the DCP only provides Council's specific requirements for Dual Occupancy developments. Other requirements are contained in Part 3 Development within Residential Zones as well as other relevant general development parts (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP.

Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails. Where conflict arises between this Part and an Area Plan, the Area Plan prevails.

There are two types of dual occupancies, dual occupancy (attached) and dual occupancy (detached). LMLEP 2014 defines each as follows:

dual occupancy (attached) means two dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

dual occupancy (detached) means two detached dwellings on one lot of land, but does not include a secondary dwelling.

The two dwellings may be arranged as shown in Figures 1-4 below:

- on a corner lot with a dwelling facing each street frontage,
- on a single frontage lot and arranged side by side
- on a single frontage lot and arranged front to back (also known as a battle axe development)
- arranged front to back with vehicle access from a rear lane

6.1 SITE REQUIREMENTS

Objectives

- a. To ensure that Dual Occupancy developments are located on sites with sufficient size to accommodate the required building envelope, car parking, landscape area, and private open space.
- b. To minimise the risk of sea level rise impacts on dual-occupancies.

Controls

1. Each proposed dwelling must have a minimum building envelope of 200m² located above 2m AHD without the need for filling, and must have adequate flood-free access.

Note: for minimum lot sizes associated with dual occupancy development and two lot subdivision refer to the minimum lot size provisions in LEP 2014.

Note: Rural Zones and areas subject to an Area Plan may require greater site areas.

Note: Refer to Part 3 of this DCP for provisions related to catchment flood management and lake flooding and tidal inundation (incorporating sea level rise).

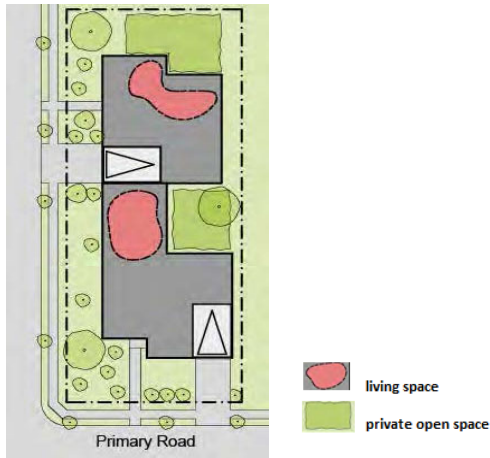


Figure 1 - Two dwellings on a corner lot

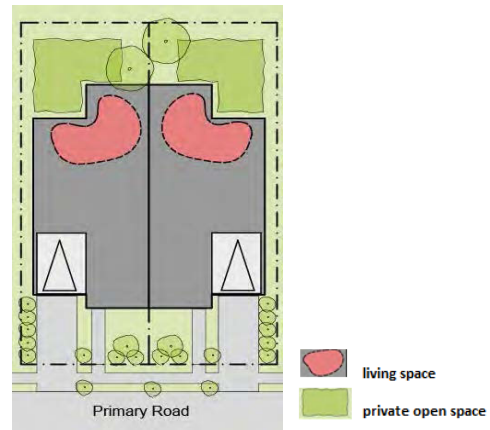


Figure 2 - Two dwellings side by side

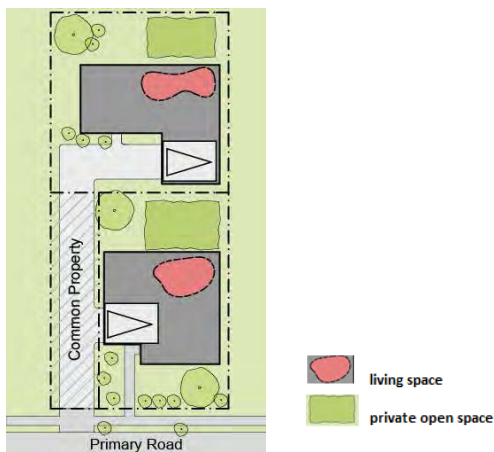


Figure 3 - Two dwellings front to back (battle axe development)

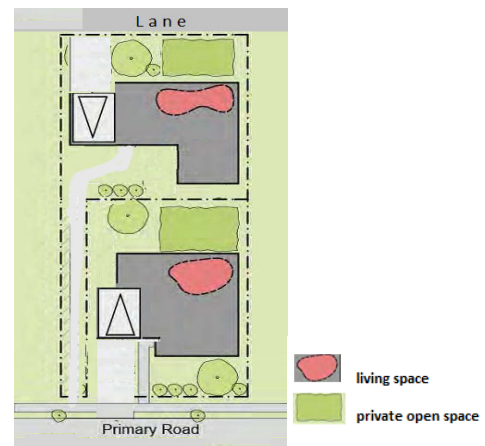


Figure 4 - Two dwellings front to back with rear lane access

6.2 SITE COVERAGE

Objectives

- To ensure adequate unbuilt area is available for private open space
- To ensure adequate unbuilt area is available for on-site stormwater infiltration and harvesting for re-use, and to reduce stormwater discharge from the site.
- To incorporate suitable measures to minimise run-off directly accessing the Lake or its waterways.
- To maximise the landscaped area available for planting and screening.

Note: The definition of landscaped area can be found in Part 13 – Dictionary.

Controls

- The maximum site coverage for Dual Occupancy developments, including ancillary development, must not exceed 55%.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary
- any eaves
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

6.3 STREETScape

Objectives

- a. To ensure Dual Occupancies on corner blocks address both street frontages.
- b. To ensure developments are articulated and designed to provide interest to the streetscape, and individual identity for each dwelling.
- c. To ensure that a dwelling at the rear of a lot relates to the primary street.

Controls

1. Dual Occupancies on a corner lot must have a maximum of one front entry and one garage fronting each street as shown in Figure 1.
2. Dual Occupancies that incorporate an existing dwelling must ensure that the existing dwelling is renovated to a standard that complements the new dwelling.
3. Dual Occupancy design should provide individual identity for each dwelling within an overall design character as indicated in Figure 5.
4. The entry for a dwelling at the rear of a lot must be visible from the street as shown in Figure 4.
5. For sites with a rear lane, vehicle access for the rear dwelling should be from the lane, and pedestrian access should be from the primary street frontage as shown in Figure 4.

Note: Access from a laneway may not be supported where Council does not provide a full service including road surface and drainage.

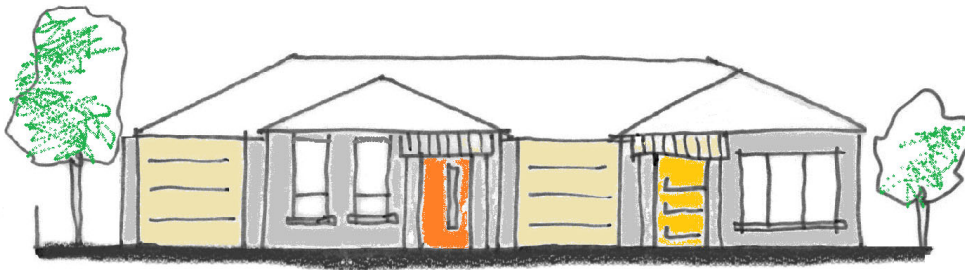


Figure 5 - Indicative design for attached side by side dual occupancy dwellings showing individual identity of each dwelling within an overall character



Figure 6 - Design for dual occupancy development with two new detached dwellings.



Figure 7 - Design for dual occupancy development incorporating an existing dwelling and a new dwelling at the rear.

6.4 SETBACKS

Objectives

- To complement the existing streetscape character while accommodating a need for greater housing diversity and density.
- To define the street edge and provide definition between public and private space.
- To encourage entries, windows, balconies and living areas that overlook the street
- To ensure that dual occupancy development minimises overshadowing, considers amenity and privacy of adjoining dwellings.

Controls

- The front setback must not be less than the average setback of the two nearest properties.
- Where there are no existing (or approved) dwellings within 40 metres of the lot, or the average setback is more than four metres, the front setback must be four metres or more from the front boundary.
- The secondary street setback for the corner dwelling on a corner allotment must be a minimum of two metres as shown in Figure 8.
- Entry features and porticos, porches, balconies, decks, verandahs, bay windows, eaves and awnings may encroach up to 1.5 metres into the front setback area. This encroachment must not cover more than 50 percent of the building width. Detached Dual Occupancy developments should have a minimum of two metres separation between the dwellings.

5. When on a corner lot, the rear of the dwelling is to be treated as a side boundary, requiring a 900mm ground floor setback to both side boundaries.

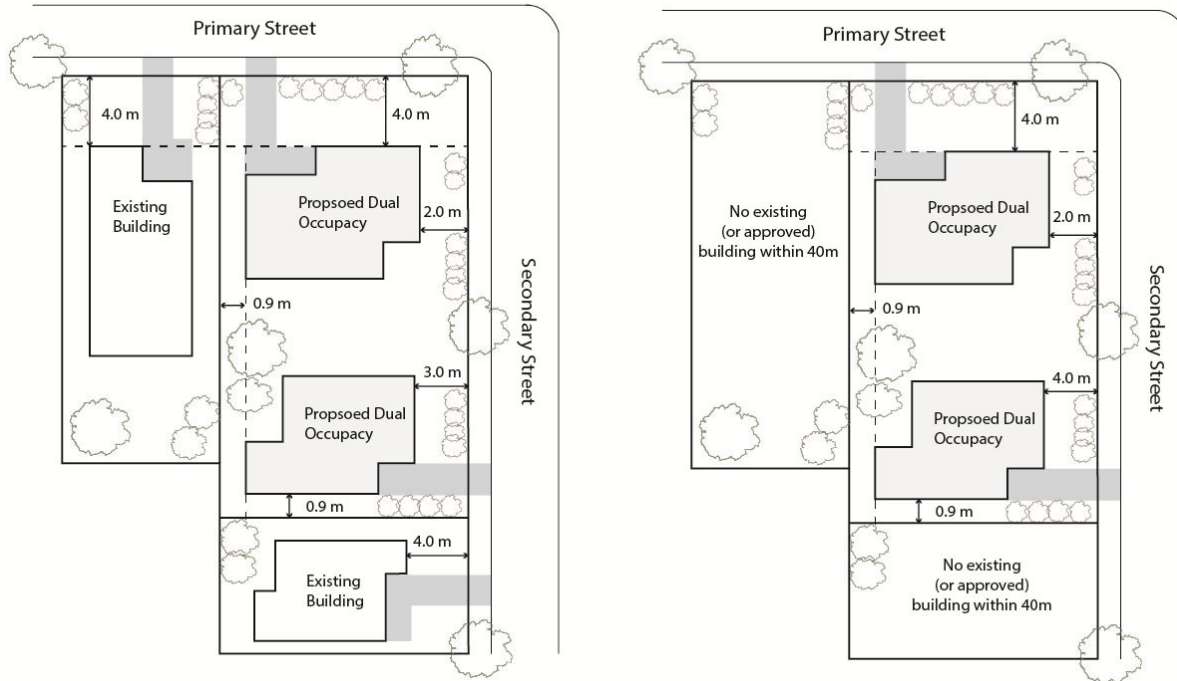


Figure 8 - Setbacks for dual occupancies on a corner block

Note: Additional separation may be required between Detached Dual Occupancy developments on sites with a cross fall in order to fulfil the requirements of Part 3, Section 3.26 Cut and Fill of the LM DCP 2014. In particular, note that the face of a retaining wall must be a minimum of 1m from a common boundary and fences on common boundaries must be built at existing ground level.

6.5 LANDSCAPED AREA

Objectives

- a. To enable landscape planting and tree retention within the front setback areas streetscape outcomes and that enhance the streetscape.
- b. To enable landscape planting in side and rear setback areas that enhances residential amenity and provides contiguous planting areas with neighbours.
- c. To promote on-site stormwater infiltration by optimising pervious surfaces and landscaped areas.

Controls

1. For dual occupancy developments, the minimum landscaped area must be 50% of the total lot area minus 100m². The landscaped area must have a minimum width of 1.5 metres to be included in the landscaped area calculations.
2. 25% of the area forward of the building line must be landscaped.
3. A street tree is to be provided along each street frontage.

Note: The landscaped area should be spread across the front, side and rear setbacks.

Note: The definition of landscaped area can be found in Part 13 – Dictionary.

Note: The landscaped area is in addition to the principal private open space requirement.

6.6 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure appropriately sized private open space for outdoor recreation on a smaller lot.

Controls

1. Dual occupancy development must include private open space for each dwelling that:
 - i. has a minimum area of 16m² that is free of any storage areas, retaining walls, fencing, supports, tanks, structures or landscape planting, and
 - ii. has a minimum dimension of three metres, and
 - iii. has a grade less than 1:50.
2. Principal private open space may be split across a maximum of two separate locations, provided each has a minimum area of 9m².
3. Principal private open space must be directly accessible from a habitable room, with at least one area adjoining a living space.

6.7 TREE PLANTING

Objectives

- a. To allow for the planting and healthy growth of large canopy trees to enhance amenity and mitigate urban heat.

Controls

1. Development must include installation and maintenance of at least one advanced clear-trunked broad-canopy tree per lot.
2. The root volume for each tree in the front setback area must be a minimum of 8m³ and between 600 and 750mm deep.
3. Each area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.
4. All trees installed must be advanced stock and be in at least a 45L container size.
5. Understorey planting must comprise low growing species less than 900mm in height.
6. A minimum offset of 1.5m from the trunk to services such as stormwater and sewer is required.

Note: The proposed location of the tree and services such as stormwater and sewer is required to be shown on the site plan /site analysis. Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

6.8 DRIVEWAY DESIGN

Objectives

- a. To ensure vehicular access has minimal impacts on the streetscape.
- b. To maintain on-street parking places outside a dual occupancy development.
- c. To maximise the use of landscape planting adjacent to driveways.
- d. To ensure safe clearance between a battle-axe driveway and the front dwelling.

Controls

1. Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one space remains.
2. A minimum of 1m wide landscape area must be provided between a driveway and a boundary fence. The landscape area should be free of retaining walls and extend for the full length of the driveway.
3. A driveway along the side of a dwelling must be offset a minimum of 900mm from the side wall of the dwelling.
4. Vehicles accessing a rear dwelling or development on an arterial road must be able to enter and exit in a forward motion.

6.9 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure suitable bin storage is accessible to both dwellings.
- b. To ensure sufficient bin and shared bulk waste (such as furniture and whitegoods) collection space is available to both dwellings.

Controls

1. Waste management for Dual Occupancy must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
 - i. Waste storage area(s)
 - a. Dual properties may share a set of 240 litre bins (with maybe an upsized 360 litre recycling bin), so suitable shared storage space must be available; but the owner may pay for an additional set of bins, so space option must also be available for each property to store their own set of 240 litre bins, with an optional 360 litre recycling bin each;
 - b. A minimum space for waste bin storage must be allocated per dwelling (in addition to minimum space allocations for other purposes) with minimum internal dimensions of each storage area as follows:
 - Where each dwelling's set of 240 litre bins are to be stored on in each individual dwelling's yard, either 1905mm x 1560mm or 1410mm x 2340mm at each dwelling; or
 - Where two dwellings' individual bins (two sets of 240 litre bins) are to be stored in a shared area accessible to both dwellings, for 240 litre bins, 1905mm x 2340mm; or
 - Where two dwellings' shared 240 litre bins (one set of bins) are to be stored in a shared area accessible to both dwellings, either 1905mm x 1560mm or 1410mm x 2340mm.
 - ii. Waste collection point(s)
 - a. At least 3.5 metres length per dwelling of unobstructed position on safe kerbside must be available for bin collection; and for bulk waste collection space up to 2 square metres needs to be designated on the kerbside.

11 MULTI DWELLING HOUSING

This section of the DCP provides Council's specific requirements for multi dwelling housing developments. Other requirements to be addressed are contained in the relevant general development part (Parts 2 to 7) and/or area plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

Refer to LM LEP 2014 for the definition of *multi dwelling housing*.

11.1 SITE REQUIREMENTS

Objectives

To ensure multi dwelling housing developments are located on sites with sufficient size and shape to accommodate the required access and street presence.

Controls

1. The development site must demonstrate safe ingress and egress particularly on busy roads.
2. For battle axe lots there must be adequate space for:
 - i. two vehicles to safely pass in the battle axe handle and
 - ii. landscaping at least 900mm wide along both sides of the handle.
3. Battle axe lots with no clear street frontage are to nominate front, side and rear boundaries and comply with the associated setbacks.

11.2 SITE COVERAGE

Objectives

- a. To ensure development maximises permeable surfaces and maintains a balance between built, and unbuilt areas.
- b. To facilitate on-site stormwater infiltration and harvesting for re-use.
- c. To incorporate suitable measures to minimise run-off directly accessing the Lake or its waterways.

Controls

1. The maximum permitted site coverage at the ground floor is 65 % of the site area.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the stormwater management, principal private open space, and landscaped area and design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

11.3 STREET SETBACK

Objectives

- a. To complement the existing streetscape character while accommodating a need for greater housing diversity and density in accordance with the land use zone.
- b. To permit flexibility for developments that may be vulnerable to the impacts of flooding.
- c. To define the street edge and provide definition between public and private space.
- d. To encourage natural surveillance from the front of the dwelling to the street.

Controls

1. The front setback must not be less than the average setback of the two nearest properties.
2. Where there are no existing (or approved) dwellings within 40 metres of the lot, or the average setback is more than four meters, the front setback must be a minimum of four metres from the front boundary.
3. The secondary street setback for corner allotments must be a minimum of 1.5 metres.
4. Where the site is identified as being vulnerable to flooding or expected sea level rise, front setbacks may be reduced to ensure that developments are adequately setback from the shoreline.

Note: A front setback is measured at 90° from the front lot boundary to the building facade.

11.4 SIDE SETBACKS

Objectives

- a. To provide adequate separation between buildings to ensure that a reasonable level of privacy, amenity and solar access is maintained.
- b. To provide visual separation between buildings.
- c. To provide opportunities for the planting of vegetation.

Controls

1. Above ground structures must not encroach on the side boundary setback of multi dwelling housing developments.

11.5 LANDSCAPED AREA

Objectives

- a. To enable landscape planting in the front setback areas that enhances the streetscape.
- b. To enable landscape planting in the side and rear setback areas that enhances residential amenity.
- c. To conserve significant vegetation.
- d. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.

Controls

1. Development must provide a landscape area that is at least 10% of the total lot area.
2. An area must have a minimum dimension of two metres to be included in the landscape area calculations.
3. Pervious surfaces selected for the purpose of stormwater infiltration must be designed by a suitably qualified engineer. The landscaped area is in addition to the principal private open space requirement.

Note: The definition of landscaped area can be found in Part 13 – Dictionary.

11.6 LANDSCAPE AND TREE PLANTING IN FRONT SETBACK AREAS

Objectives

- To allow for the planting and healthy growth of large canopy trees to enhance amenity, reduce urban heat and contribute to street character.
- To provide large-scale planting between the street and parking and service areas, that reduces the visual impact of development.
- To maintain sightlines from the street to car parks and entrances.

Controls

- Development must include installation and maintenance of at least one advanced clear-trunked broad-canopy tree for every 20m² of front setback area.
- The root volume for each tree in the front setback area must be a minimum of 8m³ and between 600 and 750mm deep.
- Each area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.
- All trees installed must be advanced stock, and be in at least a 45L container size.
- Understorey planting must comprise low growing species less than 900mm in height.
- A minimum offset of 1.5m from the trunk to services such as stormwater and sewer is required.

Note: The proposed location of the tree and services such as stormwater and sewer is required to be shown on the site plan /site analysis. Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

11.7 STREET TREES

Objectives

- To enhance the amenity and desired character of the street.
- To provide tree shade and shelter for pedestrians.

Controls

- Development must include the supply, installation and establishment of at least one advanced clear trunk tree for every 10 metres of street frontage.
- The root volume for each tree must be a minimum of 8m³ and between 600 and 750mm deep.
- All trees installed must be advanced stock, and at least 75L container size.
- The tree supplier or landscape contractor must provide evidence that all trees generally comply with *NATSPEC Guide to Specifying Trees - Assessment of Tree Quality*.
- All trees installed must be established and maintained for a minimum period of 24 months. Any failed trees must be replaced immediately.

11.8 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- To ensure that multi dwelling housing developments provide sufficient private outdoor areas for occupants' needs.
- To allow private open space areas to be located and oriented to maximise comfort and usability throughout the year by responding to seasonal climate, solar access, and prevailing breezes.

Controls

- A minimum total area of 16m² of principal private open space must be provided.
- An area must have a minimum dimension of three metres to be included in the principal private open space calculations.

3. Principal private open space may be split across a maximum of two separate locations, provided one has a minimum area of 9m².
4. Principal private open space must be directly accessible from a habitable room, with at least one area adjoining a living space.

Note: principal private open space is required in addition to the minimum landscaped area requirement.

11.9 SERVICES

Objectives

- a. To ensure that Multiple Dwelling Housing developments provide adequate services to cater for residents' needs.

Controls

1. Where any part of the Multiple Dwelling House development is located 120 metres or more from an existing street fire hydrant, a fire hydrant should be provided.

11.10 DRIVEWAY DESIGN

Objectives

- a. To ensure vehicular access has minimal impacts on neighbouring dwellings.
- b. To ensure that vehicular access points and parking is safe and convenient for residents, visitors, and service providers.

Controls

1. Where the site is bounded by more than one street frontage, vehicular access points are encouraged on both frontages.

11.11 ADAPTABLE DWELLINGS

Objectives

- a. To ensure that developments incorporate housing that is accessible to all members of the community.

Controls

1. For proposals with more than 10 dwellings, one adaptable dwelling must be provided for every 10 dwellings.
2. Adaptable dwellings must have a car park linked to the dwelling by an unobstructed path of travel at a suitable gradient for wheelchair access.
3. Adaptable dwellings must have entries, doors, and passageways that are of suitable dimensions to facilitate wheelchair access.
4. Adaptable dwellings must be designed and constructed to meet the performance requirements stated in Clause 2.2 and to include the essential features listed in Appendix A of AS 4299.

Note: An adaptable dwelling is designed in such a way that it can be modified easily in the future to become accessible to people with disabilities or progressive frailties.

11.12 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure that waste is managed, collected, and disposed of, reused, or recycled, effectively and efficiently to provide a safe, healthy, and clean environment for the community, as well as maintaining the amenity of the neighbours.

Controls

1. Waste management for Multi Dwelling Housing must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:

- i. A minimum of weather-protected space for bulk waste storage (such as furniture and whitegoods) must be allocated as a half square metre of floor space per dwelling in a shared bulk waste storage location, or a minimum square metre in individual garages.
- ii. Kerbside collection of mobile garbage bins (MGBs) by side-lift waste collection vehicles may only occur where the collection location is safe for stopping (up to fifteen minutes for 40 bins) to collect these bins and will not hinder access or traffic flow more than a minute.

13 RESIDENTIAL FLAT BUILDINGS

This section of the DCP provides Council's specific requirements for Residential Flat Building developments. Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this Section and the general development part of LM DCP 2014, this Section prevails.

This section must be read in conjunction with Chapter 4 Design of residential apartment development, State Environmental Planning Policy (Housing) 2021.

Where a mixed-use development is proposed containing a residential component, the controls contained in this section apply to that residential component.

Refer to LM LEP 2014 for the definition of **Residential Flat Building**.

Note. A Manor House is a type of residential flat building, containing 3 or 4 dwellings, where:

- a. each dwelling is attached to another dwelling by a common wall or floor, and
- b. at least 1 dwelling is partially or wholly located above another dwelling, and
- c. the building contains not more than two storeys (excluding any basement).

13.1 SITE REQUIREMENTS

Objectives

- a. To ensure that Residential Flat Building developments are located on sites with sufficient size and street frontage to accommodate the required building envelope, car parking, landscaping, and private open space.
- b. To ensure a diversity of dwelling types is possible including innovative, sustainable and special needs housing.

Controls

1. The development site must have a minimum area of 600m².
2. For proposals of three stories or more, the development site must have a minimum width of 15 metres at the building line.
3. For battle axe lots there must be adequate space for two vehicles to safely pass in the battle axe handle
4. Battle axe lots with no clear street frontage are to nominate front, side and rear boundaries and comply with the associated setbacks.

13.2 HOUSING MIX

Objectives

- a. To provide a housing mix that supports diversity and promotes choice in housing types.

Controls

1. A mix of dwelling types and sizes must be provided as follows:
 - i. studio apartments maximum 15 per cent,
 - ii. one-bedroom apartments maximum 30 per cent
 - iii. two-bedroom apartments minimum 40 per cent
 - iv. three-bedroom apartments minimum 15 per cent

Note: Substantial variations to unit mix must be supported by an authoritative analysis of current and future market demand.

13.3 STREET SETBACK

Objectives

- To ensure that the development complements the existing setback pattern in the locality.
- To permit flexibility for developments that may be vulnerable to the impacts of flooding.
- To define the street edge and provide definition between public and private space.
- To encourage entries, windows, balconies and outdoor living areas that overlook the street.

Controls

- In a residential zone development (other than for battle-axe blocks) must be setback a minimum of six metres and a maximum of eight metres from a street boundary.
- Outside of a residential zone, where the buildings either side of the development are less than 6m, development may be setback at approximately the average of the two adjoining buildings or in approximate alignment of one or the other.
- Outside of a residential zone, if there are not 2 buildings that are residential accommodation within 40m of the lot on the same side of the primary road, the development must have a minimum setback from the boundary with the primary road as shown in the following table—

Lot area	Minimum setback from primary road boundary
600m ² –900m ²	4.5m
>900m ² –1,500m ²	6.5m
>1,500m ²	10m

- The front building elevation must be parallel or near parallel to the street boundary.
- Entry features and porticos, porches, balconies, decks, verandahs, bay windows, eaves and awnings may encroach up to two metres into the front setback area. This encroachment must not cover more than 50 percent of building width.
- Where the site is identified as being vulnerable to flooding or expected sea level rise, street setbacks may be reduced to ensure that developments are adequately setback from the shoreline.

Note: A front setback is measured at 90° from the front lot boundary to the building facade.

13.4 SIDE SETBACK

Objectives

- To provide adequate separation between buildings to ensure that a reasonable level of privacy, amenity and solar access is maintained.
- To provide visual separation between buildings.
- To provide opportunities for the planting of vegetation.

Controls

- Side setbacks for Residential Flat Buildings must be a minimum of three metres.
- Above ground structures must not encroach on the side boundary setback of residential flat buildings.
- Privacy screening devices are not a suitable reason to reduce the required setback.

Note: Additional setbacks may be required under [SEPP 65 – Design Quality of Residential Flat Development](#).

SITE COVERAGE

Objectives

- a. To ensure that development maximises permeable surfaces, and maintains a balance between built and unbuilt areas.
- b. To facilitate on-site stormwater infiltration and harvesting for re-use.
- c. To incorporate suitable measures to minimise run-off directly accessing the lake or its waterways.

Controls

1. The maximum site coverage for Residential Flat Buildings, including ancillary development, must not exceed 65 per cent.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

13.6 LANDSCAPE AREA

Objectives

- a. To enable landscape planting in the front setback that enhances the streetscape.
- b. To enable landscape planting in the side and rear setback that enhances residential amenity.
- c. To conserve significant vegetation.
- d. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.

Controls

1. Development must provide a landscape area that is at least 20 per cent of the total lot area.
2. At least half of the required landscape area must be suitable for deep soil planting.
3. An area must have a minimum width of three metres to be included in the landscape area calculations.
4. The landscape area is in addition to the principal private open space requirement.

Note: The landscaped area should be spread across the front, side and rear setbacks. The definition of landscaped area can be found in Part 13 – Dictionary.

13.7 PLANTING ON STRUCTURES

Objectives:

- a. To enhance the quality and amenity of open space on roof tops, internal courtyards, and over car parking structures.
- b. To encourage the establishment of vegetation in urban areas.
- c. To maintain privacy of neighbouring residents.

Controls:

1. The planting of shrubs and trees is encouraged on the top of setback areas, rooftops, and over car parking structures.
2. Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings.
3. Planting containers must allow sufficient depth and volume, growing medium and irrigation to support the mature size of plants.
4. All planting areas on structures must be designed by a suitably qualified engineer.

13.8 LANDSCAPE AND TREE PLANTING IN FRONT SETBACK AREAS

Objectives:

- a. To allow for the planting and healthy growth of large canopy trees which enhance amenity and street character.
- b. To provide large-scale planting between the street and parking and service areas, that reduces the visual impact of development.
- c. To maintain sightlines from the street to carparks and entrances.

Controls:

1. Development must include installation and maintenance of at least one advanced clear-trunked broad-canopy tree for every 20m² of front setback area.
2. The root volume for each tree in the front setback area must be a minimum of 8m³ and between 600 and 750mm deep.
3. Each area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.
4. All trees installed must be advanced stock, and at least 45L container size.
5. Understorey planting must comprise low growing species less than 900mm in height.
6. A minimum offset of 1.5m from the trunk to services such as stormwater and sewer is required.
7. The proposed location of the tree and services such as stormwater and sewer are to be shown on the site analysis plan.

Note: Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

13.9 STREET TREES

Objectives:

- a. To enhance the amenity and desired character of the street.
- b. To provide tree shade and shelter for pedestrians.

Controls:

1. Development must include the supply, installation and establishment of at least one advanced clear trunk tree for every 10 metres of street frontage.

2. The root volume for each tree must be a minimum of 8m³ and between 600 and 750mm deep.
3. All trees installed must be advanced stock, and at least 75L container size.
4. The tree supplier or landscape contractor must provide evidence that all trees generally comply with *NATSPEC Guide to Specifying Trees - Assessment of Tree Quality*.
5. All trees installed must be established and maintained for a minimum period of 24 months. Any failed trees must be replaced immediately.

Note: Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

13.10 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure that Residential Flat Building developments provide sufficient outdoor areas for residents' needs.

Controls

1. A Principal Private Open Space in the form of a balcony with a minimum area of 8m² and a width of 2 metres must be provided for all dwellings. Development that seeks to vary from this minimum must demonstrate negative impacts cannot be satisfactorily mitigated with design solutions.
2. Where the above cannot be provided for all dwellings, a communal open space with a minimum area of 40m² and a minimum dimension of 5 metres should be provided.
3. Communal open space should be provided principally at ground level, except where retail and office uses are required at ground level.

Note: The communal open space may consist of a communal pool, tennis court, playground area, barbeque area or similar recreational facilities.

13.11 SERVICES

Objectives

- a. To ensure that Residential Flat Building developments provide adequate services to cater for residents' needs.

Controls

1. For developments consisting of more than 50 dwellings, a car wash facility with the minimum dimension of 3.5 x 6 metres must be provided.
2. Where any part of the Residential Flat Building development is located 120 metres or more from an existing street fire hydrant, a fire hydrant and mechanical plant should be provided.
3. Air-conditioning plants and other mechanical plants should be located towards the centre of the site, and be acoustically insulated.

13.12 DRIVEWAYS AND PARKING AREAS

Objectives:

- a. To ensure that on-site car parking and driveways do not dominate or detract from the appearance of the development or the local streetscape.
- b. To ensure that vehicular access has minimal impact on neighbouring dwellings.
- c. To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers.

Controls

1. On-site car parking and servicing facilities must be located at the rear of development, or at a basement level.

2. Stack parking may be permitted only where two spaces are designated for a single dwelling.
3. Residential Flat Buildings should have a single driveway designed for two-way traffic with a minimum width of 5.5 metres.
4. Vehicular movement areas must be located a minimum of 3 metres from any bedroom window.
5. Developments with two street frontages should be designed so that the secondary street provides the main vehicle entry and exit point.

Note: The design of parking areas must comply with AS2890 Parking Facilities.

13.13 ADAPTABLE DWELLINGS

Objectives

- a. To ensure that developments incorporate housing that is accessible to all members of the community.

Controls

1. For proposals for more than 10 dwellings, one adaptable dwelling must be provided for every 10 dwellings.
2. Adaptable dwellings must have a car park linked to the dwelling by an unobstructed path of travel, at a suitable gradient for wheelchair access.
3. Adaptable dwellings must have entries, doors and passageways that are of suitable dimensions to facilitate wheelchair access.
4. Adaptable dwellings must be designed and constructed to meet the performance requirements stated in Clause 2.2 and to include the essential features listed in Appendix A of AS 4299.

Note: An adaptable dwelling is designed in such a way that it can be modified easily in the future to become accessible to people with disabilities or progressive frailties.

13.14 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure that waste is managed, collected and disposed of, or re-used or recycled effectively and efficiently to provide a safe, healthy, and clean environment for the community, as well as maintaining the amenity of the City.

Controls

1. Waste management for Residential Flat Buildings must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
 - i. For developments where access is not at ground level for all dwellings, shared waste storage area(s) must be incorporated into the design.
 - ii. Residential development greater than three storeys must provide one of the following waste management solutions:
 - a. a waste chute system, designed in accordance with Lake Macquarie Waste Management Guidelines, with:
 - solutions to manage all three waste streams - recyclables, food and indoor/balcony garden waste and residual garbage;
 - recyclables not to be compacted;
 - food and indoor/balcony garden waste, if to be included in a Council green waste service, is to be un-bagged or else in Council-approved compostable bags;
 - a solution to manage wastes that must not be included in any of the bins, such as batteries, cooking oils, liquid wastes, chemicals and light globes; and

- a solution to manage bulk waste items (such as furniture and whitegoods) and large recyclables such as cardboard boxes that would not fit in the recycling chute.
 - b. an intermediate waste storage room on each level with associated arrangements in place for the transfer of waste to the bulk storage container, or a separate service lift, designed in accordance with Lake Macquarie Waste Management Guidelines, with:
 - solutions to manage all three waste streams - recyclables, food and indoor/balcony garden waste and residual garbage;
 - associated arrangements in place for a caretaker to transfer the waste to the bins in the waste storage room, ideally in a separate service lift; and
 - food and indoor/balcony garden waste, if to be included in a Council green waste service, is to be un-bagged or else in Council-approved compostable bags; and
 - a solution to manage wastes that must not be included in any of the bins, such as batteries, cooking oils, liquid wastes, chemicals and light globes.
 - c. an innovative alternative, with:
 - solutions to manage all three waste streams - recyclables, food and indoor/balcony garden waste and residual garbage;
 - food and indoor/balcony garden waste, if to be included in a Council green waste service, is to be un-bagged or else in Council-approved compostable bags; and a solution to manage wastes that must not be included in any of the bins, such as batteries, cooking oils, liquid wastes, chemicals and light globes. if the solution includes onsite food and garden waste treatment: composting, worm farming or food dehydrator that meets a NSW Environment Protection Authority Resource Recovery Order and Exemption with the output to be used in onsite.
- iii. A minimum space for waste bin storage must be allocated per dwelling (in addition to minimum space allocations for other purposes) as follows:
 - a. four dwellings' shared 240 litre bins (two sets of bins) stored in a shared area accessible to all four dwellings; or
 - b. up to five dwellings' shared 660 litre bins (one set of bins) stored in a shared area accessible to all five dwellings; or
 - c. up to eight dwellings' shared 240 litre bins (four sets of bins) stored in a shared area accessible to all eight dwellings; or
 - d. up to ten dwellings' shared 1100 litre bins (one set of bins) stored in a shared area accessible to all ten dwellings; or
 - e. up to twenty dwellings' shared 1100 litre bins (two sets of bins) stored in a shared area accessible to all twenty dwellings;
 - f. up to forty dwellings' shared 1100 litre bins (four sets of bins) stored in a shared area accessible to all forty dwellings.
- iv. A minimum of weather-protected space for bulk waste storage (such as furniture and whitegoods) must be allocated as a half square metre of floor space per dwelling, which may be in individual garages or in a shared bulk waste storage location.
- v. Waste storage areas must be readily accessible to occupants, while being secure from non-occupants.
- vi. Bin carting route(s) from waste storage area(s) to waste collection point(s):
 - a. Where waste storage must be in a lower level basement, a goods lift may be used to move bins between floors. Doorways to any goods lift(s) and lift space dimensions must fit the size of bins and space for a person to comfortably fit. The distance from store to lift and from lift to collection point must be no more than 3 metres for 1100 litre bins and 5 metres for 660 litre bins unless a bin cart is used and can also fit in the lift.

- vii. Waste Collection Point(s):
 - a. kerbside collection of mobile garbage bins (MGBs) by side-lift waste collection vehicles may only occur where:
 - up to 360 litre size are used and can be accommodated on the subject property frontage so that bins can be spaced with at least 300mm between bins;
 - each bin placement location has a maximum of 40 bins out on any one day; and
 - the collection location is safe for stopping (up to fifteen minutes for 40 bins) to collect these bins and will not hinder access or traffic flow more than a minute.
 - b. Where the collection of waste/recyclables will be in larger bins over 360 litres, the design of the development must accommodate safe collection of the centralised larger bins. The larger bins must be accessible by service vehicles without the need for manual manoeuvring of the bins, and the need for vehicle reversing should be minimised.
- viii. Waste Collection vehicle access:
 - a. Where waste storage must be in a lower level basement and collections have to take place inside the from inside the basement, the building must be designed to accommodate private waste collection vehicles entering and exiting the site. Clearance height for under building access by collection vehicle must be no less than 3.6m at any point if vehicle is required to enter site to service bins. At sites here waste collection vehicles must enter and exit in a forward direction, the use of vehicle turntables are acceptable. Confirmation is required in writing from a waste collection service provider that they would be able to service this site with this design.
- ix. Waste Information guide
 - a. A waste system information guide must be provided with the Waste Management Plan to outline how the design has defined that waste will be managed and that will be given to owners, occupants and property managers. The guide must outline the waste service system and how to use it, the locations for bin storage and waste collection points, options within the planning for alternative waste service solutions, and wording to be included in the tenancy agreements about waste management.

14 SECONDARY DWELLING

This section of the DCP only provides Council's additional specific requirements for Secondary Dwelling developments. Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 7) and/or area plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

14.1 INTRODUCTION

The [SEPP \(Affordable Rental Housing\) 2009](#) (AHSEPP) provides for the development of secondary dwellings (commonly referred to as granny flats) as complying development. [SEPP \(Exempt and Complying Development Codes\) 2008](#) (Codes SEPP) also contains provisions relevant to the development of a secondary dwelling as complying development.

If all requirements for a secondary dwelling specified under the AHSEPP and Codes SEPP are met, a complying development approval can be obtained from Council or an accredited certifier without the need for a development application. Where the requirements for a secondary dwelling under the AHSEPP and Codes SEPP cannot be satisfied, a development application must be lodged with Council. This section of the DCP provides Council's detailed controls for secondary dwellings that require a development application.

Under Lake Macquarie LEP 2014 **secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with the principal dwelling, and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or attached to, or separate from, the principal dwelling, and
- (d) has a maximum floor area of 60m² or 25% of the principal dwelling (whichever is the greater).

Under Lake Macquarie LEP 2014 a **secondary dwelling** is permitted with consent in the following zones:

- (a) R1 General Residential
- (b) R2 Low Density Residential
- (c) R3 Medium Density Residential

14.2 LOT REQUIREMENTS

Objectives

- a. To ensure that secondary dwellings are provide on appropriately sized lots.
- b. To ensure that development densities are not out of character with adjacent lots.
- c. To ensure that the amenity of residents is maintained.

Controls

- 1. Development of a secondary dwelling must result in only one principal dwelling and one secondary dwelling on the same lot.
- 2. A lot must be a minimum size of 450m² for the development of a secondary dwelling separate from the principal dwelling.
- 3. A lot on which a secondary dwelling is erected must have lawful access to a public road.

14.3 SITE COVERAGE

Objectives

- a. To ensure that development allows permeable surfaces and maintains a balance between built and unbuilt areas.
- b. To ensure that secondary dwelling development complements the density and built character of the area.

Controls

1. The maximum site coverage of the principal dwelling and secondary dwelling on a lot must be less than:
 - i. Fifty-five percent for lots less than 900m² in area,
 - ii. Forty-five percent for lots between 900m² and 1500m² in area,
 - iii. Thirty-five percent for lots more than 1500m² in area.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

14.4 CAR PARKING

Objectives

- a. To ensure that secondary dwellings remain an affordable housing option.
- b. To ensure that where car parking is proposed, it is located and designed to complement the amenity and character of the surrounding development.

Controls

1. The provision of a car park for a secondary dwelling is not mandatory.
2. Where car parking (car port or garage) is proposed for a secondary dwelling, it must:
 - i. Not interfere with parking and the movement of vehicles associated with the principal dwelling, and
 - ii. Be limited to one car park, and
 - iii. Be a maximum of 24m², and
 - iv. Be located adjacent to the secondary dwelling and not within the street, side or rear setback.

14.5 SERVICES AND FACILITIES

Objectives

- a. To ensure that occupants of secondary dwellings have access to relevant services and facilities to support independent living.

Controls

1. Secondary dwellings must have access to facilities such as a kitchen, bathroom, laundry and clothes drying area. These facilities may be shared with or independent from the principal dwelling.
2. Secondary dwellings must be serviced with utility infrastructure (reticulated water and sewer, gas (where available), electricity, telecommunications). The utility infrastructure for the secondary dwelling may be shared with or independent from the principal dwelling. Separate metering of utility infrastructure for the secondary dwelling is subject to concurrence from the utility infrastructure provider.

14.6 BUILDING DESIGN AND MATERIALS

Objectives

- a. To ensure that secondary dwellings meet relevant design and construction standards.
- b. To ensure that the design of secondary dwellings meet the needs of its occupants.
- c. To ensure that secondary dwellings complement surrounding development.

Controls

1. Secondary dwellings attached to or within the principal dwelling must include at least one direct external access.
2. Secondary dwellings attached to or within the principal dwelling can either be totally separated or accessed through an internal door between the secondary and principal dwelling.
3. A secondary dwelling within or attached to the principal dwelling, that:
 - i. shares facilities with the principal dwelling including a laundry, metering for utility infrastructure, mail box, postal address, car parking, and
 - ii. has direct internal access to a habitable room of the principal dwelling, and
 - iii. is provided with individual smoke alarms that are interconnected with smoke alarms in the principal dwelling in accordance with relevant legislation and Australian Standards
 - iv. are defined as a single dwelling for the purposes of the Building Code of Australia.
4. Secondary dwellings must not include a rooftop terrace.
5. The secondary dwelling or principal dwelling must have the main entrance door visible from the primary road frontage.
6. The secondary dwelling or principal dwelling must have a window to a habitable room facing a primary road and secondary road where the land is a corner lot.
7. External building materials, finishes and colours on the secondary dwelling must complement and be consistent with the principal dwelling.

14.7 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure that occupants of secondary dwellings have access to private open space to support independent living.
- b. Ensure the private open space is usable, functional and easily accessible for occupants.

Controls

1. Secondary dwellings separate from the principal dwelling must have a minimum area of principal private open space of 16m². The principal private open space must be:
 - i. on a grade less than 1:50, and
 - ii. have a minimum dimension of three metres, and
 - iii. directly accessible from a habitable room of the secondary dwelling.
2. Principal private open space may be split across a maximum of two separate locations, provided one has a minimum area of 9m².
3. Principal private open space is not mandatory for secondary dwellings attached to or within the principal dwelling.

14.8 PRIVACY AND AMENITY

Objectives

- a. To ensure adequate privacy is provided to occupants of secondary dwellings and the principal dwelling.

Controls

1. A landscaped area at least 2 metres wide must be planted between the principal dwelling and the principal private open space of the detached secondary dwelling to provide suitable privacy screening.

14.9 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure that waste/recyclables are managed, collected and disposed of, or reused or recycled effectively and efficiently.
- b. To provide non-discriminatory access to waste management services for both dwellings.

Controls

1. Where Waste management for Secondary Dwellings must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
Waste storage area(s)
 - i. Where principal private open space is not mandatory for the secondary dwelling (ones attached to or within the principal dwelling), bins of the principal dwelling may be shared, but must be accessible to both dwellings, with space allocated as per 2(c) below.
 - ii. A minimum space for waste bin storage must be allocated (in addition to minimum space allocations for other purposes) with minimum internal dimensions of each storage area as follows:
 - a. Where each dwelling's set of 240 litre bins are to be stored on in each individual dwelling's yard, either 1905mm x 1560mm or 1410mm x 2340mm at each dwelling; or
 - b. Where two dwellings' individual bins (two sets of 240 litre bins) are to be stored in a shared area accessible to both dwellings, for 240 litre bins, 1905mm x 2340mm; or

- c. Where two dwellings' shared 240 litre bins (one set of bins) are to be stored in a shared area accessible to both dwellings, either 1905mm x 1560mm or 1410mm x 2340mm.

Waste collection point(s)

- i. Sufficient unobstructed space must be ensured to allow for two types of waste bins to be placed kerbside for collection on any waste collection day.
- ii. Sufficient unobstructed space must be allocated along the kerb to allow for 2 cubic metres of bulk waste (including furniture and whitegoods) to be placed out for collection from the principal dwelling and 1 cubic metre from the secondary dwelling, or a suitable alternative bulk waste collection management option must be provided and described in the Operational Waste Management Plan.

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19 HOUSING ON SMALL AND NARROW LOTS

This section of the DCP applies where development for the purpose of a dwelling house, attached dwellings, or semi-detached dwellings is or are proposed in the R2 Low Density Residential and R3 Medium Density Residential zones, including:

- existing lots with an area less than the minimum lot size shown on the Lot Size Map of Lake Macquarie Local Environmental Plan 2014,
- lots with a primary road frontage of 12.5m or less. This section of the DCP also applies to applications for new dwellings on small and narrow lots that may have a Building Envelope Plan registered on the deposited plan, and
- joint subdivision and dwelling applications for housing on small and narrow lots under clause 4.1A of the LMLEP 2014. Note, a subdivision application under Clause 4.1A of the LMLEP 2014, where lots have an area of 200m² or less must include the application for the associated dwellings.

Other requirements to address are in the relevant general development part (Parts 2 to 8) and/or area plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development parts of the DCP, this section prevails.

19.1 GENERAL CONTROLS FOR DEVELOPMENT

19.1.1 STREETScape

Objectives

- a. To promote diverse and varied streetscapes.
- b. To ensure that built form reflects the intended outcomes of permitting small and narrow lots as an important part of the mix of lot sizes available for varied housing needs.

Controls

1. Articulation of front facades must be varied rather than uniform.
2. Development subject to this section of the DCP (Housing on Small and Narrow Lots) must ensure amenity is built into the proposal for the subject site. This is for both the household and neighbours, and is likely to require design that incorporates multiple storeys.

19.1.2 SIDE SETBACKS

Objectives

- a. To ensure that reduced side and rear boundary setbacks maximise private open space, visual and acoustic privacy, views, natural ventilation, and solar access for the subject site and adjoining properties.
- b. To ensure greater separation between upper floors of adjacent dwellings, compared to lower floors.
- c. To provide opportunities for the planting of vegetation.

Controls

1. Applications to build to the boundary must demonstrate consideration of the following matters with regard to the subject lot and neighbouring development:
 - i. The topography of the lot, allotment orientation and the ability to comply with the solar access, privacy, and private open space provisions of this DCP; and
 - ii. The location of utilities infrastructure, driveways, and street trees.
2. If the lot has a width, measured at the front building line, of at least 6m, but not more than 8m, the building may be built to both side boundaries.
3. If the lot has a width, measured at the front building line, of at least 8m, but not more than 12.5m, the building may be built to only one side boundary.
4. The length of side boundary walls must be determined as follows:

- i. where an existing boundary wall on a neighbouring lot adjoins the subject site, the length of the new boundary wall must match the length of the existing boundary wall, or
 - ii. where no adjoining boundary wall exists, the boundary wall must not exceed a maximum of 50 per cent of the length of the lot, or a maximum length of 12 metres, whichever is the lesser.
5. Walls built to the side or rear boundary must not exceed a maximum height of 3.5 metres above existing ground level unless the wall:
 - i. abuts another higher existing or simultaneously constructed wall, in which case the wall must not be higher than the boundary wall on the adjoining lot, or
 - ii. abuts a side or rear lane, in which case the maximum height is 5.5 metres.
6. Footings of buildings on a boundary must be designed to permit the maximum cut and fill on the neighbouring allotment.
7. Building to the boundary is not permitted if it would lead to non-conformance with the fire separation requirements of the Building Code of Australia including:
 - i. the wall of the building on the adjoining lot is not of masonry (or similar) construction and is within 900mm of the boundary, or
 - ii. the wall of the building on the adjoining lot has a window facing the boundary and is within 900mm of the boundary.
8. Roof structures and drainage systems must be designed to drain away from the property boundary affected by reduced setbacks.
9. Structures built to the boundary must be designed and constructed to be easily maintained.

Note: Proposals for buildings with reduced setbacks should be discussed with neighbouring landowners before lodging a Development Application with Council. Construction, maintenance, finish and colour of side boundary walls are some of the issues that should be discussed.

19.1.3 REAR SETBACK

Objectives

- a. To maintain the visual continuity and pattern of buildings and landscape elements.
- b. To provide sufficient space for outdoor living areas.

Controls

1. Garages and any associated garage-top apartment (secondary dwelling) adjacent to a rear lane may be built to the rear boundary.

Note: Refer to Section 3.5 of Part 3 – Development within Residential Zones of LMDCP 2014 for provisions relating to building to the boundary.

19.1.4 GARAGES, CARPORTS AND SHEDS

Objectives

- a. To reduce the visual impact of garages, carports and sheds on the streetscape and improve dwelling presentation.
- b. To ensure garages do not dominate the streetscape.

Controls

1. Garage doors must be visually recessive through use of materials, colours, overhangs and the like.
2. Where the lot width is greater than 12m, dwellings may have a double garage on the primary street frontage if they do not dominate the streetscape and are visually recessive.
3. Where the lot width is less than 12m, single width garages only are permitted on the primary street frontage.

Note: The width of a lot is measured at the front building line.

19.1.5 DESIGN OF DRIVEWAYS – STREET TREES AND ON STREET CAR PARKING

Objectives

- a. To minimise the visual impact of driveways on the streetscape.
- b. To provide practical and safe access and egress to dwellings.
- c. To minimise the impact of driveways on on-street car parking.

Controls

1. The location of driveways must be determined with regard to the location of utilities infrastructure, safe and unobstructed kerbside space to place waste bins out for collection, street tree planting and to maximise the availability of on-street parking.

19.1.6 UTILITIES

Objectives

- a. To identify utility requirements and new infrastructure at an early stage of development.
- b. To ensure utilities structures are integrated in the site planning and design of development.

Controls

1. The location of utilities, including gully pits, water meters, power pillars, communications pits, underground services and manholes must not interfere with driveways or driveway crossovers of narrow frontage lots.
2. The location of above ground utilities, including power poles and lines, must not interfere with waste collection space and waste collection vehicle bin lift clearances.

19.1.7 SITE COVERAGE

Objectives

- a. To ensure density of development is in keeping with the existing or desired future street character.
- b. To provide sufficient area around a dwelling for access ways, private open space and landscape planting.
- c. To maximise the potential for on-site stormwater retention.

Controls

1. Site coverage must allow sufficient soft landscaped area to absorb water on site, reducing the load on stormwater drains and local waterways.
2. The maximum site coverage, including ancillary development, must not exceed 65 per cent.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

19.1.8 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure that dwellings are provided with functional, well located areas of private open space.
- b. To ensure that private open space is integrated with, and is directly accessible from the living areas of a dwelling.
- c. To ensure that private open space receives sufficient solar access and privacy.
- d. To minimise adverse impacts on the private outdoor space of adjoining dwellings.

Controls

1. A lot with a width, measured at the front building line, of at least 6m but less than 10m, must have at least 16m² of principal private open space. The principal private open space must have a minimum dimension of 3m and a grade less than 1:50.
2. A lot with a width, measured at the front building line, of 10m or more, must have at least 24m² of principal private open space. The principal private open space must have a minimum dimension of 3m and a grade less than 1:50.
3. An area must have a minimum dimension of three metres to be included in the Principal Private Open Space calculations.
4. Principal Private Open Space may be split across a maximum of two separate locations, provided each has a minimum area of 9m².
5. Principal Private Open Space must be directly accessible from a habitable room, with at least one area adjoining a living space.
6. The principle open space must not include the space allocated to waste storage.

19.1.9 LANDSCAPE AREA

Objectives

- a. To provide areas of landscape planting that improve visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a development
- b. To enable landscape planting in front setback areas that enhances the streetscape.
- c. To enable landscape planting in rear setback areas that enhances residential amenity.
- d. To ensure landscape areas are integrated into the design of the development.
- e. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.
- f. To conserve significant vegetation, topographical features and fauna habitat.

Controls

1. The development must have a landscaped area of at least the following:
 - i. If the lot has an area of at least 200m² but not more than 300m² - 10 per cent of the area of the lot,
 - ii. If the lot has an area of at least 300m² but not more than 450m² - 15 per cent of the area of the lot,
2. The landscaped area must have a minimum width of 1.5m to be included in the landscaped area calculations.
3. Landscaping must be used to define the entrances to individual dwellings, as follows:
 - i. If the lot has a width, measured at the building line, of more than 18 metres, at least 50 per cent of the area forward of the building to the primary road must be landscaped.
 - ii. If the lot has a width, measured at the building line, of not more than 18m, at least 25 per cent of the area forward of the building line to the primary road must be landscaped.
4. On corner lots, landscaping in the front setback must continue around the corner into the secondary setback.

Note: The landscaped area may be within the front, side or rear setbacks. The landscaped area is in addition to the principle private open space requirement.

Note: The definition of landscaped area can be found in Part 13 – Dictionary.

19.2 TREE PLANTING

Objectives

- a. To allow for the planting and healthy growth of large canopy trees to enhance amenity and mitigate urban heat.

Controls

1. Development must include installation and maintenance of at least one advanced clear-trunked broad-canopy tree per lot.
2. The root volume for each tree in the front setback area must be a minimum of 8m³ and between 600 and 750mm deep.
3. Each area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.
4. All trees installed must be advanced stock, and be in at least a 45L container size.
5. Understorey planting must comprise low growing species less than 900mm in height.
6. A minimum offset of 1.5m from the trunk to services such as stormwater and sewer is required.

Note: The proposed location of the tree and services such as stormwater and sewer is required to be shown on the site plan /site analysis. Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

19.2.1 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure dwellings have equitable access to waste collection services.
- b. To ensure that the practical requirements for waste management are met in such a way as to minimise negative impacts on the occupants and neighbours.

Controls

1. Waste management for Housing on Small and Narrow Lots must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
 - i. waste storage area(s)
waste bin storage is to be appropriately located to:
 - a. be separately accounted from that space allocated for principle private open space and landscaping
 - b. have a waste storage space per dwelling of minimum internal dimensions of either 1905mm x 1560mm or 1410mm x 2340mm to store one set of 240 litre recycling, food and garden waste and residual garbage bins
 - c. not compromise visual amenity for an occupant of the principle private open space
 - d. have the bins in a shaded area, at least from afternoon sun, to minimise bin odour
 - e. not compromise visual amenity of views from windows or doors of the property or neighbours
 - f. be set back behind the front building line, or suitably integrated visually to form part of the building line or landscaping
 - g. locate bins where odours are least likely to enter airflow for doors and windows for this or adjacent properties; and

- h. have unobstructed access (without steps and on a gradient less than 1:14) to move the bins to the location where bins are placed out for collection, which may be through a side gate, through a garage, courtyard, or by other unobstructed path that does not require passing through the dwelling's interior.
- ii. waste collection point(s)
Sufficient unobstructed space must be ensured to allow for two waste bins per dwelling to be placed kerbside for collection on any waste collection day, or alternative shared waste service solutions planned with suitable shared storage locations.
- iii. Sufficient unobstructed space must be ensured to allow for 1 cubic metre per dwelling of bulk waste (including furniture and whitegoods) to be placed kerbside for collection, or a suitable alternative bulk waste collection management option must be provided and described in the Operational Waste Management Plan.

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Lake Macquarie Development Control Plan 2014

Part 13 – Dictionary

1 DICTIONARY

The definitions used in this dictionary only reflect the usage of the word or term within the context of this DCP or their usage in a local government setting.

Aboriginal Object means any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of the area by persons of non-Aboriginal extraction, and includes aboriginal remains.

Aboriginal Place means any place declared to be an Aboriginal place under Section 84 of *National Parks and Wildlife Act 1974* as amended.

Access Driveways are the nature strip crossings that provide access to a site, and on which vehicles move between the external frontage road and the site boundary.

Acid Sulphate Soils means actual or potential acid sulphate soils, as defined in the *Acid Sulphate Soil Manual*.

Active Street Frontage means a street frontage that enables direct visual and physical contact between the street and the interior of the building. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

Amenity is a term given to the attributes and appeal of a place.

Annual Exceedance Probability (AEP) is the probability of exceedance of a given storm event within a period of one year.

Arterial Roads carry through traffic from one region or district to another, forming principle avenues for traffic. Smooth and safe traffic flow is the priority of these roads. Arterial Roads are generally the responsibility of the Roads and Maritime Services.

Articulation means the change in the external alignment of walls, or other elements, that expresses the way that the parts of the building fit together.

Asset Protection Zone is an area surrounding a development which is intended to reduce bushfire risk to an acceptable level. The width of the Asset Protection Zone will vary with slope and aspect.

Australian Height Datum (AHD) is the original height for all levels as fixed by the Surveyor General.

Note: *It is a system of control points for height, based on a network of levelling measurements. It covered the whole of Australia and was fitted to mean sea level, as measured at tide gauges distributed around the Australian coast, over the period 1968-1970.*

Average Recurrence Interval (ARI) means the average period between the recurrence of a storm event of a given rainfall intensity. The ARI represents a statistical probability.

Note: *For example, a 100 year ARI indicates an average of 100 years between exceedance of a given storm magnitude. The AEP (probability of such an event being exceeded in any year) is therefore 1%.*

Balcony is an upper storey platform projecting from the wall of a building supported by posts or brackets, and enclosed by a balustrade. A balcony can also be recessed into the building.

Basement is a storey either below ground level, or no more than 1.2 metres above finished ground level.

Battle –Axe Lot means a lot located behind another, with vehicle access from the street via an access handle. The minimum area specified for battle-axe lots excludes the battle-axe access handle.

Biodiversity has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Boundary Realignment is the adjustment of an existing boundary or boundaries, which does not result in the creation of additional lots.

Building Area means the area of the site capable of supporting development. It does not include front, side and rear setbacks, or the access handle of a battle-axe lot.

Building Envelope means a three dimensional diagram drawn on a lot of a subdivision plan. It defines the limits for the siting and/or wall height of any dwellings and/or buildings/structures, private outdoor areas, driveways and/or garages/carports.

Building Frontage is the façade of the building that faces the street.

Building height is defined as the vertical distance between ground level (existing), at any point 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.

Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance)
Provides guidance for the conservation and management of places of cultural significance. It is based on the knowledge and experience of Australian ICOMOS members (ICOMOS – International Council on Monuments and Sites).

Bushfire Risk is the chance of a bushfire igniting, spreading and causing damage to assets of value to the community. Risk is rated as being high, medium or low, and is related to the level of the potential threat of bushfire.

Circulation Aisles perform the dual function of providing access to car parking spaces and providing access to other aisles.

Coastal hazard has the same meaning as in the *Coastal Management Act 2016*

Circulation Roads are roadways contained within a development site that do not provide direct access to parking spaces. Instead they distribute traffic between entrance/exit driveways, circulation/parking aisles and service areas.

Coastal Impact Zone means the area of varying width along the coastline that is impacted by physical coastal processes (ie: storm cut erosion, long term coastal recession, climate change).

Coastal Protection Works has the same meaning as in the *Coastal Management Act 2016*

Conservation Management Plan means a document prepared in accordance with the requirements of the NSW Heritage Office, that establishes the heritage significance of an item, place or heritage conservation area. It also identifies the appropriate conservation policies and management mechanisms to enable that significance to be retained.

Collector Roads are non-arterial roads that mainly collect and distribute traffic within an area. They may carry some through traffic as they connect the Sub-Arterial road network with the Local Road network. Their use by heavy vehicles as a through route would not generally be appropriate.

Communal Outdoor Areas are useable community open spaces for recreation and relaxation of residents that are under the control of a body corporate or similar organisation.

Community Association has the same meaning as in the *Community Land Development Act 1989*

Community Development Lot has the same meaning as in the *Community Land Development Act 1989*

Community Parcel has the same meaning as in the *Community Land Development Act 1989*

Community Provider has the same meaning as in the *Community Land Development Act 1989*

Community Scheme has the same meaning as in the *Community Land Development Act 1989*

Community Jetty means a jetty structure fronting a foreshore public reserve where there is a public benefit and community need, and where it will serve at least six reserve frontage property owners.

Community Title Subdivision is the subdivision of land under the *Community Land Development Act, 1989* and the *Community Land Management Act, 1989*.

Connectivity relates to the number and quality of connections in the movement network. It comprises streets, pedestrian/cycles paths/links and public buildings, or any type of open space that enables movement around or through an area

Consolidated Lot means the amalgamation of adjoining lots into one lot.

Corner Lot means a lot that has a frontage to two roads that intersect.

Cultural Significance (or Heritage Significance, or Significance of Places of Cultural Significance) means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

Curtilage means the geographical area that provides the physical context for an identified heritage property, and which contributes to its heritage significance.

Note: *Land title boundaries and heritage curtilage do not necessarily coincide.*

Deed High Water Mark (DHWM) is the position of the mean high water mark as shown on the deposited plan. The current title for the land to which the development relates is based on the DHWM.

Deep Soil Area - an area of natural ground with relatively natural soil profiles within a development site. Deep soil areas should be free of conflicts with building footings, infrastructure and services.

Demolition (Heritage) means to demolish or destroy a heritage item or a building, work, archaeological site, tree or place within a Heritage Conservation Area. It means to wholly or partly destroy, dismantle or deface the heritage item, or the building work, archaeological site, tree, or place.

Design Vehicle means the vehicles for which a given development must make on-site provision.

Development has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Development Site Plans identify the location and extent of all development.

Discharge Controls are measures designed to manage stormwater at the point where it leaves a lot, development or water catchment. Examples include recharge, artificial wetlands, and retention and detention basins. Pervious pavements and oil/grit separators can also be discharge control elements.

Domestic Boat Shed means a building that is designed and used for the sole purpose of storing one or more boats and associated marine equipment, and has no residential use. Boat sheds must have a direct relationship with the water, with openings and main boat access facing the water.

Domestic Landing Platform is a flat surface built along or over the shoreline of a waterway, used for the purpose of embarkation and disembarkation of passengers or cargo.

Driveway is the vehicle access between the property boundary and the development. The driveway is generally on private property, and is an extension of the Access Driveway.

Ecological corridors are lands that typically link habitats. They may consist of bushland, wetlands, creek lines or individual trees. The central role of corridors is to provide connectivity between bushland parcels for fauna and plant pollinator movement. They may be continuous, or disjunct and require rehabilitation.

Ecological Habitat is any element of the environment that provides protection, food or shelter for native flora and fauna including vegetation communities, microclimate, tree hollows, ponds, streams, fallen logs, rocks, etc.

Ecological Processes means those processes that play an essential role in maintaining the integrity, viability and continuity of an ecosystem.

Note: *Important ecological processes include water and nutrient cycling, the flow of energy, and evolution by natural selection.*

Ecosystem means a dynamic complex of plant, animal, fungal and microorganism communities and associated non-living environment, interacting as an ecological unit.

Energy and Water Efficiency is any action that minimises energy use through subdivision and building design, and water consumption. It is achieved through the management of run-off, and re-use and the sensitive conveyance of stormwater during the course of construction and ongoing operation.

Environment means components of the earth, including:

- Land, air and water;
- Any layer of the atmosphere;
- Any organic or inorganic matter and any living organism;
- Human-made or modified structures or areas; and
- Includes interacting natural ecosystems.

Erosion and Sediment Control Plan is a plan that demonstrates the proposed erosion prevention and sediment control measures/techniques. Such plans are used for a site as part of its construction, including ongoing management and maintenance of these techniques for the length of the development.

Note: See *Managing Urban Stormwater Soils and Construction – Landcom, Fourth Edition (2004)*.

Flood is relatively high stream flow which:

- overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or
- local overland flooding associated with major drainage before entering a watercourse and/or
- coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami

Flood Liable Land is synonymous with flood prone land, being land susceptible to flooding by the probable maximum flood (PMF) event. Note that the term flood liable land now covers the whole of the floodplain, not just that part below the flood planning level.

Flood Prone land means land susceptible to inundation by the probable maximum flood.

Floodplain means an area of land that is subject to inundation by floods up to, and including the probable maximum flood event, that is, flood prone land.

Flood Planning Area is the area below the flood planning level and is subject to flood-related development controls.

Floodway Area is an area of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Foreshore Area – has the same meaning as in Lake Macquarie City Council Local Environment Plan 2014.

Foreshore Development means development within the foreshore area and/or below the DHWM and includes boat sheds, coastal protection works, swimming pools, wharves, slipways, jetties, waterway access stairs, fences, cycleways, walking trails, picnic facilities, recreation areas or water recreation structures.

Foreshore Reserve is a publicly accessible area, potentially public open space, between the deed high water mark and a property boundary.

Foreshore Building Line has the same definition as in Lake Macquarie LEP 2014.

Front Setback is the minimum distance from a lot's frontage to which the outermost projection of a structure may be built.

Frontage is a boundary of a lot that abuts a public or private road.

Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.

Gross Floor Area (GFA) means the sum of the 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:

- the area of a mezzanine, and
- habitable rooms in a basement or an attic, and
- any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- any area for common vertical circulation, such as lifts and stairs, and
- any basement:
 - storage, and
 - vehicular access, loading areas, garbage and services, and
- plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- car parking to meet any requirements of the consent authority (including access to that car parking), and
- any space used for the loading or unloading of goods (including access to it), and
- terraces and balconies with outer walls less than 1.4 metres high, and
- voids above a floor at the level of a storey or storey above.

Ground level (existing) has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Ground level (finished) has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Ground level (mean) has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Habitable Room means, in a residential situation, a room used for normal domestic activities such as bedroom, living room, lounge room, kitchen, dining room, study, sun room or the like. In a commercial or industrial situation, means an area used for offices or to store valuable possessions susceptible to flood damage.

Heritage Conservation Area is an area that has a distinctive character of heritage significance, and which it is desirable to conserve. For the purposes of this document, it means an area of land of heritage significance:

- shown on the Heritage Map in LM LEP 2014 as a heritage conservation area, and
- the location and nature of which is described in Schedule 5 of LM LEP 2014.

It includes buildings, works, archaeological sites, trees and places and situated on, or within the land.

Heritage Impact Statement is a document demonstrating/ detailing the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within that area. It also contains an assessment of the impact that the proposed development will have on that item, and proposals for measures to minimise that impact.

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 LM LEP 2014.

Note. Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

Identified Heritage Property means any place identified in a document held by Council which suggests that the place has heritage or cultural significance. It includes a heritage item, provisional heritage item, and any property identified in a plan or in a list within this document, or in the heritage guidelines.

Hierarchy of Centres describes the level of service and function performed by each Centre in the Hierarchy. The Lake Macquarie Hierarchy of Centres is described in *Lifestyle 2030 Strategic Plan Urban Structure – Intent Statements and Map*.

Impermeable Surface is a surface that does not allow rainwater to infiltrate to the soil. Examples of impermeable surfaces include roofs, roads and most paved surfaces.

Indian Spring Low Water (ISLW) is the datum used for measuring tides at Fort Denison. Zero on the tide gauge is the mean Indian Spring Low Water. Tides rarely fall below this level.

Infill Development is a general term used for new housing in an existing residential area. It usually involves the use of a vacant site or the removal of an existing dwelling to enable construction of a larger number of dwellings.

Infiltration is the process by which rainfall infiltrates the soil and enters the sub-surface drainage or ground water system.

Infiltration Devices are measures that are designed to provide temporary storage of run-off, which is subsequently infiltrated to the surrounding soil.

Irregular Lot means a lot that is not rectangular/square in shape.

Isolated Lot means an allotment that is bounded on all sides (excluding road frontage) by existing (or approved) medium to high density residential or commercial development that will preclude the development of the allotment beyond a dwelling house or dual occupancy dwelling or a two storey commercial building.

Landscaped Area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

LALC means Local Aboriginal Land Council.

Legibility in design means that the movement system provides a sense of direction and connection, and gives clear signals regarding the spatial layout and topography of an area.

Light Industry has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Liquid Fuel Depot has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Littoral Vegetation for the purposes of this plan is vegetation found on the foreshore of water bodies, such as Lake Macquarie and the coastal areas of the City.

Loading Dock is the area for loading and unloading of vehicles, generally incorporating a raised platform to facilitate operations. Loading and unloading can, however, take place from ground level.

Local Aboriginal Community means the body of persons in the local community who claim aboriginality.

Local Roads are generally the urban roads that are used solely to access individual lots.

Lot is a parcel of land or space described in a land title. Within this plan, lot also means “a development lot” as defined by the *Community Land Development Act (1989)*.

Lot Width means the length of the perpendicular line between the side boundaries, as measured at the front boundary of the lot.

Major Drainage System is the part of the public drainage system in an urban area that carries relatively large flows. It consists of the system of waterways, floodplains, stormwater channels, retarding basins and road pavements.

Manoeuvring Area is the part of a service area, adjacent to service bays, required by service vehicles to manoeuvre into the bays or to a position beside a loading dock.

Mean High Water Mark (MHWM) is the position where the plane of the mean high water level or all ordinary local high tides intersects the foreshore. The mean high water of Lake Macquarie has been determined as + 0.132 metres on the Australian Height Datum (AHD).

Minor Drainage System is the part of the public drainage system in an urban area that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control ‘nuisance flows’ that occur on a day-to-day basis.

Minor System (or Nuisance) Flooding in urban areas comprises relatively minor localised flooding with an ARI of 2-5 years. It occurs due to surcharge of stormwater onto streets and roads. Stormwater infrastructure is usually designed to avoid minor system flooding. These floods can be conveyed to the receiving environment via a constructed system, or can be reduced or eliminated using stormwater source control measures.

Mixed Use Development has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Movement System is the traffic and transport networks described in *Lifestyle 2030 Strategy Plan Movement System - Intent Statements and Map*.

NatHERS is an abbreviation for the Nationwide House Energy Rating Scheme.

Native Vegetation has the same meaning as in the *Native Vegetation Act 2003*.

In deciding whether a species is native, Council will rely on *Flora of New South Wales* by Gwen Harden and *Flora of the Sydney Region* by Rodger Carolin and Mary Tindale.

Natural Heritage means:

1. Natural features consisting of physical and biological formations or groups of such formations, which are of identifiable value from the aesthetic or scientific point of view;
2. Geological and physiographical formations and delineated areas, which constitute the habitat of threatened species of animals and plants of identifiable value, from the point of view of science or conservation; and
3. Natural sites or delineated natural areas of identifiable value from the point of view of science, conservation or natural beauty, regardless of evidence of human intervention.

Neighbourhood is an urban area within a five-minute walk (400 metre) of a Centre. Neighbourhoods are generally residential areas with a central activity node in the form of a centre.

Neighbourhood Scheme has the same meaning as in the *Community Land Development Act 1989*.

Non-Habitable Room is a bathroom, laundry, walk-in wardrobe, corridor, hallway, garage or other similar types of spaces that are not occupied frequently or for extended periods.

Occupied area (100%) means that the floor space on that level completely fills the maximum possible area within the setbacks from each boundary.

Occupied area (50%) means that the floor space on that level occupies no more than 50% of the maximum possible area within the setbacks from each boundary.

On-Site Stormwater Detention is a stormwater management practice that limits the rate of discharge from a suite using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device are temporarily stored either in tanks or surface depressions until the storm event recedes, and then released at a controlled rate. On-site detention systems should be designed so that the rate of site discharge is similar to that which would have existed under 'pre-development' conditions.

Outdoor lighting any form of permanently installed exterior lighting and interior lighting systems that emit light impacts on the outdoor environment.

Parking Aisles are the aisles used by cars to gain access to a parking space.

Permanent berthing of a vessel at a domestic waterfront facility for a period greater than 6 hours in any 24-hour period.

Permeable Surface is the treatment of a surface that allows rainwater to infiltrate to the soil, such as grass, gravel, landscaping or open paving.

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Note: *The elements described may include memorials, trees, gardens, parks, places of historical events, urban areas, towns, industrial places, archaeological sites, and spiritual and religious places.*

Planting on Structures- means any planting that completely or partially covers a roof, wall or terrace area of a building with vegetation that is planted in a growing medium over a waterproofing membrane. It may also include planting in containers located on roof or deck areas, provided the containerised system is adequate to sustain shrub and small tree planting

Pontoon is a floating structure used for access to the water that is supported by a jetty or ramp.

Primary Road Frontage is the road fronting a development from which access is gained via a driveway. Some developments will have more than one frontage road.

Principal Private Open Space has the same definition as in SEPP Exempt and Complying 2008

Ecologically Sustainable Development has the same meaning it has in section 6 (2) of the Protection of the Environment Administration Act 1991

Probable Maximum Flood (PMF) means the largest flood that could conceivably occur at a particular location.

Provisional Heritage Items means any property or group of properties identified in the study titled *Lake Macquarie Heritage Study 1993* or Appendix 1 to the *Heritage Guidelines*, and not listed in any schedule or list attached to LM LEP 2014.

Public lighting means lighting provided for the purposes of all-night safety and security on public roads, cycle paths, footpaths and pedestrian movement areas within public parks and gardens, but not including car parks.

Public Realm is the shared urban areas and places, the structures that relate to those spaces, and the infrastructure that supports and serves them.

Public Road for the purposes of this plan is a road that is controlled by a public authority.

Queuing Area is an area of roadway between the entry or exit driveway, and the first conflict point or traffic control point within a car parking area, available for vehicles in a queue.

Rail line means infrastructure or area reserved for the purpose of rail transport, whether for goods or passengers.

Recreation is the act of passive (eg: walking, reading) or active (eg: power walking, jogging, cycling, cricket) relaxation. Recreation takes place in locations that are designed for either unstructured (random) recreation or structured (sports, such as cricket, soccer) activities. Sport fields are designed for structured recreation but also allow passive activity. Likewise, parkland may be designed for passive activity, but provides cycle paths for structured recreation.

Riparian Vegetation is vegetation that grows on water surfaces, below water surfaces, on waterway banks, and along the edges of waterways.

Run-off is rainwater that does not soak into the soil, but flows across surfaces, generally hard surfaces, to the nearest drain, water body or waterway.

Sensitive Receiving Environment means an area where significant flora and fauna species, vegetation communities, ecological and/or riparian corridors and other significant habitat are part of land in a residential zone. They may also be on the site of an education establishment, hospital, childcare facility, community facility and the like.

Service Aisles are the portions of roadway between the access driveway and the service area. Service aisles may form part of the internal circulating road system.

Service Bay is a parking bay for service vehicles engaged in loading or unloading, and where a loading dock may or may not be provided.

Service Vehicle is a vehicle used to supply or remove goods or services to or from a development.

Setback is the minimum distance from a stated boundary to which the outermost projection of a structure may be built.

Setting means the area around a 'place', which may include the visual catchment.

Sight Distance is the distance over which visibility occurs between a driver and an object, or between two drivers, at specific heights above the ground.

Sight Line is a straight line of clear view between two objects over which a sight distance is measured.

Significant Flora and Fauna Species and Vegetation Communities include species and communities listed in the Schedules to the *Threatened Species Conservation Act 1995*, in Council's *Flora and Fauna Guidelines*, or *Tree Preservation Guidelines*.

Significant Habitat is habitat or areas important for significant flora and fauna species, which may contain significant vegetation or ecological communities. These could be terrestrial, aquatic, estuarine or marine habitats. Refer to Council's *Flora and Fauna Guidelines* for more detail.

Significant Tree is a tree or vegetation of any species or height that is listed on Council's *Significant Tree Register*.

Site Analysis involves the identification and analysis of the existing urban character and adjacent properties. It is designed to assist in understanding the locality and the development of a range of appropriate design responses.

Site Analysis Plan means a plan that demonstrates an appreciation of a site and its context, to identify opportunities and constraints on site layout and design.

Site Coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

Site Discharge Index is equal to the directly connected impermeable site area, expressed as a proportion of the total site area.

Slipway is a structure, usually in the form of 2 support parallel rails, on which a wheeled cradle is run to draw a vessel by a powered or manual winch, a block and tackle or similar.

Social Equity means the state or process by which people in society are considered as equals, and receive fair access to public places and services.

Source and Water Management Plan means a plan that demonstrates proposed measures to control soil erosion and pollution of water courses, both during and after construction.

Note: See *Managing Urban Stormwater: Soils and Construction – DLWC (1998)*.

Source Controls are measures designed to manage stormwater at or near the point of rainfall interception, without discharging from the site to an external drainage system (except for overflow during heavy rain). Examples of stormwater source controls include rainwater tanks, infiltration devices, porous paving, artificial wetlands and landscape measures.

Spill light means light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

Standard Lot means a lot that is generally rectangular/or square in shape.

Statutory Authorities means any government department, body or agency responsible for the enforcement or implementation of legislation or government function.

Stormwater is the run-off from rainfall events.

Strata Title Subdivision is the subdivision under the *Strata Titles Act, 1973*.

Streetscape is what is within view of a person, including building and natural form, related to the street.

Structure Plan is a plan that provides a comprehensive planning approach to the subdivision of land. It identifies the road network, open space network, services, environmental issues, pedestrian/cyclist links, mix of land uses and approximate density yields, among other attributes.

Sub-Arterial Roads are roads that connect Arterial Roads to areas of development, carry traffic directly from one part of the City to another, and may also relieve traffic on Arterial Roads. Smooth and safe traffic flow is the main priority of these roads. In many instances, these roads travel through centres and should safely facilitate pedestrian and cycle movement.

Telecommunications Facility has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Threatened Species Populations and Ecological Communities are those likely to become extinct unless action is taken to remove the factors that threaten their survival, such as habitat clearance and predation by introduced animals. In NSW, these species are listed in the

Schedules to the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*.

Total Catchment Management is the coordinated and sustainable use and management of land, water, vegetation and other natural resources on a water catchment basis, so as to balance resource utilisation and conservation.

Treatment Train is a term describing a stormwater treatment in which various devices and methods are used in sequence to treat polluted run-off water from sites.

Tree see definition of Native Vegetation.

Unbuilt Upon Area is the site area that has no buildings, structures or impervious surfaces or similar, as described by Site Coverage. It may include the identified private outdoor area, and landscaped areas, lawn areas, pools or similar activity areas.

Universal Design means design suitable for people of all ages and abilities, including people with a disability.

Urban Design is a process that concentrates on the appearance of the built environment, how it works, including its relationship to the natural environment and human behaviour, and its ability to provide, safe, equitable, stimulating and enterprising environments for all people.

Vegetation Corridor means a corridor identified on Council's *Native Vegetation and Corridors Map*.

Vehicle Threshold Surface means a paved and/or raised surface to facilitate safe pedestrian access across a public road.

Vicinity in this context means any development in close proximity to a heritage item, referring to more than just the immediate property on either side. Vicinity as a minimum should include the immediate property on either side, and the equivalent length of frontage opposite. It should also include a similar length on rear adjoining properties.

Walkable Catchment is the actual area served within a five-minute (400 metre) or 10-minute (800 metre) walking distance along a movement system.

Water Body means either an artificial or natural body of water.

Waterbody (artificial) has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Waterbody (natural) has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Water Catchment is an area that drains water to a common point.

Water Cycle Management means the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s, and its use and transport in the natural and built environment. Sustainable Water Cycle Management incorporates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies.

Water Cycle Management Strategy is the plan containing details of the water cycle management strategy for a site.

Water Pollution or pollution of waters has the meaning ascribed to it in the *Protection of the Environment Operations Act 1977*.

Water Sensitive Urban Design (WSUD) is a design approach that is intended to:

- Enhance water quality in receiving waters;
- Reduce the risk of flood damage in developed areas;
- Reduce stormwater run-off volumes, peaks and velocity;
- Prevent erosion of waterways, slopes and banks;
- Protect riparian and littoral vegetation;
- Minimise water-borne pollutants;
- Improve efficiency in the use of water, and reduce reliance for imported mains water;
- Reduce sewer overflows in wet weather; and
- Promote scenic landscape and recreation values.

Watercourse has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Waterway has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Wetlands has the same meaning as in the *Standard Instrument (Local Government Plans) Order 2006*.

Wetland Vegetation Communities are those communities that depend on living in wet conditions for at least part of their life cycle.