



# **Port Macquarie- Hastings**



# **Development Control Plan**



# **2013**



PORT MACQUARIE  
HASTINGS



## PART 1 DCP OVERVIEW

### Chapter 1.1 Preamble

#### 1.1.1 Introduction

##### About this DCP

*Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011) provides the statutory framework for land use management in the Port Macquarie-Hastings Local Government Area, subject to overriding planning controls in State Environmental Planning Policies and other State legislation.

When assessing and determining development applications, the consent authority is required to take into consideration relevant matters under section 79C of the *Environmental Planning and Assessment Act 1979*. These matters include the provisions of any environmental planning instrument (i.e. the LEP and State Environmental Planning Policies), and the provisions of any Development Control Plan (DCP).

This DCP supports the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011* by expanding upon the aims, objectives and other provisions of the *Port Macquarie-Hastings Local Environmental Plan 2011*.

##### Citation – Name of this Plan

This Plan is called the ***Port Macquarie-Hastings Development Control Plan 2013***. It has been prepared pursuant to the provisions of section 74C of the *Environmental Planning and Assessment Act 1979* (the Act) and Clauses 16-24 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

##### The Consent Authority

Broadly Port Macquarie-Hastings Council is the Consent Authority, except where the Joint Regional Planning Panel (JRPP) is given this role under the *State Environmental Planning Policy (State and Regional Development) 2011*.

#### 1.1.2 Land and LEPs covered by this Plan

The plan applies to all land in the Port Macquarie-Hastings Local Government Area.

The Local Environmental Plan applying to the land is *Port Macquarie-Hastings Local Environmental Plan 2011*.

#### 1.1.3 Purpose

The principal purpose of the DCP is to provide guidance to persons carrying out development on the following matters:

- giving effect to the aims of the *Port Macquarie-Hastings Local Environmental Plan 2011*,
- facilitating development that is permissible under the *Port Macquarie-Hastings Local Environmental Plan 2011*,
- achieving the objectives of land zones used in the *Port Macquarie-Hastings Local Environmental Plan 2011*.

It will be used by Council and landowners as a guideline at the time of preparation and assessment of development applications.

#### 1.1.4 Structure

This plan currently contains four Parts, each containing Chapters:

**Parts 1 to 2** apply to all development applications (subject to details of the application)

**Part 3** applies to development based on the proposed land use activities.

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**Part 4** contains area-based provisions for parts of Port Macquarie, Thrumster, Fernbank Creek, and parts of Sancroix.

**Figure 1.1-1** identifies land subject to area-based provisions, including (as described below) further area-based provisions adopted by reference.

## Table of Contents

Part / Chapter	Title	Applies to
<b>Part 1</b>	<b>DCP Overview</b>	
1.1	Preamble	Relevant to all development applications - explains which Chapters are relevant.
1.2	Planning Framework	Provides context for DCP within NSW planning system.
1.3	Community Participation	Outlines local public consultation requirements for development applications.
<b>Part 2</b>	<b>General Provisions</b>	
2.1	Preamble	Introduces Part 2 - applies to all development applications, subject to relevance.
2.2	Advertising and Signage	Provisions relevant to advertising structures and other signage that requires development consent.
2.3	Environmental Management	Environmental protection provisions.
2.4	Hazards Management	Provisions relating to reduction of hazards to development.
2.5	Transport, Traffic Management, Access and Car Parking	Provisions relating to access, transport, roads and parking.
2.6	Tree Management	Provisions relating to approvals for lopping, removal, etc of trees and other vegetation.
2.7	Social Impact Assessment and Crime Prevention	Provisions relating to consideration of social impacts and strategies to prevent crime.
<b>Part 3</b>	<b>Development Specific Provisions</b>	
3.1	Preamble	Introduces Part 3 - applies to development based on what it involves or the relevant land use zone.
3.2	Low Density Residential Development	Applies to: <ul style="list-style-type: none"> <li>• dwellings (where not part of a high density residential, commercial or industrial development),</li> <li>• dwelling houses,</li> <li>• exhibition homes,</li> <li>• exhibition villages,</li> <li>• semi-detached dwellings,</li> <li>• dual occupancies;</li> <li>• multi dwelling housing;</li> <li>• and ancillary development associated with these developments.</li> </ul>
3.3	Residential Flat Development, Tourist and Visitor Accommodation, Mixed Use Development	Applies to: <ul style="list-style-type: none"> <li>• Residential flat buildings, Hostels and Shop top housing,</li> <li>• Tourist and visitor accommodation (which encompasses Backpackers' accommodation, Bed and breakfast accommodation, Farm stay accommodation, Hotel or motel accommodation, and Serviced apartments), and</li> <li>• Any residential component of a mixed use development including 'shop top housing'.</li> </ul>
3.4	Business and Commercial Development	Applies to development within the Business zones - B1, B2, B3, B4, B5 and B7



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Part / Chapter	Title	Applies to
3.5	Industrial Development	Applies to: <ul style="list-style-type: none"> <li>all development in land zoned IN1, IN2, IN3, IN4, and W3; and</li> <li>Industries, Heavy industrial storage establishments, Storage premises, Boat building and repair facilities, Vehicle body repair workshops and Vehicle repair stations in any zone.</li> </ul>
3.6	Subdivision	Applies to development applications to subdivide land.
<b>Part 4 Greater Port Macquarie Area-based Provisions</b>		
4.1	Preamble	Introduces Part 4, and gives an overview of where area-based provisions are in force within this DCP
4.2	Port Macquarie Greater Town Centre	Currently only contains provisions for the Westport Neighbourhood. Provisions for the Central Business District and Settlement City are currently adopted by reference from DCP 2011 Part 5.
4.3	Port Macquarie East	Currently only contains provisions for the East Port Neighbourhood. Provisions for the Flynns Beach neighbourhood not covered by the above are currently adopted by reference from DCP 2011 Part 5.
4.4	Port Macquarie West	Currently applies only to one site - 18 John Oxley Drive, Port Macquarie. Some land along Hastings River Drive is subject to provisions currently adopted by reference from DCP 2011 Part 5.
4.5	Thrumster	
4.6	Highway Employment Lands	Currently only applies to land adjoining the Dennis Bridge,

### Adoption of other DCP provisions

For the land so identified on **Figure 1.1-1** this DCP adopts by reference the provisions of **Part 5** of *Port Macquarie-Hastings Development Control Plan 2011*, containing Area-based provisions that supplement the provisions of this DCP.

#### Notes

Section 74C (3) of the Act enables a DCP to adopt by reference the provisions of another DCP.

Parts 1 to 3 of this DCP supersede Parts 1 to 4 of DCP 2011. It is intended to progressively incorporate within additional Parts of this DCP the Area-based provisions of DCP 2011.

The provisions of Part 5 of DCP 2011 that are currently adopted by reference are:

Map Ref	Name	Starting Page
1	Port Macquarie Town Centre	5-3
3	Flynns Beach Precinct ( <i>where not covered by Chapter 4.3.2</i> )	5-53
5	King Creek	5-61
7	Hastings River Drive	5-65
8	Wauchope Town Centre	5-69
9	North Haven Shopping Precinct	5-71
11	Sancrox Employment Lands	5-75
12	Area 15 Camden Haven	5-97
13	West Haven	5-115
14	Rainbow Beach	5-119
15	Settlement City Precinct	5-149
16	Fernbank Park Employment Lands	5-169

The **Map Ref** refers to the numbers on **Figure 1.1-1**.

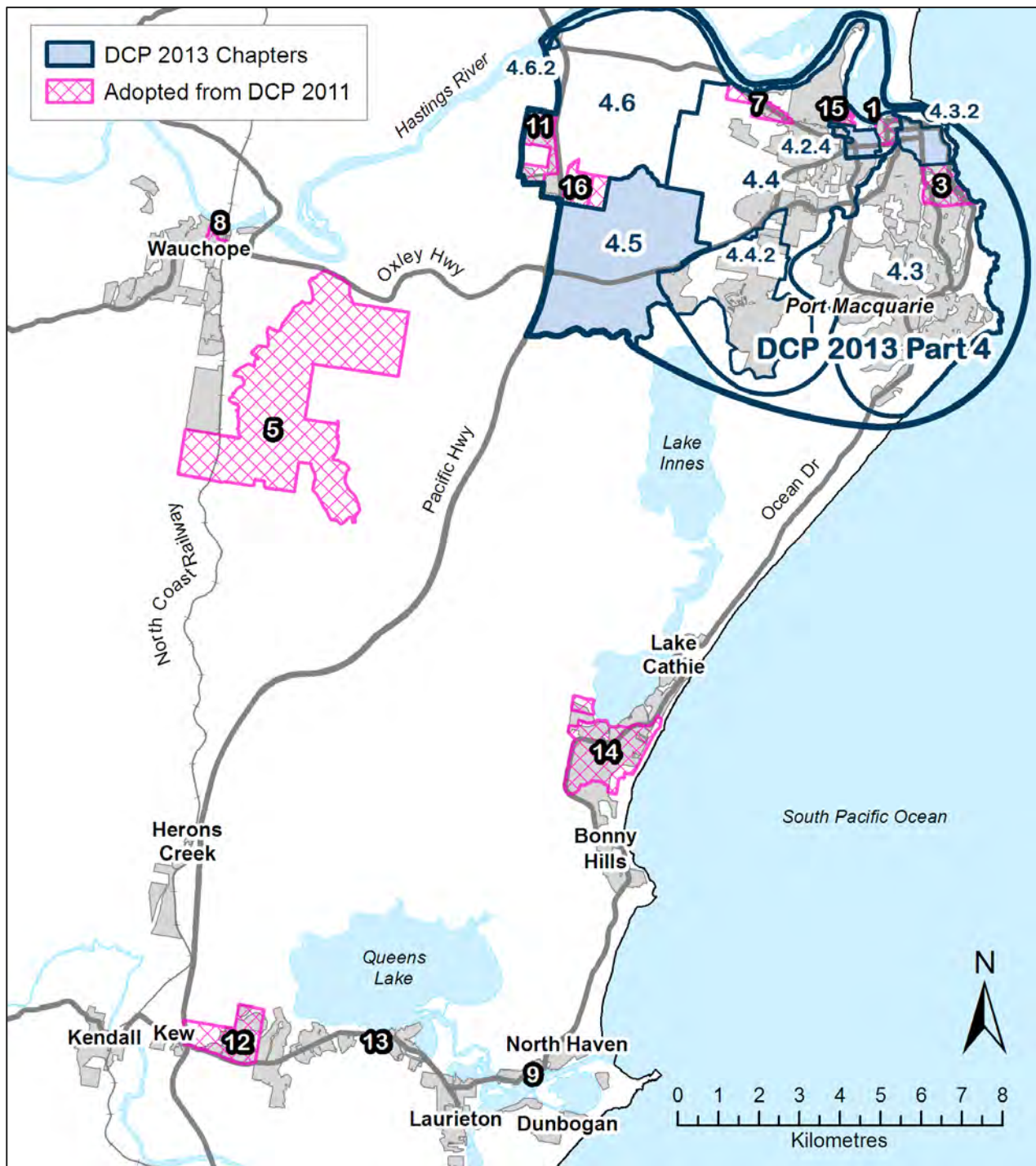


Figure 1.1-1 Land subject to area-based provisions, including those adopted by reference

## 1.1.5 How to use this DCP

### When to use this plan

This plan applies to all development that requires consent in the Port Macquarie-Hastings Local Government Area.

### Relationship to other Council Policy Documents

This Plan supports *Port Macquarie-Hastings Local Environment Plan 2011*.

## Variations

Council may consider varying the development provisions where it can be adequately demonstrated that the objective to which the provision relates can be wholly achieved by reasonable or innovative solutions and the proposal is consistent with all relevant LEP aims and Zone Objectives.

A variation that is inconsistent with any LEP aim or a zone objective will not be supported.

### 1.1.6 Developer Contributions

Development Contributions are levied as a means of funding local infrastructure and services that are required as a result of new development. The contributions are levied under the provisions of Development Contributions Plans prepared pursuant to the *Environmental Planning and Assessment Act 1979* and under Development Servicing Plans prepared pursuant to the *Water Management Act 2000*.

Council has adopted Development Contributions Plans for:

- Road Works
- Open Space
- Community Cultural & Emergency Services
- Parking and Traffic Facilities
- Administrative Facilities
- Section 94A Levy (Commercial and Industrial Development).

Council has also adopted Development Servicing Plans for Water Supply and Sewerage Services.

Contributions are determined in conjunction with a Development Application or Complying Development Application and are imposed by a condition of development consent in accordance with the development contributions plans in force at that time. Contribution rates are adjusted quarterly in line with the CPI.

Generally development applications for subdivision, residential accommodation, rural dwellings and commercial or industrial development will be subject to development contributions.

Contributions are normally satisfied by payment of monetary contributions. However, subject to Council approval, contributions can also be satisfied by dedication of land, and material public benefit (works in kind) or a combination of these.

The EP&A Act also provides for negotiation of development contributions via Voluntary Planning Agreements between Council and a developer. Council has adopted a Planning Agreements Policy that establishes a framework for negotiation and public notification of planning agreements.

### Relationship to Voluntary Planning Agreements

The Consent Authority is required to take into consideration, where relevant, a planning agreement that has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*, or any draft planning agreement that a developer has offered to enter into under section 93F, as provided in section 79C of that Act.

### 1.1.7 Dictionary

#### Notes

This plan adopts the terms and definitions of the *Port Macquarie-Hastings Local Environment Plan 2011*, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *Environmental Planning and Assessment Act 1979*. Additional terms used in this DCP are defined below. Where there is an inconsistency, the higher order instrument (Acts, then SEPP, then LEP) prevails.

**Active street frontage** - means where all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

**Arborist** means a person:

- (a) who holds the Australian Qualifications Framework Diploma in Horticulture (AQF5 Arboriculture) to the satisfaction of Council or an international qualification considered equivalent by Council; or
- (b) the Council.

**Aus-Spec** means the Port Macquarie-Hastings Council version Design and Construction Specifications for infrastructure works. The Specifications are available on Council's website.

**Brownfield development** means development on a site that has previously been used for urban purposes.

**Crime Prevention Through Environmental Design** (CPTED) means Section 5.1 of Council's *Crime Prevention Strategy*, November 2010 – June 2015. Refer to **Chapter 2.7** section **2.7.2.2** for further details.

**Dangerous tree** means a tree that has lost stability or structural integrity to a point that it poses a threat to life that no remedial works can mitigate. Also refers to vegetation that interferes with the safe flight path of aircraft or sight lines for traffic.

**Destroy (a tree)** includes killing, clearing, removing, cutting, burning, ring barking, knocking over, poisoning, lopping, topping or cutting of living branches of a tree, or root system, or damaging a tree's root system by compaction, excavation or asphyxiation including unauthorised filling or stockpiling of materials.

**Dead (tree)** means a tree where all process within all of the vascular tissue has ceased.

**Dying (tree)** means a tree that has declined to a point that no remedial action will prevent death.

**Indigenous Street and Open Space Planting List** means the list available from Council's Tree Management Section.

**Infill development** means development within an existing developed urban zone.

**Greenfield development** means development on a site not previously used for an urban purpose.

**Tree worker** means a tradesperson who holds the Australian Qualifications Framework 3 Horticulture (AQF3 Arboriculture) or an international qualification considered equivalent by Council.

**Unsuitable tree** means a tree species that will have a negative impact on the surrounding native vegetation community as determined by Council Officers or has been planted in a location that the growth habit or mature size of a tree/s may be undesirable as determined by the Director Infrastructure Services

## 1.1.8 Reference to External Standards and Documents

Throughout this document there are references to external documents and standards. These include, but are not limited to Australian and New Zealand Standards, AUSPEC specifications and standard drawings. In all circumstances, the reference is taken to mean the current version of that standard or specification.

## 1.1.9 Acknowledgements

Council has used diagrams, figures and illustrations throughout this DCP that have been prepared on its behalf, as diagrams, figures and illustrations in superseded DCPs. Where available, Council has made reference to the author or the superseded DCP.

Some sources are:

- Anterra Design Pty Ltd, August 2007 - Sovereign Hills, Port Macquarie Proposed Indicative Street Profiles

### 1.1.10 Amendment history - Chapter 1.1 Preamble

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

Each Chapter will end with a Table similar to below, listing the dates of adoption and commencement and subsequent amendments for that Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108
17/12/2014	02/04/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 3)	v20150402
15/04/2015	10/07/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 2)	v20150710
15/07/2015	24/07/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 4)	v20150724
16/12/2015	15/01/2016	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 6)	v20160115

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# Chapter 1.2 Planning Framework

## 1.2.1 Environmental Planning and Assessment Act 1979

The legislative framework for planning and development is primarily contained in the *Environmental Planning and Assessment Act 1979*, though sometimes other Acts may be applicable.

Procedural requirements are contained in the *Environmental Planning and Assessment Regulation 2000*.

Operational details can be contained in State Environmental Planning Policies, relating to:

- minor development not requiring development consent (refer to Section 1.2.5 below),
- identification of major development which is subject to special requirements,
- provision of infrastructure under standard State-wide planning criteria,
- provisions for particular types of development or for particular environmental areas.

## 1.2.2 Mid North Coast Regional Strategy

The *Mid North Coast Regional Strategy 2006 – 2031* was released by New South Wales Department of Planning in March 2009. The primary purpose of the regional strategy is to ensure that adequate land is available and appropriately located to accommodate projected housing and employment needs of the region's population over the next 25 years.

The regional strategy is intended to be the pre-eminent planning document for the Mid North Coast and will complement and inform other relevant State planning instruments, including future infrastructure investment priorities.

In summary the aims of the strategy are to:

- Protect high value environments and habitat corridors, cultural and Aboriginal heritage and scenic landscapes.
- Provide up to 58,400 new homes by 2031 to cater for a forecast population increase of 91,000. With smaller households and an ageing population, a more suitable mix of housing will be encouraged, including more multi-unit style dwellings.
- Ensure an adequate supply of land is available to support economic growth and an additional 47,000 jobs.
- Encourage the growth and redevelopment of the Region's four major regional centres (Grafton, Coffs Harbour, Port Macquarie and Taree) and six major towns (Macleay, Woolgoolga, Bellingen, Macksville, Kempsey and Forster–Tuncurry) through urban design and renewal strategies.
- Protect the coast by focusing new settlement in areas identified on local strategy maps. Development in places constrained by coastal processes, flooding, wetlands, important farmland and landscapes of high scenic and conservation value will be limited.

The strategy guides local planning in the eight local government areas of Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Port Macquarie–Hastings, Greater Taree and Great Lakes, and will be reviewed every five years.

Growth in the Port Macquarie-Hastings is to occur in a number of release areas, through infill development and urban consolidation of the existing urban footprint.

## 1.2.3 Urban Growth Management Strategy 2011-2031

The Mid North Coast Regional Strategy requires Council to prepare an urban growth management strategy which identifies growth areas and achieves regional outcomes and targets. Council's *Urban Growth Management Strategy 2011-2031* (UGMS) was adopted by Council in December 2010, and approved by the NSW Department of Planning in May 2011.



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In Council's corporate planning framework the urban growth management strategy is one of several strategic plans which sit under the overarching Community Strategic Plan.

The UGMS consolidates and reviews the provisions of the previous growth strategies. The **Vision and Objectives** of UGMS state:

The vision for the Port Macquarie-Hastings is to achieve a “sustainable high quality of life for all”. In the context of this Strategy, this means that land use and population growth will be managed to maintain and enhance quality of life for all persons in the community in a balanced way for current and future generations. A “balanced way” means that social, economic and ecological objectives are balanced with each other.

With this vision in mind, the following strategic objectives will guide the Urban Growth Management Strategy:

1. Provide an efficient settlement pattern that will maximise residents’ access to services and facilities and reduce the cost of infrastructure to private, public and community sector providers.
2. Provide sufficient land to accommodate the kinds of households expected to be living in and visiting the area.
3. Allocate land for employment growth and protect economic resources in line with population growth and suited to changing business enterprise needs and opportunities.
4. Conserve the natural environment and provide opportunities to extend valuable biodiversity lands and protect threatened species.
5. Integrate the Urban Growth Management Strategy with other Council strategic plans and land use plans, including planned infrastructure and facilities.

### 1.2.4 Port Macquarie-Hastings Local Environmental Plan 2011

The *Port Macquarie-Hastings Local Environmental Plan 2011* has been prepared for Port Macquarie-Hastings Local Government Area to conform with State Government requirements for all NSW Councils to prepare a consolidated LEP based on the *Standard Instrument (Local Environmental Plans) Order 2006*, known as the 'standard LEP template'.

The particular aims of this Plan are as follows:

- (a) to protect, conserve and sustainably manage the ecological biodiversity and natural environment of the Port Macquarie-Hastings area,
- (b) to facilitate a strong and diverse local economy within the Port Macquarie-Hastings area,
- (c) to manage and coordinate the orderly, equitable and economic use and development of land within the Port Macquarie-Hastings area,
- (d) to facilitate the provision and coordination of community services and facilities within the Port Macquarie-Hastings area,
- (e) to facilitate adaptive planning for natural hazards and risks, including flooding, erosion, inundation, land stability, bush fire risk and acid sulfate soils within the Port Macquarie-Hastings area,
- (f) to reinforce the role of the Port Macquarie-Hastings area’s settlement hierarchy, centred on Port Macquarie and supported by its surrounding towns and villages,
- (g) to ensure the effective management of public assets within the Port Macquarie-Hastings area,
- (h) to provide a land use framework for development within the Port Macquarie-Hastings area that is safe, inclusive and equitable, and caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,
- (i) to ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings area and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery,
- (j) to identify and protect features of environmental, cultural or visual importance within the Port Macquarie-Hastings area.

### 1.2.5 Exempt and Complying Development

The *Environmental Planning and Assessment Act 1979* provides that, as long as specified requirements are satisfied, certain development can be:

- a) exempt development, which can proceed without any approvals under the Act, and
- b) complying development, which can proceed with a streamlined approval process under the Act, known as a Complying Development Certificate.

Provisions relating to exempt and complying development are contained primarily in the ***SEPP (Exempt and Complying Development Codes) 2008*** (the “Codes SEPP”), with some additional provisions in Schedules 2 and 3 of *Port Macquarie-Hastings LEP 2011*.

Sections 76 and 76A of the EP&A Act and Division 2 of the Codes SEPP contain overriding qualifications for exempt and complying development and where it can be applied.

Exempt development and complying development are still subject to any approvals or other requirements under other legislation such as the *Local Government Act 1993*, *Roads Act 1993* and *Water Management Act 2000*. This includes approvals for driveways across nature strips, water and sewer connections and stormwater discharge.

### 1.2.6 Amendment history

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## Chapter 1.3 Community Participation

### 1.3.1 Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This Chapter applies to applications for development listed within this Chapter as **advertised development**. This requires community participation as part of the application processing and assessment, whether by public exhibition or neighbour notifications.

#### Notes

The Act and Regulation specify that for certain types of development there is to be the opportunity for community participation:

#### Designated development

Identified by Schedule 3 of the Regulation or by an environmental planning instrument, such as:

- SEPP No 14 - Coastal Wetlands
- SEPP No 26 - Littoral Rainforests
- SEPP No 33 - Hazardous and Offensive Development (the same advertising provisions apply for some development, even though it may not be designated development)
- SEPP No 62 - Sustainable Aquaculture

This covers development with potential for significant impacts, and is subject to exhibition periods of at least 30 days. The public participation requirements are contained in Part 6 Division 5 of the Regulation (clauses 77 - 81). Not relevant to this DCP.

#### State significant development

Identified by a SEPP (refer to SEPP (State and Regional Development) 2011) or by the Minister in relation to specified development on specified land. Subject to exhibition periods of at least 30 days. The public participation requirements are contained in Part 6 Division 6 of the Regulation (clauses 82 - 85B). Not relevant to this DCP.

#### Advertised development

Means development, other than State significant development or designated development that is identified as advertised development by:

- the Regulations (refer to cl 5).
- an environmental planning instrument (e.g. SEPP No 55 - Remediation of Land) or a Development Control Plan.
- development for the purposes of a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not State significant development or designated development (refer Section 4 Definitions in the Act).

Some public participation requirements are contained in Part 6 Division 7 (clauses 86 - 91) and clauses 117 - 119 and 252 of the Regulation.

The exhibition period for advertised development is 14 days, or 30 days in the case of nominated integrated development (refer to clause 5 of the Regulation).

A Development Control Plan can identify for public advertising or notification:

- development applications (not already covered above),
- requests for review of determinations of development applications (and applications for modifications) where the review proposes amendments, and
- applications for modifications of consent.

[Act sec 74C (1)(b)-(c), 79A (2), 82A (4), 82C (5), 96, 96AA]

## Purpose

This Chapter identifies when development applications, requests for review of determinations, and applications for modifications will be subject to community participation by advertising or by other notification.

## Applicable EPIs

The *Port Macquarie-Hastings Local Environmental Plan 2011* is the primary statutory planning document for the Port Macquarie-Hastings Local Government Area (LGA).

## Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

## 1.3.2 Advertised development under the DCP

### Community Participation

#### 1.3.2.1 Objective

To identify development that is **advertised development** within the Council area.

#### Development Guidelines

- a) the following development is 'advertised development' (unless it is Designated Development or State Significant Advertised Development):
- major community or public facilities whether publicly or privately owned including hospitals, libraries, schools, universities, sports and entertainment facilities, licensed clubs;
  - major commercial and retail development;
  - major transport infrastructure and interchanges;
  - hotels, pubs or entertainment facility;
  - caravan parks;
  - places of public worship;
  - manufactured home estates;
  - motels;
  - public buildings in residential zones;
  - major development on Council owned or controlled land;
  - the demolition of a heritage item, or the use of a building or land which is a heritage item for a purpose which is not permitted under the land use zoning table applying to that land;
  - extractive industries;
  - any development application accompanied by a Species Impact Statement;
  - water based activities.

#### 1.3.2.2 Objective

To ensure that there is adequate time to review an application and supporting material for significant or complex development, or development that is in the public interest.

#### Development Guidelines

- a) The General Manager or delegate may extend the period of exhibition for a development application by an additional 2 weeks to the statutory period if the application is considered to be significant, complex or in the public interest.

## Community Participation

### 1.3.2.3 Objective

To identify development that is **notifiable local development**.

#### Development Guidelines

- a) Notifiable local development is all development other than:
- advertised development
  - single storey dwellings and single storey additions that comply with setback provisions.
  - swimming pools.
  - sheds and outbuildings that comply with maximum floor area height and setback provisions.
  - fences and retaining walls
  - identified complying development;
  - rural dwellings and ancillary structures;
  - buildings ancillary to agriculture which are not complying development;
  - demolition of buildings;
  - industrial land uses within the IN1 zone, except where the site borders residentially zoned land;
  - minor development in commercial zones;
  - development which in the opinion of the General Manager or delegate does not require notification.

### 1.3.2.4 Objective

To describe the notification requirements for **notifiable local development**.

#### Development Guidelines

- a) For Notifiable local development, a letter will be sent to potentially affected property owners by Council advising the nature of the development application and providing a period of 14 days in which to inspect the application and make written submission.
- b) Where an adjoining or adjacent property is a strata title, then Council will notify the individual strata unit owners as well as the body corporate secretary.

## 1.3.3 Amendment history

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## PART 2 GENERAL PROVISIONS

### Chapter 2.1 Preamble

#### 2.1.1 Context

##### Land and LEPs to which this Part applies

This Part applies to all land in the Port Macquarie–Hastings Local Government Area.

The Local Environmental Plans applying to the land are:

- *Port Macquarie-Hastings Council Local Environmental Plan 2011*, and  
*Port Macquarie-Hastings Council (Area 13 Thrumster) Local Environmental Plan 2008*.

##### Application

These provisions apply generally to advertising and signage that is not 'Exempt development', social impact assessment, transport, traffic management, access and car parking, hazard and environmental management and crime prevention.

##### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

##### Purpose

This Chapter identifies general provisions which apply to all development applications on land within the local government area.

#### 2.1.2 Content of Part 2

Part 2 contains the following Chapters:

Chapter 2.1	Preamble
Chapter 2.2	Advertising and Signage
Chapter 2.3	Environmental Management
Chapter 2.4	Hazards Management
Chapter 2.5	Transport, Traffic Management, Access and Car Parking
Chapter 2.6	Tree Management
Chapter 2.7	Social Impact Assessment and Crime prevention

#### 2.1.3 Amendment history

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## Chapter 2.2 Advertising and Signage

### 2.2.1 Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This Chapter applies to development applications involving signage.

#### Notes

Refer to the Glossary for meanings.

Under the LEP, the group term is **signage**, which encompasses:

- advertising structures,
- building identification signs,
- business identification signs.

**Note:** **signage** does not include a traffic sign or traffic control facilities.

Generally the latter two types are exempt development, unless they don't comply with the relevant requirements.

Other types of signage can be exempt development, e.g. as listed in the *Codes SEPP* and in Schedule 2 of the LEP.

*State Environmental Planning Policy No 64 – Advertising and Signage* applies to all signage that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and is visible from any public place or public reserve, other than signage that is exempt development. Where there is an inconsistency between the SEPP and this DCP, the provisions of the SEPP prevails. Clause 33 of the SEPP also lists as exempt development:

- advertisements on transport corridor land,
- electoral matter relating to Federal, State or local government elections.

This Chapter applies only where the signage is subject to a requirement for development consent.

#### Applicable EPIs

Some signage is exempt development – refer to *SEPP No 64, SEPP (Exempt and Complying Development Codes) 2008* and Schedule 2 of LEP 2011 for details.

For all other signage, consent cannot be granted unless it is consistent with the objectives of SEPP 64 and satisfies the assessment criteria specified in Schedule 1 of that SEPP. Where development consent is required for signage, the criteria in this Chapter will be considered.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Glossary

##### Notes:

Relevant definitions are:

**advertisement** means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water. {Act}

**advertising structure** means a structure used or to be used principally for the display of an advertisement. [Act]

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. [LEP]

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place. [LEP]

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

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities. [LEP]

### Purpose

The purpose of this Chapter is to specify development guidelines for signage requiring consent.

## 2.2.2 Objectives and Development Provisions

### Advertising and Signage

#### 2.2.2.1 Objective

To ensure that signage:

- is compatible with the desired amenity and visual character of an area, and
- is of high quality design and finish, and
- does not dominate the streetscape, and
- does not add to proliferation of signage, and
- does not obscure or limit the view of motorists or pedestrians, and
- does not reduce the safety of pedestrians, cyclists or vehicles using public roads or footpaths
- does not include directions to traffic (such as turn left now or wrong way), and
- does not imitate official regulatory signage or be capable of being confused with regulatory signage,
- does not adversely affect the amenity of residential properties.

#### Development Guidelines

- a) Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.
- b) Signage **is not** permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. **No** signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the *Roads Act 1993* or section 68 of the *Local government Act 1993*.
- c) An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m<sup>2</sup>, and should contain a sign written heading indicating the premises to which it refers.

## Port Macquarie-Hastings Development Control Plan 2013

### Advertising and Signage

- d) On-premise signs should not project above or to the side of building facades

#### 2.2.2.2 Objective

To provide for signage that effectively promotes the areas attractions, trade and services, whilst taking into consideration both the development on which it is displayed and the amenity and character of the surrounding area.

#### Development Guidelines

- a) Where there is potential for light spill from signage in a non residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.

### 2.2.3 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108

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## Chapter 2.3 Environmental Management

### 2.3.1 Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This Chapter applies to development applications generally.

#### Applicable EPIs

##### Notes

Other relevant controls are:

- Environmental management provisions of the *Environment Protection and Biodiversity Conservation Act 1999*, *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*, and associated provisions of the *Environmental Planning and Assessment Act 1979*, *Water Management Act 2000*, *Native Vegetation Act 2003*.
- Clause 5.10 Heritage conservation and Schedule 5 of the LEP (relating to Aboriginal and European heritage and archaeology)
- *National Parks and Wildlife Act 1974* (protection of the natural environment and Aboriginal cultural heritage)
- *Heritage Act 1977* (relating to European heritage and archaeology).

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

The purpose of the environmental provisions set out in the DCP is to achieve a balance between assisting in appropriate development whilst conserving the most important biodiversity assets and maintaining the ecological processes that sustain them.

### 2.3.2 Strategic Context

The PMH LGA contains outstanding areas of biodiversity and conservation importance due to its location within the confluence of tropical and temperate biogeographic regions. Coupled with relatively intact and healthy waterways, the area contains some of the highest valued biodiversity assets at regional and national scale.

The natural environment is a key asset that makes the Port Macquarie-Hastings area a highly valued place to live and it is critical to local amenity. Effective management of environmental assets is one of the key components of achieving ecologically sustainable development and is therefore a fundamental philosophy required in developing land in the region.

These DCP provisions are based on the best available science sourced from local to national peer-reviewed studies.

### 2.3.3 Objectives and Development Provisions

#### Cut and fill regrading

##### 2.3.3.1 Objective

To ensure that design of any building or structure integrates with the topography of the land to:

- Minimise the extent of site disturbance caused by excessive cut and fill to the site.
- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.



### Cut and fill regrading

- Ensure that there is no adverse alteration to the drainage of adjoining properties.
- Ensure the privacy of adjoining dwellings and private open space are protected.
- Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.

### Development Provisions

- a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).

### 2.3.3.2 Objective

To ensure retaining walls are functional, safe and positively contribute to the development and/or the streetscape.

### Development Provisions

- a) The maximum height of a retaining wall along all road frontages is 1.0m.
- b) Any retaining wall greater than 1.0m must be certified by a certified practising structural engineer.
- c) Where a combination of a fence and a wall is proposed to be greater than 1.2m high:
- be a maximum combined height of 1.8m above existing property boundary level;
  - be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less;
  - the fence component have openings which make it not less than 25% transparent; and
  - provide a 3m x 3m splay for corner sites, and
  - provide a 900mm x 900mm splay for vehicle driveway entrances.

### 2.3.3.3 Objective

To minimise the extent of landform change to render a site suitable for subdivision.

To minimise adverse impact on other land, persons or public infrastructure from landform change.

To preserve levels at site boundaries.

To preserve significant natural watercourses, riparian vegetation, environmental and topographical features.

To preserve the visual character of the landform as viewed from within and outside the land site.

To preserve cross boundary drainage conditions.

To ensure runoff from upstream or upslope land is not adversely impeded.

To ensure there are no adverse geotechnical consequences to the site or to other land.

To ensure there are no adverse consequences to public infrastructure.

### Development Provisions

- a) Significant land reforming proposals where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where earthworks exceed an average of 10,000m<sup>3</sup> per ha shall:
- identify the impact of the proposed land reforming on the environment, landscape, visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure;
  - demonstrate compliance with the provisions of Council's Aus-Spec design specification;
  - assess the impacts and benefits of the proposal to all impacted persons and the general public;
  - provide measures to compensate for and minimise any net adverse impacts.
- b) The use of high earthworks batters should be avoided.
- c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application

## Cut and fill regrading

- d) The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.

## Environmental Management Areas and Buffers

The following buffer provisions to ecologically endangered communities and watercourses do not apply:

1. To land less than 1ha in area;
2. To land where there is a current and valid approval for urban purposes;
3. To any application to modify an existing valid approval under section 96 of the *Environmental Planning and Assessment Act 1979*.

Where there is a conflict between the 'Environmental Management Areas and Buffers' provisions and 'Area Based Provisions' for a defined precinct, the 'Area Based Provisions' prevail

## Environmental Management Areas and Buffers

### 2.3.3.4 Objective

To conserve biological diversity and promote ecologically sustainable development.

To prevent the extinction and promote the recovery of threatened species, populations and ecological communities.

To protect the habitat of threatened species, populations and ecological communities

To eliminate or manage processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities.

To ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed.

To encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.

To mitigate against Key Threatening Process to Threatened Species and their Habitat.

### Development Provisions

- a) For coastal floodplain endangered ecological communities a minimum, fully vegetated buffer of 35m must be provided.
- b) For Freshwater Wetland on Coastal Floodplain endangered ecological community a fully vegetated buffer of 100m is to be provided.
- c) For all other endangered ecological communities, a fully vegetated buffer of 50m must be provided.
- d) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.
- e) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.
- f) Where different buffers (including riparian buffers) apply to an area, the greater of the buffer widths applies.

### 2.3.3.5 Objective

Environmental areas are to be appropriately protected and managed.

### Development Provisions

- a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.
- b) Improvement and maintenance of existing habitat and corridors and the consolidation of fragmented bushland are to be considered as the first preference for any development offset.

### Environmental Management Areas and Buffers

- c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.
- d) VMPS are required to address Council's VMP "Heads of Consideration"

#### 2.3.3.6 Objective

To protect and maintain:

- (a) water quality within waterways;
- (b) stability of the bed and banks of waterways;
- (c) aquatic and riparian habitats, and
- (d) ecological process within the waterways and riparian areas.

#### Development Provisions

- a) A minimum, fully vegetated buffer from the top of bank to both sides of a watercourse is to be provided in accordance with the following:
  - 10m for 1st order streams that flow intermittently.
  - 30m for 1st order streams that flow permanently.
  - 40m for 2nd order streams.
  - 50m for 3rd order streams.
  - 65m for 4th order streams.
- b) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.
- c) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.

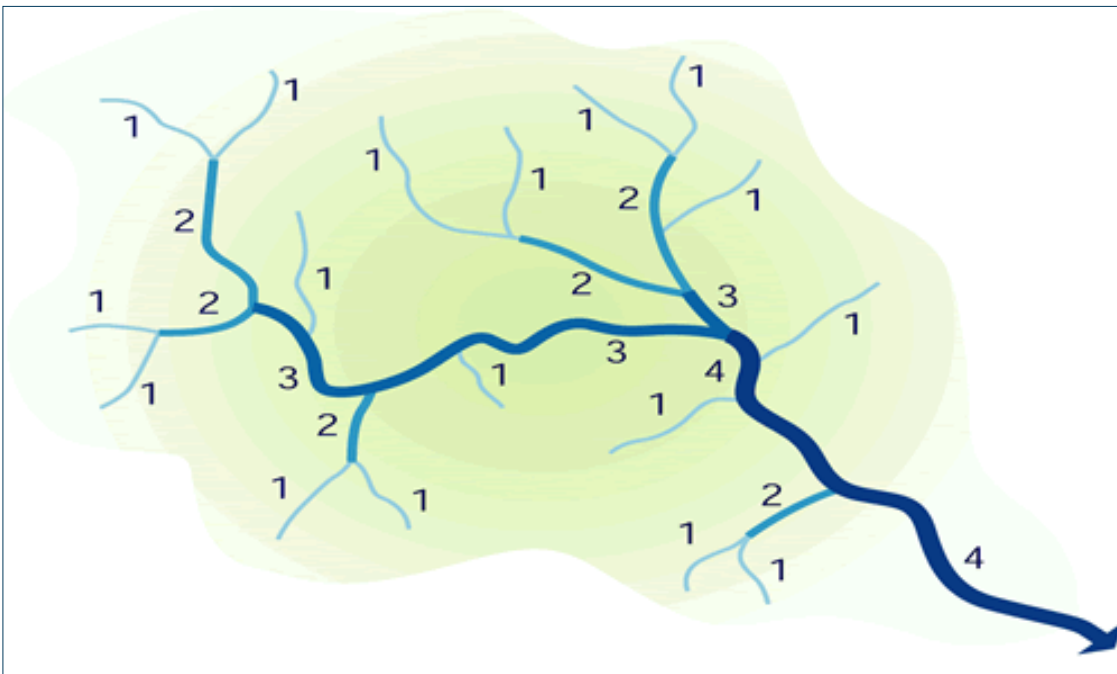


Figure 2.3-1 Hypothetical stream network ordered by the Horton-Strahler method.

### Notes:

The stream order method which is most frequently used to classify drainage networks is the Horton-Strahler classification system. A first-order stream is the smallest unbranched stream. Two first-order streams join to form a second order stream. When two streams of order  $w$  join, a stream order of  $w + 1$  is created. However, when two segments of different orders, for example  $w$  and  $w + 1$ , join the stream segment immediately downstream retains the higher of the orders of the two contributing streams, and will have the order  $w + 1$ .

### Koala Habitat

#### 2.3.3.7 Objective

To encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

#### Development Provisions

- a) For koala habitat refer to clause 7.5 of the *Port Macquarie-Hastings LEP 2011*.

### Hollow Bearing Trees

#### 2.3.3.8 Objective

To assist with the conservation of biological diversity and promote ecologically sustainable development.

To assist in preventing the extinction and promote the recovery of threatened species and populations

To protect the habitat of those threatened species and populations that are dependent on hollow-bearing trees for their survival.

To assist in the elimination and/or management of processes that threaten the survival or evolutionary development of threatened species and populations.

To ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed.

To encourage the conservation of threatened species and populations by the adoption of measures involving co-operative management.

To ensure that risk to people and property is minimised.

#### Development Provisions

- a) All hollow bearing trees within the development area are to be accurately located by survey and assessed by an appropriately qualified ecologist in accordance with Council's ***Hollow-bearing tree assessment*** (HBT) protocol.
- b) Any tree that scores less than 8 using the HBT assessment protocol may be considered for removal subject to compensatory measures specified below.
- c) Any tree that scores 8-12 using the HBT assessment protocol may be considered for removal if management measures are 'impractical to allow retention'
- d) Any tree that scores more than 12 using the HBT assessment protocol the assessment must be retained and afforded a development exclusion buffer or located within environmental lands.
- e) Where a development exclusion buffer is proposed it shall have a radius of 1.25 times the height of the tree measured from its base.

#### Notes:

- i) The ***HBT assessment protocol*** is included at the end of this Chapter.
- ii) "Impractical to allow retention" means where the hazard rating, assessed under the Tree Hazard Evaluation Form (2nd Edition, as adopted by the International Society of Arboriculture) results in a long term rating of more than 10.

### Hollow Bearing Trees

#### 2.3.3.9 Objective

To ensure that where a HBT cannot be retained and managed safely within the future developed landscape, satisfactory and effective ameliorative and compensatory measures shall be implemented prior to removal of the tree

#### Development Provisions

- a) A strategy for tree removal (timing and methodology) that minimises impacts on native wildlife shall accompany any development that proposes the removal of HBTs.
- b) The removal of HBTs is to be offset by the retention of recruitment trees.  
Compensatory recruitment trees shall be provided at the rate of two for one for trees that scored 8-12, and at the rate of one for one for trees that scored less than 8.  
A tree can be considered to be a compensatory recruitment tree under the following criteria:
  1. Does not have any major structural defects or is suffering from disease that would lead to premature death; and
  2. Is from the same vegetation community and same genus; and
  3. Are to be located within environmental lands and managed in accordance with a VMP; and
  4. Have a DBH of 50cm or greater and do not possess hollows. For Blackbutt *Eucalyptus pilularis* a DBH of 100cm or greater applies.
- c) The removal of HBTs are to be offset by the installation of nesting boxes of similar number and size as those to be removed.
- d) Nesting boxes are to be installed like for like (both type and number, and host tree to genus level) and must be located within proposed open space or environmental lands.  
Nesting Boxes are to be installed and maintained within environmental lands in accordance with a VMP.  
Nesting Boxes to be inspected and maintained by a qualified ecologist.
- e) Any HBT that will not afford protection via an exclusion buffer or within environmental lands will attract the same offsetting requirements as if it was to be removed.

### 2.3.4 Amendment history

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## Hollow-bearing tree assessment

LGA/Project: .....

Date	Easting	Northing	Datum

Tree species (if known) .....

Status

Score: Living Tree = 3 | Dead Tree = 1

Alive	Dead	Score

DBH Score (living trees only)

Score: 80 - 100<sup>+</sup> cm = 3 | 60 - 80cm = 1.5 | < 60cm = 0

Score

Number of visible hollows

Score: > 5 = 3 | 2 - 4 = 1.5 | 0 - 1 = 0

> 5	2 - 4	0 - 1	Score

Visible Hollow(s) Score (Highest value only)

1 or more > 100mm = 3 | 1+ > 50mm = 2 | 1+ < 50mm = 1

> 100mm	> 50mm	< 50mm	Score

Habitat or Linkage Proximity Score

HBT in habitat block/linkage to be retained (*in situ*) = 3;

< 30m from habitat block/linkage to be retained = 2

> 30m from habitat block/linkage to be retained = 0

In situ	< 30m	> 30m	Score

Longevity Ranking

High = 3 | Medium = 1.5 | Low = 0 - Refer to Notes 2.

High	Medium	Low	Score

TOTAL SCORE

--

Evidence of existing use .....

Recommendation(s) .....

### Explanatory Notes:

1. Hollow-bearing trees (HBTs) are an important element in the Australian landscape and a significant factor affecting biodiversity values. This assessment sheet is intended to provide a more quantitative and ecologically meaningful approach to the ranking of HBTs than is otherwise currently applied. As advocated by Gibbons & Lindenmayer (2002), the emphasis for conservation purposes is clearly on large, living trees that are likely to offer the greatest diversity of hollow types and/or size.

## Hollow-bearing tree assessment *continued*

The assessment does not include provision for a formal survey of HBTs for use by native wildlife. This omission is deliberate and simply reflects the difficulties in accurately representing use of the HBT resource over time, aspects of which may be seasonal and/or periodic. Having said this, any observations about existing use at the time of assessment may be of some importance in the case of low scoring trees when recommendations relating to removal and/or longer-term management are being considered.

### 2. Longevity Ranking

**High:** Living tree (any species) with inclination from vertical of less than 10°.

**Medium:** Living tree with shallow adventitious root system (e.g. Blackbutt - Scribbly Gum – Bloodwoods - White Mahoganies) on skeletal soils and with an inclination from the vertical of 10 – 15°.

**Low:** Any dead tree and/or living trees in Medium category that have an inclination from the vertical of > 15°.

This is intended to provide an ecological perspective on the extent of likely hazard (in a developed landscape) presented by the tree in question; hence the risk of a dead tree or shallow rooted Eucalyptus spp. on a skeletal soil that has a distinct 'lean' on it must be taken into account.

### 3. The Scoring System

The scoring system is relatively straight forward and serves to facilitate a total score for a given HBT that could fall anywhere between 2 -18. The total score should be interpreted as follows:

**Total Score > 12:** mandatory retention in landscape required, no disturbance of substrate within radius prescribed by dripline, no habitable dwellings or other structures within buffer area (radius 1.25 x tree height measured from tree base); fencing and hazard/interpretive signposting as required.

**Total Score 8 – 12:** retention in landscape desirable if objectively assessed hazard rating (see Note 4) can be managed long-term at 10 or less; removal subject to identification of at least 2 recruitment trees of same species & size class elsewhere on land to which DA applies + formal strategy for tree removal that minimizes impact(s) on native wildlife + compensatory nestboxes in immediate vicinity.

**Total Score < 8:** removal possible subject to identification of at least 1 recruitment tree of same species & size class elsewhere on land to which DA applies + formal strategy for tree removal that minimizes impact(s) on native wildlife + compensatory nestboxes in immediate vicinity.

4. Hazard rating - as determined by use of Tree Hazard Evaluation Form (2nd Ed) – International Society of Arboriculture.
5. Nothing in these pages is intended to diminish the underlying importance of HBTs in the Australian landscape generally; rather, it is a tool by which the most important trees can be identified and protected in the first instance, while also offering (for lower scoring HBTs) some flexibility for planning purposes that must also be met by compensatory measures.

### References

Gibbons, P., and Lindenmayer, D. 2002. Tree Hollows and Wildlife Conservation in Australia. CSIRO Publishing.

© biolink 2007.



## Chapter 2.4 Hazards Management

### 2.4.1 DCP Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This Chapter applies to development applications generally

#### Applicable EPIs

##### Notes:

Other relevant controls are:

- *State Environmental Planning Policy No 33—Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55—Remediation of Land*
- *Manual of Standards Part 139 – Aerodromes*, Civil Aviation Safety Authority, regarding proposed activities within the vicinity of the airport that may involve potentially hazardous or obtrusive lighting or result in emissions that may impair visual conditions or create air turbulence.
- LEP clause 7.1 Acid sulfate soils
- LEP clause 7.3 Flood planning
- LEP clause 7.4 Floodplain risk management
- LEP clause 7.6 Coastline hazards
- LEP clause 7.7 Airspace operations
- LEP clause 7.8 Development in areas subject to aircraft noise
- LEP clause 7.9 Development subject to acoustic controls.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

The purpose of this Chapter is to outline guidelines for development in areas subject to hazards.

### 2.4.2 Strategic Context

The proper management of hazards is an important issue to ensure that development is not subject to hazards from a range of past and present human activities, as well from natural hazards.

### 2.4.3 Objectives and Development Provisions

#### Airspace Protection

##### 2.4.3.1 Objective

To minimise risk of obstacles to aircraft such as bird strike.

#### Development Provisions

- a) Development shall not result in land use or activities that attract flying vertebrates such as birds and bats within proximity of flight paths associated with airport operations.

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## Airspace Protection

### 2.4.3.2 Objective

To restrict development that results in emissions that may impair visual conditions or create air turbulence in the vicinity of the airport

## Development Provisions

- a) Development shall not result in emission of airborne particulate or produce a gaseous plume with a velocity exceeding 4.3m per second that penetrates operational airspace. Refer *Manual of Standards Part 139 – Aerodromes*, Civil Aviation Safety Authority.

### 2.4.3.3 Objective

To control potentially hazardous or obtrusive lighting within the vicinity of the airport.

## Development Provisions

- a) Lighting to comply with Section 9.21 of the *Manual of Standards Part 139 – Aerodromes*, Civil Aviation Safety Authority.

## Bushfire Hazard management

#### 2.4.3.4 Objective

To ensure bushfire management measures do not result in the loss of important habitat areas.

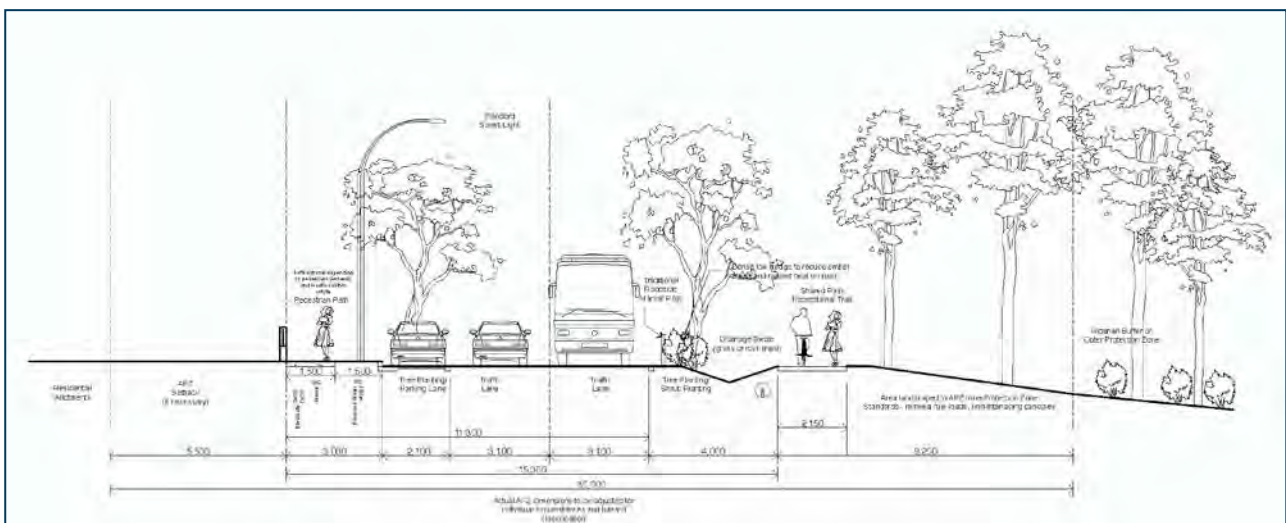
To ensure that Council is not burdened with the ongoing costs associated with the maintenance of Asset Protection Zones.

To provide a public interface to environmental assets.

## Development Provisions

- |    |   |  |
|----|---|--|
| a) | Asset Protection Zones are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones. |  |
| b) | Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers.   |  |

Refer to **Figure 2.4-1**.



**Figure 2.4-1 Road Section - Indicative Bushland or Riparian Edge Street.**

Source: Anterra Design Pty Ltd, 2007

### Flooding

#### 2.4.3.5 Objective

- To maintain the existing flood regime and flow conveyance capacity.
- To enable evacuation of land subject to flooding.
- To avoid significant adverse impacts on flood behaviour.
- To avoid significant adverse effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river banks or watercourses.
- To limit uses to those compatible with flow conveyance function and flood hazard.
- To limit the cost of evacuation on the general public.

#### Development Provisions

- a) Development must comply with Council's Floodplain Management Plan and Flood Policies.

### Stormwater

#### 2.4.3.6 Objective

- To control and manage all stormwater generated within the development.
- To control and manage all stormwater passing through the development from the surrounding catchment.
- To provide an effective legal point of discharge for all collected stormwater, from the development to a natural watercourse, Council's drainage system or approved outfall.
- To achieve these objectives without detrimentally affecting the environment, surface and subsurface water quality, groundwater infiltration characteristics, the adjoining landowners and other landowners downstream of the development.
- To provide a safe and convenient environment for pedestrians and traffic.
- To incorporate principles of ecological sustainable development.
- To provide detailed design provisions in line with ecologically sustainable development, water sensitive urban design and total water cycle management and principles.
- To provide an effective major and minor stormwater system that is cost effective and incorporates life cycle costs of investigation, design, operation, maintenance and replacement of stormwater infrastructure.

#### Development Provisions

- a) All stormwater infrastructure is designed in accordance with the Council's Auspec Design Specification Documents

## 2.4.4 Amendment history

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## Chapter 2.5 Transport, Traffic Management, Access and Car Parking

### 2.5.1 DCP Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

These provisions relate to all traffic generating development.

#### Applicable EPIs

The Local Environmental Plans applying to the land are:

- *Port Macquarie-Hastings Council Local Environmental Plan 2011*, and
- *Port Macquarie-Hastings Council (Area 13 Thrumster) Local Environmental Plan 2008*.

Clause 104 and Schedule 3 of *SEPP (Infrastructure) 2007* (the “Infrastructure SEPP”) require consultation with Roads and Maritime Services for some developments.

For specific development types other SEPPs may contain relevant provisions.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

The purpose of this Chapter is to encourage well functioning roads and facilitate a vital economy by ensuring the efficient movement of freight and services and by providing access to business and commercial centres by the regions residents.

### 2.5.2 Strategic Context

The transport network is primarily about bringing people, goods and services together. Most Australian regional areas rely heavily on the private vehicle to move from place to place. Bus patronage is low and heavily subsidised and light rail is economically unviable. With increasing population, competition for ‘road space’ will mean longer journey times, greater congestion, higher pollution, shorter pavement lives and higher maintenance costs.

The planning and development process has a key role to play in protecting the transport network by encouraging consolidated towns and cities and centrally locating employment, commercial and recreational resources to maximise access and to reduce private car trips. Good planning will also support sustainable transport modes and encourage the use of public transport.

Planning controls need to balance parking provision with other development outcomes such as amenity, streetscape and site function. Parking must be adequate to support the economic viability of a development but not excessive to the point where streetscape, amenity or function are compromised. Parking provisions also have an important role in encouraging the use of public transport and other alternative modes.

Developments need to accommodate service vehicles, such as waste collection and delivery vehicles. Therefore site design needs to ensure adequate access and manoeuvrability is provided within the site to accommodate the maximum design vehicle. Site design should accommodate all manoeuvring on the site to ensure that there is not obstruction of roads and pathways external to the site. Loading bays also need to be located to ensure that the amenity of the site and the design of the building is not compromised and that noise impacts are managed for adjoining sensitive land uses where these exist.

Car parking areas can detract from the streetscape and site by creating large areas of impervious, unbroken surfaces and by disconnecting the building from the street with excessive setbacks. Landscaping is an opportunity to soften the parking areas by providing vertical elements, shade and visual interest. It also provides a transition from the built environment to the public domain.

Stormwater from car parks can be directed to rain gardens, bio retention areas and swales. This assists in the watering of landscaped areas, allows infiltration to groundwater, removes pollutants and reduces the volume and peak flow of stormwater to Council's stormwater infrastructure.

### 2.5.3 Objectives and Development Provisions

#### Road Hierarchy

##### 2.5.3.1 Objective

To reinforce the road hierarchy and priorities for these roads.

##### Development Provisions

- a) In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.
- b) Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.
- c) All new roads are designed in accordance with Council's Aus-Spec design specification documents.

##### 2.5.3.2 Objective

To manage the network to ensure effective and efficient movement of people and goods.  
To protect the road network from incompatible land uses and inappropriate access.

##### Development Provisions

- a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.
- b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.
- c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned:
  - to avoid driveways near intersections and road bends, and
  - to minimise streetscapes dominated by driveways and garage doors, and
  - to maximise on-street parking.

#### Parking provision

##### 2.5.3.3 Objective

Adequate provision is made for off-street parking commensurate with volume and turnover of traffic likely to be generated by the development.  
To ensure no adverse impacts on traffic and road function.

##### Development Provisions

- a) Off-street Parking is provided in accordance with Table 2.5.1, located at the end of this Chapter.
- b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.
- c) Where a proposed development falls within more than one category Council will require the total

### Parking provision

parking provision for each category.

Council may consider a reduced level of parking where it is supported by a parking demand study that assesses the peak parking demands for the overall development and completed by a suitably qualified and experienced person.

#### 2.5.3.4 Objective

The redevelopment of an existing building for a new use responds to the new use in terms of parking and access.

#### Development Provisions

- a) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the total number of parking spaces calculated from the schedule for the proposed use, subject to a credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.

#### 2.5.3.5 Objective

The capacity of on street parking to address peak or acute demands is not compromised by individual developments unable to provide car parking within their sites.

#### Development Provisions

- a) On street parking, for the purposes of car parking calculations, will not be included unless it can be demonstrated that:
- there is adequate on street space to accommodate peak and acute parking demands of the area;
  - parking can be provided without compromising road safety or garbage collection accessibility;
  - parking can be provided without jeopardising road function; and
  - that streetscape improvement works, such as landscaped bays and street trees are provided to contribute to the streetscape.
- b) Council may allow on street visitor parking for dual occupancies where it is demonstrated that:
- there is sufficient space on street to accommodate the car spaces;
  - the street is a cul-de-sac (but not at the turning head) or one with low traffic volumes;
  - where there is no other major parking generating development in the immediate area; and
  - where on street parking will not compromise road safety; and
  - parking can be provided without jeopardising road function.
- c) On street parking is provided in accordance with AS2890.5.

#### 2.5.3.6 Objective

On street parking contributes to the streetscape.

#### Development Provisions

- a) On street parking will not be permitted unless it can be demonstrated that:
- parking does not detract from the streetscape; and
  - that streetscape improvement works, such as landscaped bays and street trees are provided.

### Parking Layout

#### 2.5.3.7 Objective

Parking areas and access-ways are easy and safe to use by vehicles and pedestrians without conflict.

#### Development Provisions

- a) Visitor and customer parking shall be located so that it is easily accessible from the street.



## Parking Layout

- b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.
- c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:
  - it is stacked parking in the driveway; or
  - it can be demonstrated that improvements to the open space provided will result; and
  - the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area.
- d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - *Parking facilities - Off-street car parking* and AS/NZS 2890.2 - *Parking facilities - Off-street commercial vehicle facilities*.
- e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:
  - the spaces are surplus to that required;
  - in motor showrooms;
  - for home business;
  - for exhibition homes;
  - in car repair stations;
  - staff parking spaces are separately identified and delineated;
  - it is visitor parking in a Torrens titled dual occupancy directly in front of the garage with a minimum depth of 5.5m.

### 2.5.3.8 Objective

Aged and disabled persons and persons wheeling prams or trolleys are provided with suitable access.

### Development Provisions

- a) Parking is provided in accordance with AS/NZS 2890.1 - *Parking facilities - Off-street car parking* and AS/NZS 2890.2 - *Parking facilities - Off-street commercial vehicle facilities* and AS 1428 - *Design for access and mobility*.
- b) Additional spaces may be required where Council considers the development will generate a higher volume of aged or disabled traffic.

### 2.5.3.9 Objective

Parking is provided for other forms of transport

### Development Provisions

- a) Bicycle and motorcycle parking shall be considered for all developments.
- b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - *Parking facilities - Bicycle parking facilities*.
- c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).

## Redevelopment of Heritage Items - Conservation Incentives

### 2.5.3.10 Objective

To allow the consideration of reduced parking provision to protect heritage items where applicable.

### Development Provisions

- a) Council will consider discounting (i.e. exclude from calculations) the floor space of the heritage building/item when determining the total number of parking spaces to be provided on site.  
This will be considered in line with clause 5.10 of PMH LEP 2011, which requires the variation to be considered in the context of a heritage conservation management plan. This will only apply if Council is



### Redevelopment of Heritage Items - Conservation Incentives

satisfied that the conservation of the heritage item is dependent upon Council making that exclusion. If applicants intend to seek such consideration, a detailed parking analysis of the site is to be submitted with the development application.

### Section 94 Contributions

#### 2.5.3.11 Objective

Parking requirements of the community are met without imposing an additional liability on general rating revenue.

To provide a mechanism to offset parking shortfalls.

#### Development Provisions

- a) Section 94 of the *Environmental Planning and Assessment Act 1979* permits Council, at its discretion, to accept a monetary contribution in lieu of on-site parking where it is considered impractical or undesirable to provide parking facilities on the site of the proposed development.
- Generally, contributions will not be accepted for the total amount of parking to be provided and will only be accepted in the commercial areas of Port Macquarie, Gordon Street, Laurieton, North Haven and Wauchope, as identified in Council's Contribution Plan 1993, as amended.
- Contribution rates are indexed (CPI) each quarter with variations in the contribution rate for each area. Applicants are advised to consult Council's staff at the time of preparing the DA application shall a contribution for parking be proposed.

### Landscaping of Parking Areas

#### 2.5.3.12 Objective

Parking areas are visually pleasing and easily accessible.

Parking areas shall be landscaped to:

- provide shade;
- improve the visual amenity of large, unrelieved hard stand areas;
- provide a buffer between the road and neighbouring land uses.

#### Development Provisions

- a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like
- b) Landscaping shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.
- c) Tree planting shall:
- improve parking areas visually;
  - provide shade;
  - reflect the physical area in which they are located.
- d) Understorey planting shall:
- be used to both screen parking areas and provide a layering effect;
  - not adversely interfere with sight lines for traffic on adjacent properties or streets;
  - shall have reduced heights adjacent to entry/exit points.
- e) Garden beds shall:
- be a minimum of 3m in width between car parking areas and street boundaries;
  - include improved garden soil to a minimum depth of 200mm;

### Landscaping of Parking Areas

- include mulching to a minimum depth of 75mm; and
- have sub grades ripped to allow drainage and proper root penetration

#### 2.5.3.13 Objective

To contribute to the creation of functional corridors between different vegetation communities through the urban realm.

Landscaping minimises the risk of damage to pavements, services and infrastructure.

#### Development Provisions

- All plantings on public lands are to be selected from Council's *Indigenous Street and Open Space Planting List* from the relevant vegetation community adjacent to the Development.
- Trees are to be grown and installed in accordance with NATSPEC *Specifying Trees* and Council's Aus-Spec Design Specifications

### Surface Finishes

#### 2.5.3.14 Objective

Car parking and manoeuvring on the site does not generate dust, erosion or contaminated runoff

#### Development Provisions

- All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.
- In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the development application stage.

### Driveway Grades

#### 2.5.3.15 Objective

Driveway grades are to be designed to achieve a safe transition from the car park to the road and road to the car park.

#### Development Provisions

- Driveways crossing the footpath and for the first 6m of the parking area shall have a maximum grade of 5% (1 in 20).

#### 2.5.3.16 Objective

To ensure the underside of vehicles do not scrape where driveways change grade.

#### Development Provisions

- Transitional grades shall be a minimum of 2m long.

### Drainage

#### 2.5.3.17 Objective

Stormwater volumes and peak flows are reduced from impervious car park surfaces.

#### Development Provisions

- a) All parking and manoeuvring spaces shall be designed to avoid concentrations of water runoff on the surface.
- b) Vehicle washing facilities are provided for developments on permeable surfaces or grassed areas. Where there is a risk of polluted runoff, a roofed and bunded wash bay must be provided with appropriate treatment mechanisms to meet applicable standards.
- c) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.

#### 2.5.3.18 Objective

Landscaping is to incorporate water sensitive urban design principles and where practical be integrated into the water management of the site.

#### Development Provisions

- a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.

### Loading Bays

#### 2.5.3.19 Objective

Loading bays are provided to accommodate the maximum design vehicle likely to service the proposed development.

To maintain traffic flow and parking on and off site.

#### Development Provisions

- a) Off street commercial vehicles facilities are provided in accordance with AS/NZS 2890.2 - *Parking facilities - Off-street commercial vehicle facilities*.
- b) Loading bays will be provided in accordance with the following requirements;
  - Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle).
  - Vertical clearance shall be a minimum of 5m.
  - Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area.
  - A limited number of 'employee only' car parking spaces may be combined with loading facilities.
  - Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site.
  - Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic.
  - Vehicles are to stand wholly within the site during such operations.
- c) Industrial development shall provide adequate heavy vehicle access to building entries, or alternatively, external bays located appropriately for goods distribution.
- d) For external bays, one bay is required for 500m<sup>2</sup> of floor space or 1000m<sup>2</sup> of site area.
- e) Commercial development having a floor space less than 500m<sup>2</sup> need not provide a loading bay.
- f) Other commercial development shall provide one loading bay for the first 1,000m<sup>2</sup> floor space and one additional bay for each additional 2,000m<sup>2</sup>.
- g) If parcel pickup facilities are provided on-site they shall be located so as to avoid conflict with general traffic flow within parking areas. Parcel pickup lanes shall be separate from through traffic lanes in major shopping developments.

## Loading Bays

### 2.5.3.20 Objective

Loading bays do not adversely impact upon the design integrity of the building or the streetscape.  
Loading bays do not impact on visual or acoustic privacy for nearby residents.

### Development Provisions

- a) The location and design of loading bays should integrate into the overall design of the building and car parking areas.
- b) Where visible from the public domain, loading bays are located behind the building.
- c) Where loading bays are located close to a sensitive land use, adequate visual and acoustic screening is provided.

## Industrial development

### 2.5.3.21 Objective

To ensure the specific access and loading requirements of industrial developments is provided.

### Development Provisions

- a) Detailed plans are required for proposed vehicular access and circulation, vehicular movement, layout and turning circles in accordance with AUSTROADS and AS/NZS 2890 - *Parking Facilities*.
- b) An adequate area is to be shown on the plan for the loading/unloading and manoeuvring of B-Doubles on site where the industrial estate is accessed by roads approved as B-Double routes. B-Double uncoupling and lay-by areas are to be provided.
- c) Sufficient area is to be provided for adequate turning circles on site to enable ingress and egress to be in a forward direction.
- d) Vehicle driveways, ingress and egress are to be a minimum of 6 metres from the tangent point of the kerb radius and to be greater than 1.5 metres from the common side boundary with another lot.
- e) Generally access driveways are not to be located within the intersection and restricted areas as identified within AS/NZS 2890 - *Parking Facilities* Parts 1 and 2, and adequate sight distance is to be provided for vehicles and pedestrians.

## Traffic Generating Development

### 2.5.3.22 Objective

Developments that generate significant levels of traffic are referred to the Roads and maritime Services for consideration.

### Development Provisions

- a) Traffic Generating Development as defined under *SEPP (Infrastructure) 2007* is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP.)

### 2.5.3.23 Objective

Provision of sufficient parking spaces for different land uses.

### Development Provisions

- a) On-site parking is provided in accordance with Table 2.5.1.
- b) Requirements for different components of a development will be combined, subject to any Council decision for a reduction based on peak parking loads at different times.

**Table 2.5.1 Car Parking Requirements**

## Port Macquarie-Hastings Development Control Plan 2013

Land Use		Car Parking Requirements
Primary industry land uses		
<b>agriculture</b>		
	animal boarding or training establishments	2 per establishment [min] (up to 10 animals), + 1 per 10 animals thereafter
Accommodation land uses		
<b>residential accommodation</b>		
	dwelling houses dual occupancies	1 per dwelling
	secondary dwellings	1 per secondary dwelling
	semi-detached dwellings	1 per dwelling
	attached dwellings	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units
	multi dwelling housing	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units
	residential flat buildings	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units
	seniors housing residential care facilities	See <i>SEPP (Housing for Seniors or People with a Disability) 2004</i>
	hostels	1 per 5 beds
	boarding houses	1 per 2 bedrooms + 1 per employee/manager
	group homes	See <i>SEPP (Affordable Rental Housing) 2009</i>
	shop top housing	Dwelling requirement + Shop requirement
	rural worker's dwellings	1 per dwelling
Home activity land uses		
	<b>home business home industry home occupation (sex services)</b>	Dwelling requirements + 1 for visitors + 1 per 2 employees
Tourist accommodation		
<b>Tourist and visitor accommodation</b>	hotel or motel accommodation	1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager. If public restaurant/function room included - see restaurants.  For major developments, coach parking may be provided in lieu of car spaces at a rate of 1 coach space per 5 car spaces
	serviced apartments	See hotel or motel accommodation
	bed and breakfast accommodation	1 per bedroom + 1 manager
	backpackers' accommodation	1 per 5 beds

## Port Macquarie-Hastings Development Control Plan 2013

Land Use		Car Parking Requirements
caravan parks camping ground manufactured home estates moveable dwelling exhibition homes		See <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>  2 per home external to garage / dwelling parking space
Commercial land uses		
business premises office premises public administration buildings restricted premises retail premises sex services premises	<i>(excl subtypes specifically listed)</i>	1 per 30 m <sup>2</sup> GLFA or 1.5 spaces per office (min), whichever is the greater.  An application for a major commercial development must be accompanied by a Traffic Impact Study that makes adequate provision for public transport facilities and motorcycle and bicycle parking.
	bulky goods premises	< 500 m <sup>2</sup> GFA - 1 per 70 m <sup>2</sup> Gross Floor Area (GFA) >500 m <sup>2</sup> GFA - 1 per 100 m <sup>2</sup> GFA for display + 1 per 2 employees (warehouse area)
	cellar door premises	See pubs
	funeral homes	2 plus either 1 per 30 m <sup>2</sup> GFA or 1 per 5 seats in chapel, whichever is the greater
	garden centres hardware and building supplies landscaping material supplies plant nurseries rural supplies timber yards	1 per 70m <sup>2</sup> display (incl. accessories). Where landscape supplies are included, 1 per employee + 2 visitor [min] + adequate loading/unloading area, to Council's satisfaction
	Kiosks	In commercial zones: 1 per 30 m <sup>2</sup> serviced floor area. Outside commercial zones: 1 per 6 m <sup>2</sup> serviced floor area
	markets	2.5 per stall (must be off street)
	neighbourhood shops	1 per 30 m <sup>2</sup> GLFA or 1.5 spaces per shop, whichever is the greater plus secure cycle parking for a minimum of 5 bicycles. Secure cycle parking does include street furniture such as light or sign poles etc.
	roadside stalls	2.5 per stall (must be off street)
	shops	See retail premises
	vehicle sales or hire premises	1 per 100 m <sup>2</sup> display area + 1/70 m <sup>2</sup> spare parts sales area + 1 per employee + adequate loading/unloading area for vehicle carriers.
<b>food and drink premises</b>	<i>(This group is a subtype of retail premises)</i>	
	pubs	1 per 6 m <sup>2</sup> serviced floor area (including beer garden) + 1 per 2 employees
	restaurants	In commercial zones: 1 per 30 m <sup>2</sup> serviced floor area.  Outside commercial zones: 1 per 6 m <sup>2</sup> serviced floor area
	Take-away food and drink premises ▪ No on-site seating	12 per 100 m <sup>2</sup> GFA + queuing area for minimum of 8 cars from pickup point 12 per 100 m <sup>2</sup> GFA + greater of either;

## Port Macquarie-Hastings Development Control Plan 2013

Land Use		Car Parking Requirements
	<ul style="list-style-type: none"> <li>On-site seating/no drive-through</li> <li>On-site seating &amp; drive-through</li> </ul>	1 per 5 seats (both internal and external), or 1 per 2 seats (internal seating)  1 per 2 seats (internal), or 1 per 3 seats (internal and external) + queuing area for minimum of 8 cars from pickup point
<b>industry retail outlets</b>		Industry plus retail premises requirement.
<b>registered clubs</b>		See pubs
<b>service stations</b>		3 per work bay + 1 per employee + 2 customer (minimum) + any Restaurant/Take Away Food requirements
<b>veterinary hospitals</b>		3 per veterinarian and 1 per 2 employees (assistants/administration)
<b>wholesale supplies</b>		< 500 m <sup>2</sup> GFA - 1 per 70 m <sup>2</sup> Gross Floor Area (GFA) >500 m <sup>2</sup> GFA - 1 per 100 m <sup>2</sup> GFA for display + 1 per 2 employees (warehouse area)
Community land uses		
<b>child care centres</b>		1 per 4 children and set down and pick up area.
<b>health services facilities</b>		
	medical centres	3 per consultant + 1 per 2 employees
	health consulting rooms	3 per consultant + 1 per 2 employees + any dwelling requirement.
<b>information and education facilities</b>		
	community facilities	1 per 30m <sup>2</sup> GFA
	places of public worship	1 per 6 seats or 1 per 10 m <sup>2</sup> GFA, whichever is the greater. (Where church and hall are located on same land, provision need only be made for church or hall, whichever is greater)
Industrial land uses		
<b>industries</b>		
	general industries hazardous industries heavy industries light industries offensive industries	1 per unit or 1 per 70 m <sup>2</sup> GFA, whichever is the greater, where an industrial retail outlet is included, 1 per 30m <sup>2</sup> for that area.
	home industry	See home business
<b>storage premises</b>		
	self-storage units	1 per 2 employees + 1 per 5 units
<b>warehouse or distribution centres</b>		1 per 2 employees
<b>vehicle body repair workshops</b>		Minimum 5 or 1 per work bay + 1 per employee, whichever is the greater
<b>vehicle repair stations</b>		
Recreation land uses		
<b>recreation areas</b>		(not including neighbourhood parks) 30 minimum + any additional requirement of Council, depending on location and activity
<b>recreation facilities (indoor)</b>	Bowling Alley	3 per lane
	Squash Courts	3 per court
	Gymnasium	7.5 per 100 m <sup>2</sup> GFA
	Dance Studio	1 per 3 pupils

## Port Macquarie-Hastings Development Control Plan 2013

Land Use		Car Parking Requirements
recreation facilities (outdoor)	Tennis Courts	3 per court
	Golf Course	4 per hole on course + restaurant + pub requirements.
	Bowling Club:	21 per green + restaurant + pub requirements.
Other land uses		
mortuaries		See funeral chapels

### 2.5.4 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108



## Chapter 2.6 Tree Management

### 2.6.1 Context

#### Land to which this Chapter applies

This Chapter applies to all development in the urban zones in Port Macquarie-Hastings Local Government Area.

#### Application

Clause 5.9 of LEP 2011 requires approval for actions relating to trees or other vegetation specified in a Development Control Plan. This Chapter specifies the trees and vegetation to which Clause 5.9 applies.

#### Notes

The LEP clause states:

#### Clause 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.  
**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,unless the Council is satisfied that the proposed activity:
  - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
  - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

Subclause (8)(a) excludes most, but not all, clearing of native vegetation on land within Zones RU1, RU2, RU6 and R5.

### Applicable EPIs

Development **is not** exempt or complying development in accordance with the *SEPP (Exempt and Complying Development Codes) 2008* where the development involves the removal or pruning of a tree or other vegetation that would otherwise require a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

#### Notes:

*SEPP (Exempt and Complying Development Codes) 2008* includes provisions that allow the removal of a tree associated with a CDC where, it is not a heritage item or on a significant tree register, and has a height of less than 6m and located within 3m of the proposed development (within the subject lot). This overrides the operation of clause 5.9 of the LEP and these DCP provisions.

The *Native Vegetation Act 2003* applies to management of vegetation on rural land. However rural landowners should be aware that exemptions for routine agricultural activities (RAMA) under the Act do not apply broadly to rural small holdings less than 10 hectares or land zoned for rural residential purposes.

### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

### Purpose

The purpose of this Chapter is to ensure that proper consideration is given to trees and native vegetation in designing, planning and constructing development.

## 2.6.2 Strategic Context

Vegetation and landscape elements are one of the key character elements of the regions urban precincts, contributing significantly to local views, urban character, and public domain and enhancing the experience of residents and visitors.

Management of urban vegetation is fundamental to retaining the unique character of the area and adjacent rural landscapes.

## 2.6.3 Objectives and Development Provisions

### Tree Management – Land to which LEP clause 5.9 applies

#### 2.6.3.1 Objective

To specify the species or kinds of trees or other vegetation for the application of Clause 5.9(2) of the Local Environmental Plan

#### Development Provisions

- a) Clause 5.9(2) of the Local Environmental Plan applies to trees listed in Table 2.6.1 and any tree on land that is:
- 3 metres or higher in height, or
  - has a trunk diameter of 100mm measured at 1.0metre above ground level; or
  - is a mangrove or cycad.
- b) Clause 5.9(2) does not apply to a tree where the nearside trunk is 3 metres from the nearest external wall of an existing, permanent dwelling or manufactured home and is located within the same property. Such trees may be removed without a permit or development consent. This Provision does not apply to areas mapped as Core Koala Habitat under the LEP. A permit will be required in these instances.
- A dwelling does not include a detached garage, pergola, deck or caravan.

### Tree Management – Private Land

#### 2.6.3.2 Objective

To minimise injury to or destruction of trees and native vegetation.

To retain healthy individual trees of local amenity and aesthetic value.

To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species to make a positive contribution to visual and environmental amenity and ecological sustainability.

To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practical.

To facilitate limited tree removal associated with a Complying Development Certificate.

#### Development Provisions

- a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - *Pruning of Amenity Trees*.
- b) An application for the removal of a tree listed in Table 2.6.1 must be accompanied by an Arborist's report stating that the tree:
- is dangerous; or
  - is dying and remedial pruning would not improve the deteriorated condition of the tree; or
  - has a history of branch fall (documented or photographic evidence to be provided); or
  - is structurally unsound or;
  - diseased.
- Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff.
- The requirement for an arborist report for tree removal associated with a development application will be determined on merit by Council's Development Assessment.
- c) Where a tree listed in Table 2.6.1 is approved for removal it must be compensated with a koala habitat tree. Significant large scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets NATSPEC Specifying Trees.
- The compensation tree is to be planted in a suitable location as determined by the Director of

### Tree Management – Private Land

- Infrastructure Services or his delegate.
- d) Removal of dead branches including palm fronds and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal:
- Does not alter the canopy of the tree, and
  - Does not destroy the aesthetic appearance of the tree canopy; and
  - Does not alter the growth structure of the tree, and
  - Is carried out in accordance with Australian Standard AS 4373 - *Pruning of Amenity Trees*.
- e) The pruning of large garden shrubs in excess of 3 metres in height for the purpose of ornamental shaping is permitted without a permit or development consent.
- f) Where a development is proposed adjoining Council controlled land, the plans must identify all trees that fall within 6.0m of the property boundary and any trees proposed to be removed, identified on that plan.
- g) Any pruning or removal of any tree on private land must be undertaken in accordance with Council's tree management specifications.
- h) A tree removal permit can be sought for tree removal associated with a Complying Development Certificate (CDC), subject to the tree removal meeting the following criteria:
1. Must be associated with CDC and removal must not occur until CDC issued.
  2. Application must identify and locate all trees within proximity to the development.
  3. No more than 3 trees over 6m in height to be removed. Trees taken to be impacted on by the development are to be determined in accordance with AS 4970 - *Protection of trees on development sites* (i.e 12 x DBH tree protection zone required for those trees to be retained).
  4. Must not involve removal of hollow bearing trees.
  5. The removal of any koala browse tree species are to be replaced at a ratio of 2:1 on site or at a secure off site location agreed to by Council. Any on site replanting is to have regard for services and buildings and is to be agreed to by Council.

#### Notes:

*Public land* means any land (including a public reserve) vested in or under the control of the council, ... [excluding public roads, Crown land and some other minor cases]. (*Local Government Act 1993*)

*Council controlled land* means public land and any other land in Council ownership or custodianship, such as road reserves, and some Crown land, footways, beach amenities, foreshore reserves, cemeteries.

### Tree Management – Council Controlled Land

#### 2.6.3.3 Objective

To ensure that proper consideration is given to trees and native vegetation in designing, planning and constructing development.

To minimise injury to or destruction of trees and native vegetation.

To retain healthy individual trees of local amenity and aesthetic value.

To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species to make a positive contribution to visual and environmental amenity and ecological sustainability.

To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practical.

#### Development Provisions

- a) Trees on Council controlled land shall not be pruned or removed unless:
- Written consent is provided by Council; and
  - They are dead, dying, diseased or dangerous, or

## Tree Management – Council Controlled Land

- They are causing damage to infrastructure on public land, or
  - They are impacting on pedestrian or traffic conditions; or
  - They are interfering with services on private property; or
  - They impact on the outlook from historic sites or significant public viewing areas, or
  - The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or
  - The trees require removal to fulfil the requirements of section 100C of the *Rural Fires Act 1997*, as determined by the General Manager or his delegates.
- b) Where a tree removal on Council land is approved, the removal is to be supervised by the Director of Infrastructure Services or their delegate and undertaken in accordance with Council's tree management specifications.
- c) A tree removed on Council land is to be replaced by an approved species in a suitable location as determined by the Director of Infrastructure Services or his delegate.
- d) Council will not consider the pruning or removal of trees where the intent is to enhance the views of or from private property.
- e) Adhoc planting of trees or other vegetation within the road reserve (including public footpaths) is not permitted. Any planting that occurs in this manner will be removed and the road reserve restored at no cost to the Council.
- f) Council may consider permitting planting on public land by an Incorporated Community Group where accompanied by a detailed report.
- g) Council has no statutory obligation or onus to treat termites, however where a tree on public land is affected by termites, Council may grant permission for adjoining landowners to enter upon public land to treat termites where treatment does not include the destroying, pruning or removal of trees on public land.
- h) Any pruning, removal or treatment of any tree on public land must be undertaken in accordance with Council's tree management specifications.
- i) Council, or contractors working on behalf of Council are exempt from requiring an approval to remove or kill non-native or non indigenous native trees from public bushland reserves.

**Table 2.6.1 Koala Food Trees**

Koala Food Trees	
Common Name	Scientific Name
<b>Primary browse species</b>	
Cabbage Gum	<i>Eucalyptus amplifolia</i>
Orange Gum	<i>Eucalyptus bancrofti</i>
Tallowwood	<i>Eucalyptus microcorys</i>
Parramatta Red Gum	<i>Eucalyptus parramattensis</i>
Swamp Mahogany	<i>Eucalyptus robusta</i>
Forest Red Gum	<i>Eucalyptus tereticornis</i>
<b>Secondary / Supplementary browse species</b>	
Blue-leaved Stringybark	<i>Eucalyptus agglomerata</i>
Grey Gum	<i>Eucalyptus biturbinata</i>
Diehard Stringybark	<i>Eucalyptus cameroni</i>
Large-fruited Grey Gum	<i>Eucalyptus canaliculata</i>
Thin-leaved Stringybark	<i>Eucalyptus eugenioides</i>
Slaty Red Gum	<i>Eucalyptus glaucina</i>
White Stringybark	<i>Eucalyptus globoidea</i>
Craven Grey Box	<i>Eucalyptus largeana</i>
Yellow Box	<i>Eucalyptus melliodora</i>

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Koala Food Trees	
Common Name	Scientific Name
Grey Box	<i>Eucalyptus moluccana</i>
Mountain Mahogany	<i>Eucalyptus notabilis</i>
Small-fruited Grey Gum	<i>Eucalyptus propinqua</i>
White-topped Box	<i>Eucalyptus quadrangulata</i>
Red Mahogany	<i>Eucalyptus resinifera</i>
Rudder's Box	<i>Eucalyptus rudderi</i>
Steel Box	<i>Eucalyptus rummeryi</i>
Narrow-leaved Red Gum	<i>Eucalyptus seeana</i>
Tindale's Stringybark	<i>Eucalyptus tindaliae</i>
Other browse species	
Smooth Bark Apple	<i>Angophora costata</i>
Lemon Scented Gum	<i>Corymbia citriodora</i>
Apple Box Stringybark	<i>Eucalyptus bridgesiana</i>
River Red Gum	<i>Eucalyptus camaldulensis</i>
Argyle Apple	<i>Eucalyptus cinerea</i>
Tasmanian Blue Gum	<i>Eucalyptus globulus</i>
Flooded Gum	<i>Eucalyptus grandis</i>
Narrow Leaf Black Peppermint	<i>Eucalyptus nicholii</i>
Messmate Stringybark	<i>Eucalyptus obliqua</i>
Blackbutt	<i>Eucalyptus pilularis</i>
Grey Gum	<i>Eucalyptus punctata</i>
Narrow-leaved Scribbly Gum	<i>Eucalyptus racemosa</i>
Sydney Blue Gum	<i>Eucalyptus saligna</i>
Wallangarra White Gum	<i>Eucalyptus scoparia</i>
Pink Flowering Mugga Ironbark	<i>Eucalyptus sideroxylon</i>
Northern Scribbly Gum	<i>Eucalyptus signata</i>
Broad leaf Paperbark	<i>Melaleuca quinquenervia</i>
Ribbon or Manna gum	<i>Eucalyptus viminalis</i>

### Notes:

*Primary browse species and Secondary / Supplementary browse species* - As detailed for the North Coast Koala Management Area in Appendix 2 of the (Approved) Recovery for the Koala *Phascolarctos cinereus*. Dept. of Environment & Climate Change (NSW) 2008.

*Other browse species* - source: Jason Berrigan; NSW Koala Preservation Society, Port Macquarie

## 2.6.4 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108

## Chapter 2.7 Social Impact Assessment and Crime Prevention

### 2.7.1 Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

Section 79C of the *Environmental Planning and Assessment Act* provides for consideration of a range of matters before a decision can be made on a development application. Included in section 79C are subsections requiring the consent authority to consider the likely impacts of that development, including the environmental impacts on the natural and built environment, social and economic impacts on the locality, and the public interest. These encompass Social impact Assessment and Crime Prevention.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

To ensure the public interest and potential social impacts resulting from a development are considered in the determination of development applications.

### 2.7.2 Objectives and Development Provisions

#### Social Impact Assessment

##### 2.7.2.1 Objective

To ensure adverse impacts are identified and mitigation or avoidance measures are adopted to minimise or eliminate social impact on individuals and the community.

#### Development Provisions

- a) A social impact assessment shall be submitted in accordance with the Council's *Social Impact Assessment Policy*.

**Note:** Council's Social Impact Assessment policy includes guidelines to assist applicants in preparing a SIA.

#### Crime Prevention

##### 2.7.2.2 Objective

Development should be designed to deter crime and vandalism and facilitate:

- personal and property security;
- casual surveillance of public areas;
- activity and interaction within public spaces and movement networks.

#### Development Provisions

- a) The development addresses the generic principles of crime prevention;
- Casual surveillance and sightlines;
  - Land use mix and activity generators;
  - Definition of use and ownership;
  - Basic exterior building design;
  - Lighting;



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## Crime Prevention

- Way-finding; and
- Predictable routes and entrapment locations;  
as described in the *Crime Prevention Through Environmental Design* (CPTED) principles.

### Notes:

Section 5.1 of Council's *Crime Prevention Strategy*, November 2010 – June 2015 states:

CPTED is a strategic approach to the built environment that seeks to influence offender behaviour prior to an offence being committed, through the use of strategies that deter unwanted behaviours and promote the appropriate and/or desired use of space.

There are four key CPTED design principles:

- 1) **NATURAL ACCESS CONTROL** – design that directs and influences the flow of people to naturally maximize control and surveillance (e.g., exterior and interior design of a building, landscaping, lighting, and traffic calming).
- 2) **NATURAL SURVEILLANCE** – design to maximize visibility and ensure legitimate users can observe and monitor activities around them in a formal or casual manner (e.g., office or apartment windows with unimpeded sightlines to parking areas or other areas where crime is likely to occur).
- 3) **TERRITORIALITY** – design of the physical environment to extend a perceived sense of influence or territory. People taking ownership of their surroundings makes it more difficult for offenders to carry out crimes or disorder.
- 4) **MAINTENANCE** – enhancement, maintenance and management of the built environment encourages the users of the area to respect their surroundings (e.g., removing graffiti and litter, avoiding overgrowth of hedges, fixing inoperative lighting, installing good locks).

## 2.7.3 Amendment history

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16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108



## PART 3 DEVELOPMENT SPECIFIC PROVISIONS

### Chapter 3.1 Preamble

#### 3.1.1 Context

##### Land and LEPs to which this Part applies

This Part applies to all land in the Port Macquarie–Hastings Local Government Area.

The Local Environmental Plans applying to the land are:

- *Port Macquarie-Hastings Council Local Environmental Plan 2011*, and
- *Port Macquarie-Hastings Council (Area 13 Thrumster) Local Environmental Plan 2008*.

##### Application

These provisions relate to the types of development referred to in each of the Chapters in this Part, as listed below.

An application for one or more of these development types should include an assessment of the relevant development provisions of each.

A mixed use development should provide an assessment against the relevant development types in the relevant Chapters within this Part.

##### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### 3.1.2 Content of Part 3

Part 3 contains the following Chapters:

**Chapter 3.1 Preamble**

**Chapter 3.2 Low Density Residential Development** - covering dwelling houses, dual occupancies, multi dwelling houses (such as villas and town houses) and ancillary development

**Chapter 3.3 Residential Flat Development, Tourist and Visitor Accommodation, Mixed Use Development** - covering residential flat development, tourist and visitor accommodation, shop top housing and other mixed use development

**Chapter 3.4 Business and Commercial Development**

**Chapter 3.5 Industrial Development**

**Chapter 3.6 Subdivision**

#### 3.1.3 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

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16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108

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## Chapter 3.2 Low Density Residential Development

### 3.2.1 Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This section applies to applications for development consent for the erection of, or additions to the following low density residential development types as defined by the *Port Macquarie-Hastings Local Environment Plan 2011*:

- dwellings (where not part of a high density residential, commercial or industrial development),
- dwelling houses,
- exhibition homes,
- exhibition villages,
- semi-detached dwellings,
- dual occupancies;
- multi dwelling housing;
- and ancillary development associated with these developments as defined by *State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008*.

#### Notes:

*SEPP (Exempt and Complying Development Codes) 2008* (the “**Codes SEPP**”) has provisions that allow most low density development to proceed as either:

- exempt development - with no approval requirements under the *Environmental Planning and Assessment Act 1979*, or
- complying development - with a simplified approval process under the Act.

Subject to satisfying the requirements of the Codes SEPP, complying development includes:

- **General Housing Code** - single and two storey dwelling houses and ancillary development - new, alterations and additions;
- **Rural Housing Code** - single and two storey dwelling houses and ancillary development - new, alterations and additions; and
- **Housing Alterations Code**

This DCP does not apply to development carried out in accordance with the Codes SEPP, nor *SEPP (Housing for Seniors or People with a Disability) 2004*.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

The purpose of the provisions of this chapter is to encourage development to:

- Have regard to the desired scale, bulk and height of existing residential development as well as streetscape and landscape in the locality;
- Be attractive and functional,
- Not unduly affect the amenity of neighbours;
- Be landscaped to complement its appearance from the street, adjoining properties and vantage points in the area, and retain existing vegetation where possible;
- Have adequate and functional onsite parking;

- Have adequate and functional common and private open space areas on site;
- Ensure that access to the property is safe and convenient for residents, visitors and at the public/private property interface (i.e. line of sight, etc).
- Consider the principles of crime prevention in the design of developments.
- Be sited and designed to have regard to adjoining and nearby existing structures, street facades and public open space.
- Respond in a positive manner to the skyline
- Preserve the building's relationship to natural features.
- Provide optimum solar access to public open spaces within the development and adjoining properties.
- ensure ongoing privacy of neighbouring properties.
- ensure view sharing opportunities from nearby properties and vantage points are taken into account so that adverse impacts are minimised.

### 3.2.2 Objectives and Development Provisions

#### Dwellings, Dual Occupancies, Dwelling Houses, Multi Dwelling Houses and Ancillary Development

##### 3.2.2.1 Objective

To facilitate and sustain certain development as ancillary development.

**Note:** Ancillary development is development that is ancillary or subordinate to the core purpose of the development being carried out

##### Development Provisions

- a) For ancillary development in R1, R2, R3, R4, R5 and RU5 zones:
- The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing).
  - The building should be single storey construction with a maximum roof pitch of 24 degrees.
  - The maximum area of the building should be 60m<sup>2</sup>.
  - The maximum area of the building should be 60m<sup>2</sup> for lots less than 900m<sup>2</sup> and maximum of 100m<sup>2</sup> for larger lots.
  - Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line.

##### 3.2.2.2 Objective

Front setbacks should support an attractive streetscape.

##### Development Provisions

- a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary.  
The following building elements are permitted within the articulation zone:
- an entry feature or portico,
  - a balcony, deck, patio, pergola, terrace or verandah,
  - a window box treatment,
  - a bay window or similar feature,
  - an awning or other feature over a window,
  - a sun shading feature.
- These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.
- b) In all other cases the primary front setback should be provided as follows:

## Dwellings, Dual Occupancies, Dwelling Houses, Multi Dwelling Houses and Ancillary Development

Street Frontage	Setback (min)
Classified road – any frontage	6.0m
Primary Frontage	4.5m
Secondary Frontage	3.0m
Ancillary Lane	2.0m
Large lot residential and rural zones	10.0m

**Table 3.2.1 Street setbacks to dual occupancy or attached dwellings.**

The primary frontage is that which addresses the road with the higher volume of traffic.

### 3.2.2.3 Objective

To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.

To minimise the visual dominance of garages in the streetscape.

### Development Provisions

- A garage, carport or car parking space should:
- be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or
- be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m.
- Note:** The distance to the garage/carport or parking space may be measured to the entry point of the garage/carport or parking space.
- The total width of the garage/carport opening should not be more than 6m and not more than 50 per cent of the width of the building.
- Driveway crossovers are a maximum of 1/3 of the site frontage and no greater than 5.0m in width.
- Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.

### 3.2.2.4 Objective

To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.

To provide useable yard areas and open space.

### Development Provisions

- A minimum rear boundary setback of 4m is to be provided to dwellings (including verandas, patios and decks). A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area
- Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback.
- In that instance one side setback should be a minimum 4.0m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.
- A detailed site analysis is to be provided indicating the impact of the design on adjoining dwellings and open space areas.

**Note:** In relation to setback requirements for low density development, corner blocks do not have a rear boundary.

## Dwellings, Dual Occupancies, Dwelling Houses, Multi Dwelling Houses and Ancillary Development

### 3.2.2.5 Objective

To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.  
To provide for visual and acoustic privacy between dwellings.

#### Development Provisions

- a) Ground floors should be setback a minimum of 900mm from side boundaries.
- b) First floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on 21 June.
- c) Building walls are to step in and out at least every 12m by a minimum of 500mm.

### 3.2.2.6 Objective

To encourage useable private open space for dwellings to meet the occupants requirements for privacy, safety, access, outdoor activities and landscaping.

#### Development Provisions

- a) All dwellings should have a minimum area of private open space of 35m<sup>2</sup> in one area, with
- b) a minimum dimension of 4m x 4m; and
- c) a maximum grade of 5% for minimum 4m x 4m of the total open space requirement; and
- d) direct accessibility from a ground floor living area.
- e) Private open space may include clothes drying areas and garbage storage.

### 3.2.2.7 Objective

To define the edge between public and private land and to provide privacy and security.  
To ensure the adequate sight lines are provided for vehicles leaving the site.  
To ensure front fencing does not impact on the public domain.  
To encourage surveillance of the street and other public places.

#### Development Provisions

- a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.
- b) Solid Front fences should be:
  - A maximum of 1.2m in height, and
  - Setback 1.0m from the front boundary, and
  - Suitably landscaped to reduce visual impact, and
  - Provide a 3m x 3m splay for corner sites.
- c) Where a front fence is proposed to be more than 1.2m high:
  - be a maximum of 1.8m in height, above existing front property boundary level, and
  - either:
    - Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or
    - be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage,
  - have openings which make it not less than 25% transparent;
  - provide a 3m x 3m splay for corner sites, and
  - provide a 900mm x 900mm splay for vehicle driveway entrances.

## Dwellings, Dual Occupancies, Dwelling Houses, Multi Dwelling Houses and Ancillary Development

### 3.2.2.8 Objective

To encourage dwellings, dual occupancies, multi dwellings and ancillary development to respond in a positive manner to the architectural character of the street.

To encourage casual surveillance of the street.

To reduce opportunity for graffiti or vandalism by minimising solid fence components.

### Development Provisions

- a) Fences along the primary road frontage should be complementary to the existing streetscape and not be constructed of chain wire, solid timber/masonry/steel.

### 3.2.2.9 Objective

To define the boundaries between areas within the development having different functions or owners.

To minimise the visual impact of fencing.

### Development Provisions

- a) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.
- b) Solid fences enclosing these facilities should not be permitted over 1.8m.

### 3.2.2.10 Objective

To protect the visual privacy of on-site and nearby residents.

### Development Provisions

- a) Direct views between primary indoor and outdoor living areas of adjacent dwellings, including possible dwellings on future lots, should be obscured or screened where:
  - ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling;
  - other floor windows are within a 12m radius;
  - direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius.
  - A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary, and is greater than 3m<sup>2</sup> and more than 1m above ground level
- b) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):
  - 1.8m high fence or wall between ground-floor level windows or between a dwelling and open space;
  - Screening that has 25% openings (max), is permanently fixed and is made of durable materials.
- c) Privacy screens are encouraged for:
  - Windows in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
  - The wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
  - The window has a sill height of less than 1.5m.
- d) A balcony, deck, patio, pergola, terrace or veranda should have a privacy screen if:
  - ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling;
  - other floor windows are within a 12m radius;
  - direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius.

### Dwellings, Dual Occupancies, Dwelling Houses, Multi Dwelling Houses and Ancillary Development

- A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary, and is greater than 3m<sup>2</sup> and more than 1m above ground level

#### Roof Terraces

##### 3.2.2.11 Objective

To encourage minimum impact from noise and light from roof terraces.

To encourage maintenance of visual privacy of adjoining properties.

To promote an interesting and articulated building form.

To minimise the impact on building design of temporary or non-fixed structures.

##### Development Provisions

- a) Direct views between roof terraces and windows or decks of adjacent dwellings should be screened where:
  - ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling;
  - other floor windows are within a 12m radius;
  - direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius.
- b) Screening should only be considered where:
  - the height of the screen does not exceed the maximum building height; and
  - the screening contributes to the building form, and
  - the screening is integrated into the design of the roof; and
  - is constructed and designed with materials complementary to the building.
- c) The trafficable area of the roof terraces should be set back so that there is no direct line of sight to neighbouring open space or to the windows of the habitable rooms of adjoining dwellings within a distance of 12m as measured from the external face of the building with the roof terrace to the external face of the adjoining building.
- d) Lighting installations on roof terraces should be:
  - contained within the roof terrace area and located at a low level, and
  - appropriately shaded and fixed in a non-adjustable manner so that light is projected downwards onto the floor surface of the terrace.
- e) The lighting of roof terraces should be designed in compliance with Australian Standards AS4282 - *Control of obtrusive effects of outdoor lighting*.

**Note:** In relation to the following, boat ramps and jetties that are proposed to be located on an allotment with a frontage to the Hastings River, owners should note that the Department of Lands is the consent authority for structures that extend over the Hastings River boundary.



## Water Recreation Structure (Boat Launching Ramp, Jetty and Mooring)

### 3.2.2.12 Objective

To facilitate private boat usage, where a reasonable depth of water can be obtained without dredging.

### Development Provisions

- a) The design of any jetty or boating structure should be in accordance with Council's adopted design specification documents

### 3.2.2.13 Objective

To maintain the amenity and function of waterways through appropriately designed and constructed waterfront infrastructure.

To ensure structures do not increase flood risk or become an obstruction in a flood event.

### Development Provisions

- a) Mooring piles are to be set at a level no lower than the level which ensures that the floating structure is retained during the design 1:100 year flood event.
- b) The width of a jetty walkway leading to a platform should not be greater than 1.0 metres.
- c) The area of a platform at the end of a walkway should not exceed 10m<sup>2</sup>.
- d) The overall length of a jetty when measured from the existing revetment wall should not exceed 17m.
- e) Boating ramps should have a maximum overall width of 3.0 metres and a maximum overall length of 10.0 metres when measured from the existing revetment wall unless associated with a boatshed where the boat ramp should not exceed 2.7m in width.
- f) Pontoons moored at right angles to the revetment wall should not extend beyond a point 17 metres from the wall.
- g) Pile cut off levels should not be lower than RL3.0m AHD.
- h) Fixed jetties may only extend to a point 7m from the revetment wall.
- i) Any extension beyond a point 7m from the revetment wall is to be by way of a pivoting walkway to a floating pontoon.
- j) The deck of the jetty is to be above and not resting on the revetment wall and the top surface is not to be above RL 1.4m AHD.
- k) Pontoons moored parallel to the revetment wall should not extend beyond a point 12 metres from it.
- l) Floating moorings should be located between 17m from the revetment wall.
- m) Fixed mooring poles should not be greater than 17m from the revetment wall.

### 3.2.2.14 Objective

To promote an equitable use of the waterway amongst adjoining landowners through the minimisation of encroachments by individual waterfront structures in front of adjoining waterfront properties.

### Development Provisions

- a) Jetties and moorings (both fixed and floating) should be located a minimum of 10m from any jetty or mooring (both fixed and floating) located on any adjacent property.
- b) Boat ramps and jetties should be located in such a way that vessels using the boat ramp or moored on a jetty do not project past a line which is a prolongation of the side boundaries of the development site.

### 3.2.2.15 Objective

To promote innovative design and the use of shared structures to minimise the extent of individual residential waterfront development

### Development Provisions

- a) For a dual occupancy development only one shared jetty is permitted.

### Water Recreation Structure (Boat Launching Ramp, Jetty and Mooring)

- b) For multi dwelling housing and residential flat building development only one boat ramp and one jetty should be permitted, however where such development is carried out on a site with a frontage to a waterway exceeding 25m, then one additional jetty and one additional boat ramp may be permitted.

### 3.2.3 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108

## Chapter 3.3 Residential Flat Development, Tourist and Visitor Accommodation, Mixed Use Development

### 3.3.1 Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This Chapter applies to applications for development consent for the erection of, or additions to the following the following residential development types as defined by the *Port Macquarie-Hastings Local Environment Plan 2011*:

- Residential flat buildings, Hostels and Shop top housing,
- Tourist and visitor accommodation (which encompasses Backpackers' accommodation, Bed and breakfast accommodation, Farm stay accommodation, Hotel or motel accommodation, and Serviced apartments), and
- Any residential component of a mixed use development including 'shop top housing'.

Development that is defined as 'residential flat building' under *State Environmental Planning Policy 65 - Design Quality of Residential Flat Development* is subject to the provisions of that policy and the *Residential Flat Building Code*. The provisions apply to:

- the erection of a new residential flat building, and
- the substantial redevelopment or the substantial refurbishment of an existing residential flat building, and
- the conversion of an existing building to a residential flat building.

#### Applicable EPIs

The Chapter follows closely the 10 principles of the *State Environmental Planning Policy – Design Quality of Residential Flat Development*. For more detailed information or for an explanation of terms used in this Chapter you may refer to the SEPP which is available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

Applications for residential flat buildings are to formally address the SEPP.

#### Note:

LEP 2011 contains this definition:

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

SEPP No 65 - *Design Quality of Residential Flat Development* contains this definition:

**residential flat building** means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the *Building Code of Australia*.

**Note.** Class 1a and Class 1b buildings are commonly referred to as **town houses** or **villas** where the dwelling units are side by side, rather than on top of each other.

Each definition applies in relation to the provisions within each planning instrument.

## Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

In relation to associated strata subdivision, refer to Chapter 3.6, in particular the section **Strata / Community Title Subdivision**.

## Purpose

The purpose of the provisions of this chapter is to encourage development to:

- Have regard to the desired scale, bulk and height of existing residential development as well as streetscape and landscape in the locality;
- Be attractive and functional,
- Not unduly affect the amenity of neighbours;
- Be landscaped to complement its appearance from the street, adjoining properties and vantage points in the area, and retain existing vegetation where possible;
- Have adequate and functional onsite parking;
- Have adequate and functional common and private open space areas on site;
- Provide safe and convenient access to property for residents, visitors and at the public/private property interface (i.e. line of sight, etc).
- Consider the principles of crime prevention in the design of developments.
- Be sited and designed to have regard to adjoining and nearby existing structures, street facades and public open space.
- Preserve the skyline and the building's relationship to natural features.
- Provide optimum solar access to public open spaces within the development and adjoining properties.
- Ensure ongoing privacy of neighbouring properties.
- Ensure view sharing opportunities from nearby properties and vantage points to minimise adverse impacts.

## 3.3.2 Objectives and Development Provisions

### Context

Good design responds and contributes to its context. Context is everything that has an impact on an area, its key natural and built features. Context includes social, economic and environmental factors as well as the physical form of the area and its surrounds. Understanding context means understanding how the interrelationships between all these factors, and between the local area and the region, should have an impact on the area in the future.

Responding to the local context involves identifying the desirable elements of current character or the key aspects of character that are important to its future.

Understanding the local context is a key step in the process of establishing a robust urban structure which can support change and help to identify the appropriate building types and development controls for a particular situation.

Residential flat development is an important component of the urban form. Decisions about the location, size and type of residential flat development should be informed by:

- Regional context and urban centres
- Neighbourhood and precinct areas
- Open space
- Views
- Topography
- Street layout
- Streetscape
- Blocks

- Lots
- Heritage buildings and significant elements
- Existing uses.

More information on preparing a response to this Chapter can be found in Appendix 4 of the Residential Flat Design Code at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

A site analysis is mandatory to encourage high quality development that is sensitive to its environment and positively contributes to its context. A thorough site analysis should ensure that site layout and building design address existing and possible future opportunities and constraints of both the principle site and its surrounds.

An analysis of the site and context is a fundamental stage of the design process, and should support many key design decisions relating to the proposal. The site analysis should assist in minimising issues relating to noise, overshadowing, community safety, access, views, privacy, energy consumption and waste generation.

The applicant should demonstrate to Council that a site analysis has been utilised in preparing the design for the site and that due consideration has been given to the opportunities and constraints identified. The analysis may then be used by Council and the applicant to assess the merit of the proposal in its response to the features of the site and its context.

A site analysis drawing should be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. The site analysis should be prepared to scale and accurately show the following required information.

### Site Design and Analysis

#### 3.3.2.1 Objective

To encourage consideration of site attributes and constraints during the design phase of the development.

#### Development Provisions

- a) A site analysis plan is required for all development and should illustrate:
- microclimate including the movement of the sun and prevailing winds;
  - lot dimensions;
  - north point;
  - existing contours and levels to AHD;
  - flood affected areas;
  - overland flow patterns, drainage and services;
  - any contaminated soils or filled areas, or areas of unstable land;
  - easements and/or connections for drainage and utility services;
  - any existing trees and other significant vegetation;
  - any existing buildings and other structures, including their setback distances;
  - heritage and archaeological features;
  - fences, boundaries and easements;
  - pedestrian and vehicle access;
  - views to and from the site;
  - overshadowing by neighbouring structures; and
  - any other notable features or characteristics of the site.

## Site Design and Analysis

### 3.3.2.2 Objective

To promote consideration of characteristics of adjacent and surrounding sites and the neighbourhood at the outset of the design process.

### Development Provisions

- a) A site analysis plan is required for all development and should illustrate:
- the location, height and use of buildings surrounding the site, and those across any road adjacent to the site, including their setback distances;
  - views and solar access to surrounding residents;
  - private open space and windows of habitable rooms of nearby properties which have an outlook to the site;
  - location, height and materials of walls built to the boundary of the site;
  - difference in levels between the site and adjacent properties at their boundaries;
  - major and significant trees on adjacent properties, particularly those within 9 m of the site;
  - street frontage features including poles, trees, kerb crossovers, bus stops and other services;
  - the built form, scale and character of surrounding and nearby development, including fencing and landscaping;
  - heritage features and buildings of the surrounding locality and landscape;
  - direction and distance to local facilities including local shops, schools, public transport and recreation and community facilities;
  - characteristics of, and distance to any nearby public open space;
  - any nearby bushland or environmentally sensitive land; and
  - any significant local noise, odour or pollution sources.

## Site Layout

### 3.3.2.3 Objective

To achieve a layout that provides a pleasant, manageable and functional living environment that integrates with the neighbourhood.

To encourage consideration of energy-efficiency and solar access issues at the outset of the design process.

### Development Provisions

- a) All applications are to include a site plan which annotates the manner in which site attributes and constraints have been considered, as follows:
- appropriateness of built form and landscape in relation to the site context, topography and urban character;
  - building arrangement and relationship to streets and open space;
  - access ways within and beyond the site;
  - location, function and opportunities for casual surveillance of open space;
  - ongoing site management considerations (i.e. garbage, mail collection, stormwater etc);
  - location of existing and proposed stormwater and sewer pipes;
  - private open space and security;
  - parking arrangements and reduced dominance of driveways;
  - heritage and conservation opportunities and constraints (where relevant).
  - energy efficiency in building design and siting;
  - solar access to subject development and adjoining residences

### Streetscape and Front Setback

#### 3.3.2.4 Objective

Front setbacks are to provide adequate open space for landscaping, visual and acoustic privacy.  
To provide a streetscape that is consistent and complementary to existing development.

#### Development Provisions

- a) In an established street, the primary setback should be within 20% of the average setback of the adjoining buildings or 2m for secondary frontages.
- b) Where there is no adjoining development a minimum setback of 3.0m is required from all street frontages.
- c) Where tourist accommodation is proposed a maximum setback of 9 metres is permitted to allow for a swimming pool within the front setback.

#### 3.3.2.5 Objective

To promote buildings of articulated design and massing, with useable private external open spaces

#### Development Provisions

- a) Balconies and other building extrusions may encroach up to 600mm into the required front setback.
- b) Buildings should generally be aligned to the street boundary.
- c) Primary openings on all developments are aligned to the street boundary or to the rear of the site.

### Side and Rear Setbacks

#### 3.3.2.6 Objective

To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.  
To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.  
To provide acoustic and visual privacy.  
To provide adequate area for deep soil planting.

#### Development Provisions

- a) The following setbacks (Refer **Figure 3.3-1**) apply to all sites, except where the side boundary is a secondary street frontage:
  - Buildings should be set back a minimum of 1.5m from side boundaries, for a maximum of 75% of the building depth.
  - Windows in side walls should be set back 3m from side boundaries.
  - Where the site is adjacent to an existing strata-titled building, buildings should be set back a minimum of 3m from side boundaries.
- b) Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.
- c) A minimum rear setback of 6.0m from the building and sub basements is required.

#### 3.3.2.7 Objective

To encourage high density outcomes in those areas identified as medium and high density residential.

#### Development Provisions

- a) A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.



## Side and Rear Setbacks

### 3.3.2.8 Objective

To encourage good interim building design for party walls.

### Development Provisions

- a) Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes

### 3.3.2.9 Objective

To provide good streetscape for secondary streets.

To encourage quality urban design outcomes for corner sites.

### Development Provisions

- a) Corner sites should be consolidated with adjacent sites, so that the building should turn the corner.
- b) If this is not possible a minimum setback of 6.0m should extend to the secondary street. Refer **Figure 3.3-2** and **Figure 3.3-3**.

### 3.3.2.10 Objective

To encourage good quality urban design outcomes for sites that address open space.

To encourage casual surveillance of public spaces.

### Development Provisions

- a) Where sites adjacent to open space are to be developed the edge of the open space should be defined with a public road and buildings address the open space.

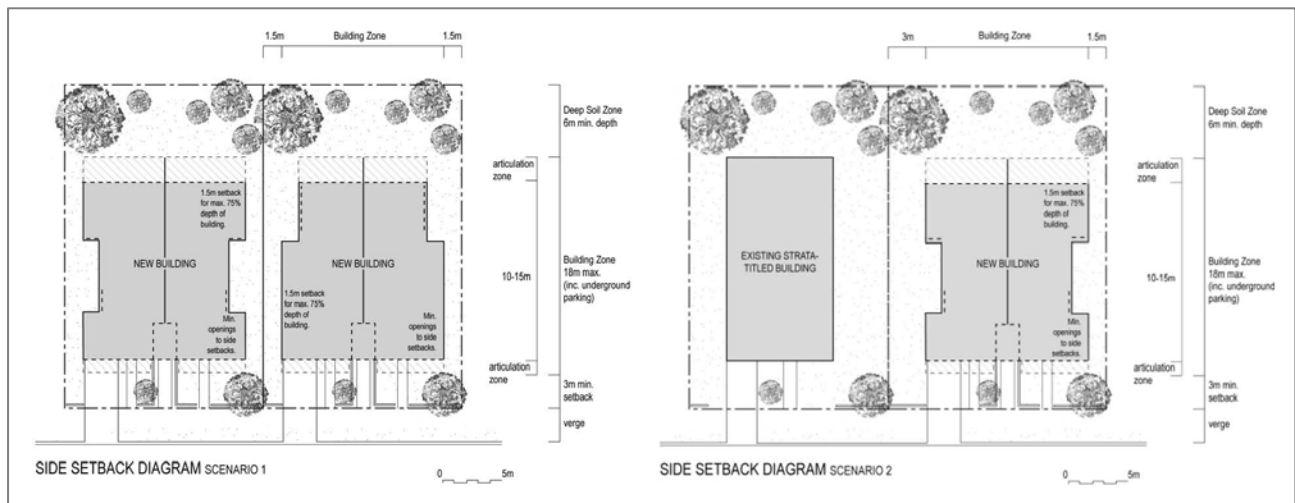


Figure 3.3-1 Side setback provisions for two scenarios.



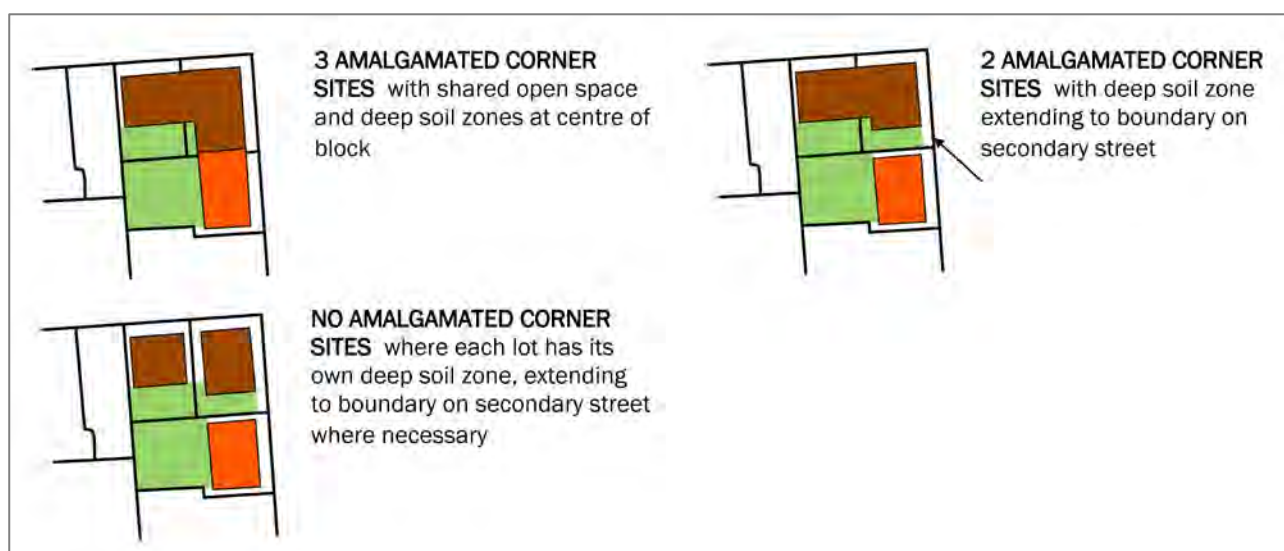


Figure 3.3-2 Deep soil requirements for development scenarios on corner lots.

## Building Depth and Deep Soil Zone

### 3.3.2.11 Objective

To enhance the appearance, amenity and energy and water efficiency of housing through integrated landscape design.

To preserve natural drainage and subsoil water.

### Development Provisions

- a) Deep soils zones should extend for the width of the site and should have a minimum depth of 6.0m.
- b) Deep soil zones are to be contiguous across sites and within blocks.

Refer to **Figure 3.3-3**.

### 3.3.2.12 Objective

To improve the visual amenity of Port Macquarie by retaining, and where possible increasing the coverage of substantial vegetation.

### Development Provisions

- a) Deep soil zones should accommodate existing advanced trees, and allow for advanced tree planting.

### 3.3.2.13 Objective

To increase the capacity of the site and locality for water infiltration to assist with management of the water table and water quality.

### Development Provisions

- a) Deep soil zones should be integrated into the stormwater management measures for the development and the site

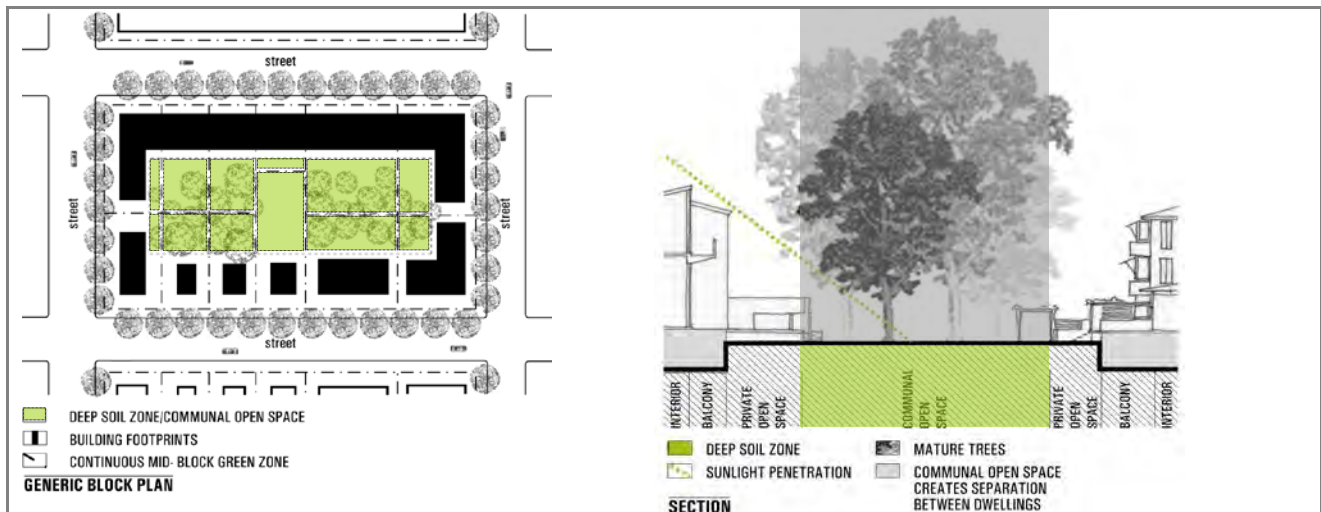


Figure 3.3-3 Preferred deep soil zone provision.

## Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout the full life cycle of the building, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

### Energy Conservation and Solar Access

#### 3.3.2.14 Objective

To avoid the potential for significant overshadowing of habitable rooms and private open spaces

#### Development Provisions

- Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.
- Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.

#### 3.3.2.15 Objective

To reduce total energy use in residential buildings by reducing heat loss and energy consumption for heating and cooling.

#### Development Provisions

- Apartments are to provide an internal clothes drying space to discourage the use of mechanical clothes drying.
- Ceiling fans are to be provided in preference to air conditioning. (Except in instances where mechanical ventilation is required because of noise, pollution or where natural adequate ventilation cannot be achieved.)
- Solar hot water systems (or equivalent technology) should be provided.
- Photovoltaic arrays should be installed where practical.

Refer to **Figure 3.3-4**.

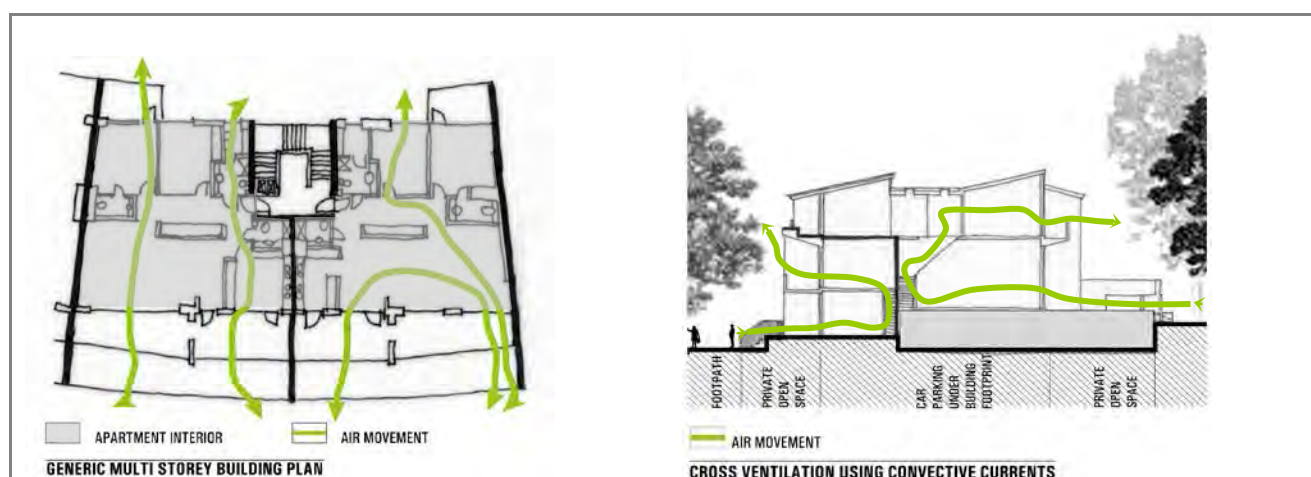


Figure 3.3-4 Building plan demonstrating how acceptable cross ventilation can be achieved.

## Landscape

Issues to be considered in the provision of private open space are size, proportion, location, orientation, privacy, security, safe and convenient access for residents, including disabled access.

Private open space should be designed to be:

- capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play and of being accessed from a main living area of the dwelling;
- orientated to enable solar access and to achieve comfortable year round use.

The design of private open space should be sympathetic to the topography so as to minimise cut and fill.

Front fences and walls should be designed to:

- enable outlook from buildings to the street for safety and surveillance;
- assist in highlighting entrances and in creating a sense of communal identity within the streetscape;
- provide visual interest to the streetscape;
- be constructed of materials compatible with the proposed development and have regard to other good examples in the street;
- be compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas;
- be appropriate to the heritage or environmental context of the site.

Deep soil zones are areas of the site that are not to be built upon, and are not to have parking located underneath. This allows for an area of soil for substantial deep-rooted vegetation and retention of existing mature trees and natural drainage.

## Landscaping

### 3.3.2.16 Objective

To encourage useable and attractive open space that enhance the appearance and amenity of the development when viewed from public open space areas, especially from street frontages

### Development Provisions

- Plans for the design and planting of open space areas should be submitted with the development application and include:
- A minimum of 35% of the development site should comprise soft landscaping with a minimum width of 3m.
- Existing vegetation and proposed general planting and landscape treatment (including species, irrigation and maintenance systems).

### Landscaping

- d) Design details of hard landscaping elements and major earth cuts, fills and any mounding.
- e) Location and design of any communal recreational facilities, including methods of protecting the privacy of nearby dwellings, where applicable.
- f) Species which will not obscure doors, windows and major paths, unless used to assist visual privacy of residents.
- g) Street trees in accordance with Council's *Indigenous Street and Open Space Planting List*.

#### 3.3.2.17 Objective

To retain substantial trees and existing landscape elements, where practically possible.

#### Development Provisions

- a) Existing vegetation is to be retained and habitat and ecology enhanced.
- b) Indigenous trees, shrubs and ground covers are to be retained and incorporated where appropriate.
- c) Nutrient rich water is to be stopped from leeching into native gardens from non-native gardens, driveways or buildings.

#### 3.3.2.18 Objective

To contribute to the energy efficiency of the development

#### Development Provisions

- a) The landscape plan should demonstrate how trees and vegetation contribute to the energy efficiency of the building.
- b) The landscape plan should minimise impact of winter shading on neighbouring properties.

#### 3.3.2.19 Objective

To soften the visual impacts of urban development and to enhance the urban environment.

#### Development Provisions

- a) Street trees are to be provided along the full frontage/s of the site in accordance with Council's *Indigenous Street and Open Space Planting List*.

### Private Open Space

#### 3.3.2.20 Objective

To encourage useable private open space which meets the occupants requirements for privacy, safety, access, outdoor activities and landscaping.

#### Development Provisions

- a) All dwellings at ground floor level are encouraged to have a total minimum area of 35m<sup>2</sup> in one area with minimum dimension of 4m x 4m:
  - have a maximum grade of 5%; and
  - be directly accessible from a ground floor living area.
- b) Private open space may include clothes drying and garbage storage areas.
- c) The private open space provisions may be reduced where it can be demonstrated that open space for the development is concentrated on communal facilities for use by holiday-makers e.g. such as swimming pools, spas, cabanas, tennis courts.
- d) Separate private open space in accordance with the above provisions is to be provided for any permanent on-site manager or other permanent occupant of a tourist facility.

### Private Open Space

#### 3.3.2.21 Objective

To discourage inappropriate or ill configured open space.

#### Development Provisions

- a) Dwellings located on or above the first floor are to have balconies with a minimum clear, unobstructed area and width according to apartment type as follows:
- Studio - 4m<sup>2</sup>
  - 1 bedroom - 8m<sup>2</sup>, minimum 2m wide
  - 2 bedroom - 10m<sup>2</sup>, minimum 2m wide
  - 3 bedroom - 12m<sup>2</sup>, minimum 2.4m wide

#### 3.3.2.22 Objective

To clearly distinguish private open space from communal open space.

#### Development Provisions

- a) Communal open space and private open spaces are separated by landscaping, fencing or some other means that indicates the change between public and private realm.

### Fences and Walls

#### 3.3.2.23 Objective

To define the edges between public and private land and to provide privacy and security.

To ensure that fences, courtyard walls and privacy screens do not adversely impact on the streetscape and public domain areas

To encourage surveillance of the street and other public areas.

#### Development Provisions

- a) Solid front fences built on or near boundaries should be:
- a maximum of 1.2m in height;
  - setback 1.0m from the front boundary;
  - suitably landscaped to reduce visual impact, and.
  - provide a 3m x 3m splay for corner sites.
- b) Where a front fence is proposed to be more than 1.2m high:
- be a maximum of 1.8m in height, above existing front property boundary level; and
  - either
    - include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or
    - be erected up to the front boundary for maximum lengths of 6.0m or 50% of the street frontage, whichever is less; and
  - have openings which make it not less than 25% transparent;
  - provide a 3m x 3m splay for corner sites, and
  - provide a 900mm x 900mm splay for vehicle driveway entrances.

### Fences and Walls

#### 3.3.2.24 Objective

To respond to the architectural character of the street.

#### Development Provisions

- a) All front fences and walls are to use materials consistent with or complementary to existing development in the streets.

#### 3.3.2.25 Objective

To define the boundaries between areas within the development having different functions or owners.

#### Development Provisions

- a) Despite the above, fences constructed of chain wire, solid timber or masonry and solid steel are not permitted along the primary road frontage even if it is consistent with the existing streetscape.
- b) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.
- c) Solid fences enclosing these facilities should not be permitted over 1.8m.

#### Note:

Applicants should consult with adjoining property owners prior to submitting the development application to ensure that the proposed materials for boundary fencing is acceptable to both parties and compatible with existing fencing. Fences constructed in flood prone areas should also comply with Council's Flood Policy.

### Amenity

Developments should be designed so that the privacy of each individual dwelling and adjacent existing dwelling is reasonably protected, with particular regard to private open spaces and the windows of habitable rooms.

Measures utilised to ensure that these guidelines are satisfied may include:

- proper consideration of privacy outcomes at the site planning stage;
- screening;
- offset windows;
- separation by distance

Landscaping cannot be considered as a privacy solution because of the lead time in establishing vegetation and the difficulty in maintaining its effectiveness once established.

Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings and have regard to the location of habitable rooms of adjacent developments.

### Acoustic Privacy

#### 3.3.2.26 Objective

To protect the acoustic privacy of onsite and nearby residents.

#### Development Provisions

- a) Buildings are designed so that:
- busy noisy areas within the apartment face the street; and
  - quiet areas face the rear or side of the lot
  - bedrooms have line of sight separation of minimum 3m from parking areas, streets and shared driveways.



## Acoustic Privacy

- b) Openings of adjacent dwellings should be separated by a distance of at least 6m.

### 3.3.2.27 Objective

To protect the acoustic privacy within the apartments and in private open space

### Development Provisions

- a) Buildings are designed so that the noise transition between apartments is minimised.  
b) Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. Refer to **Figure 3.3-5**.

### 3.3.2.28 Objective

To protect residents from high levels of external noise.

### Development Provisions

- a) Development complies with AS/NZS2107:2000 *Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development*.

### 3.3.2.29 Objective

To protect public spaces and the activities that occurs in these spaces from complaints by residents.

### Development Provisions

- a) Any residential development affected by noise generated by intermittent activities and events from key public spaces should demonstrate how permanent residents will be made aware of these impacts.  
Note: Key public spaces include, but are not limited to, the Port Macquarie Town Green, Westport Park, Oxley Oval, Bain Park, Observatory Park, Town Beach Park and other beach reserves.



Figure 3.3-5 Noisy spaces coupled.

### Visual Privacy

#### 3.3.2.30 Objective

To protect the visual privacy of on-site and nearby residents.

#### Development Provisions

- a) Direct views between living area windows of adjacent dwellings should be screened where:
- ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling;
  - other floor windows are within a 12m radius;
  - direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius.
- b) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):
- 1.8m high fence or wall between ground-floor level windows or between a dwelling and open space;
  - Screening that has 25% openings (max), is permanently fixed and is made of durable materials.
- Note: Living area includes lounge room, dining room or kitchen but does not include a bedroom, bathroom or utility room.
- c) A window in a dwelling(s) should have a privacy screen if:
- It is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
  - The wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
  - The window has a sill height of less than 1.5m.
- d) A balcony, deck, patio, pergola, terrace or veranda should have a privacy screen if it:
- Has a setback of less than 3m from a side or rear boundary, and
  - Has a floor area more than 3m<sup>2</sup>, and
  - Has a floor level more than 1 metre above ground level (existing).

### Accessibility

#### 3.3.2.31 Objective

To ensure residents are able to reach and enter their apartment and use communal areas via minimum grade ramps, paths, access ways or lifts.

#### Development Provisions

- a) Developments should be designed in accordance with Australian Standard AS1428.

#### 3.3.2.32 Objective

To maximise the number of accessible, visitable and adaptable apartments in a building.

#### Development Provisions

- a) Barrier free access to at least 20% of dwellings in the development is provided.

### Social Dimensions and Housing Affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.



## Port Macquarie-Hastings Development Control Plan 2013

New developments should address housing affordability by optimising the provision of economic housing choices by providing a mix of housing types to cater for different budgets and housing needs.

### Social dimensions and housing affordability

#### 3.3.2.33 Objective

To respond to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

To maximise development densities in areas identified for medium and high density residential.

#### Development Provisions

- a) Developments should be located close to areas of open space, recreation and entertainment facilities and employment areas.
- b) Where the Local Environmental Plan permits a floor space ratio greater than 1:1 a ratio of not less than 1:1 should be achieved.

#### 3.3.2.34 Objective

To optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

#### Development Provisions

- a) A variety of apartment types including studio, 1, 2, 3 and 3+ bedroom apartments are provided within the development.
- b) Studios and 1 bedroom apartments are not to exceed 20% of the total number of apartments within the development.
- c) A mix of 1 and 3 bedroom apartments are provided on the ground level to cater for improved accessibility for disabled, elderly people or families with children.

#### 3.3.2.35 Objective

To address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

#### Development Provisions

- a) Developments should consider the principles of the Council's Affordable Housing Strategy in any application for a residential flat building.

### Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

### Roof Form

#### 3.3.2.36 Objective

To encourage visually interesting and harmonious roof scapes and skylines

#### Development Provisions

- a) Lift over-runs and service plants should be integrated within roof structures.
- b) Outdoor recreation areas on flat roofs should be landscaped and incorporate shade structures and wind screens to encourage use.
- c) Outdoor roof areas should be oriented to the street.
- d) Roof design should generate an interesting skyline and be visually interesting when viewed from adjoining developments.

### Facade Composition and Articulation

#### 3.3.2.37 Objective

To encourage well articulated and harmonious facades that defines the public domain.

#### Development Provisions

- a) Facade composition should:
  - be designed with a balance of horizontal and vertical elements;
  - respond to environmental and energy needs, such as sun shading, light shelves and bay windows;
  - incorporate wind mitigation;
  - reflect the uses within the buildings.
  - include a combination of the following design elements:
    - defined base, middle and top levels;
    - a mixture of window types;
    - variation in floor height (particularly at lower levels);
    - balustrade detail that reflects the type and location of the balcony;
    - setting back the top levels of the building;
    - street level features that reinforce the human scale; and
    - balconies, awnings and recesses that create shadowing.

#### 3.3.2.38 Objective

To reinforce the character and continuity of existing and/or proposed streetscapes.

#### Development Provisions

- a) The building elements, materials and colours should be consistent or complementary to those elements, materials and colours existing in the street.

### Entries and Corridors

#### 3.3.2.39 Objective

To encourage identifiable, safe and functional accesses / entrances to development.

#### Development Provisions

- a) Entrances should be clearly identifiable from street level.
- b) Entries should provide a clear line of transition between the public street, the shared private

## Entries and Corridors

- circulation spaces and the residential apartments.
- c) Entries should provide clear line of sight between one circulation space and the next.
  - d) Entries should avoid ambiguous and publically accessible small spaces in entry areas.
  - e) Entries should be sheltered and well lit.
  - f) Entries and circulation spaces should be sized appropriately to encourage adequate area for the movement of furniture.
  - g) Lobby widths should be a minimum of 2.5m wide and 3.0m high.
  - h) Lobby lengths should be minimised and avoid tight corners.
  - i) Longer lobbies should be articulated by:
    - changing the direction or width of a corridor;
    - using a series of foyer areas;
    - providing windows along or at the end of corridor.

## Balconies

### 3.3.2.40 Objective

To encourage enjoyment of indoor/outdoor living.

To encourage useable outdoor living areas.

### Development Provisions

- a) A minimum of one balcony (including enclosed balcony or terrace) is to be provided per apartment.
- b) The main balcony is to be directly accessible from the living area.
- c) The balconies should be designed to take advantage of favourable climatic conditions.
- d) Balconies and balustrades should be designed to balance views out of the building while affording adequate privacy to the residents of the apartment.

### 3.3.2.41 Objective

To contribute to the architectural form and scale of residential buildings.

### Development Provisions

- a) Balconies should include sunscreens, pergolas, shutters and operable walls.
- b) Balconies should be recessed to provide shadowing to the facade of the building to create visual interest and articulation.
- c) Solid balustrades are discouraged but may be considered where it is demonstrated that outlook and privacy is achieved and that there is sufficient articulation or visual interest in the building facade to accommodate the solid element.
- d) Air conditioning units are not visible from the street.

## Security, Site Facilities and Services

The design and location of site facilities and services should vary with the scale, size and future tenure of the development. For example, dual occupancies should not require communal bin storage or in some cases, lighting of communal areas and footpaths. However, in larger developments, issues of garbage disposal, security, lighting etc are important in the design of the development.

### Laundries and Clothes Drying Facilities

#### 3.3.2.42 Objective

To provide opportunities for secure and accessible air drying.  
To promote effectively integrated and unobtrusive site facilities.  
To reduce energy consumption

#### Development Provisions

- a) Secure open air clothes drying facilities that:
- are easily accessible;
  - are screened from the public domain and communal open spaces; and
  - have a high degree of solar access.

### Mailboxes

#### 3.3.2.43 Objective

To encourage integration of mailboxes into the building design.

#### Development Provisions

- a) mailboxes should be integrated into building design and sighted to ensure accessibility and security.

### Safety and Security

#### 3.3.2.44 Objective

To encourage safe and secure housing for residents and visitors.

#### Development Provisions

- a) Developments should establish a hierarchy of space and clearly define the transition from public through to private space.
- b) Entrances should:
- be orientated towards the public street and encourage visibility between entrances, foyers and the street.
  - provide direct and well-lit access between car parks and dwellings, between car parks and lift lobbies, and to all unit entrances.
  - optimise security by grouping clusters to a maximum of eight, around a common lobby.
- c) Surveillance is to be facilitated by:
- views over public open spaces from living areas where possible.
  - casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas, and car parks.
  - the provisions of windows and balconies.
  - separate entries to ground level apartments
- d) Concealment should be avoided by:
- preventing blind or dark alcoves which might conceal intruders particularly near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways.
  - providing appropriate levels of illumination for all common areas.
  - providing graded car park illumination, with the lighting of entrances higher than the minimum acceptable standard.
- e) Access to all parts of the building (including, apartments, different floors, balconies, common areas) is to be controlled.

### Site Storage

#### 3.3.2.45 Objective

To encourage sufficient storage space.

To encourage dwellings with dedicated storage areas.

To encourage safe and secure storage space.

#### Development Provisions

- a) Accessible storage facilities provided as part of the basement or garage area should be secure and only accessible to the unit tenant.
- b) One dedicated bike storage space should be provided per dwelling as part of the basement, garage area or dwelling area.

### Waste Management

#### 3.3.2.46 Objective

To provide and integrate waste management facilities in a sensitive manner such as they relate to the development.

To enable easy access to waste management facilities.

To minimise the maintenance requirements of waste management facilities.

To minimise the impact of waste management facilities on adjoining properties.

To manage waste so as to optimise the potential for recycling by occupants.

#### Development Provisions

- a) In developments not exceeding six dwellings, individual waste management facilities may be permitted. A designated area should be provided to store waste and recycling bins that:
  - is not visible from the street;
  - is easily accessible to dwelling occupants;
  - does not immediately adjoin private or communal open space, windows or clothes drying areas;
  - is to be a hard-stand areas; and
  - have direct access to the street and close to a tap and hose facility for cleaning and maintenance; and
  - is maintained to be free of pests.
- b) Communal bulk waste facilities are required in the following circumstances:
  - Where the number of dwellings in a development exceeds six; or
  - Where the number of bins would not fit on the street frontage; or
  - Where the topography and/or distance to street collection point makes access difficult for individual dwelling occupants; or
  - Where such arrangements suit the collection service provider.
- c) Communal bulk waste facilities should be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:
  - is not visible from the street;
  - is easily accessible to dwelling occupants;
  - can be serviced by collection vehicles;
  - has water and drainage facilities for cleaning and maintenance; and
  - does not immediately adjoin private or communal open space, windows or clothes drying areas; and
  - be maintained to be free of pests.

## Waste Management

- d) Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service may be provided.

## Utilities

### 3.3.2.47 Objective

To encourage adequate provision of essential services to residential development and discourage adverse visual or acoustic impact arising from provision of essential services.

### Development Provisions

- a) Compatible public utility services are to be co-ordinated in common trenching in order to minimise excavations for underground services.
- b) Above ground utility infrastructure such as substations, inspection cabinets are to be integrated into the design of the building or complementary to the building design in terms of colour, materials and design.
- c) The site and the individual dwellings are to be numbered for easy identification by visitors and emergency personnel.
- d) Common aerials and satellite dishes, with signal amplifiers are provided as appropriate.

## Hotel Developments

Hotel developments can substantially contribute to the tourism potential of the Port Macquarie-Hastings, by attracting increased numbers of visitors by the provision of conference or reception facilities.

These uses require large floor areas, and are typically located on the lower levels of a hotel development. Due to the nature of this type of accommodation open space requirements may also be lower.

Council may consider relaxing open space requirements (and other Development Provisions) for a hotel development where a high quality, well designed development is proposed that incorporates retail and conference facilities.

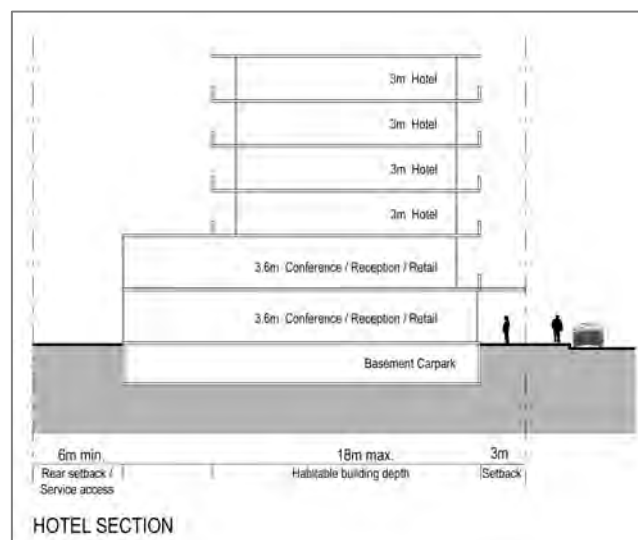


Figure 3.3-6 Hotel section

### 3.3.3 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108
17/12/2014	02/04/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 3)	v20150402

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## Chapter 3.4 Business and Commercial Development

### 3.4.1 DCP Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area zoned B1, B2, B3, B4, B5, B7) in the *Port Macquarie-Hastings Local Environment Plan 2011* or *Port Macquarie-Hastings (Area 13 Thrumster) Local Environmental Plan 2008*.

This Chapter also applies to land subject to applications for development consent for the erection of, or additions to business and commercial development types as defined by the *Port Macquarie-Hastings Local Environment Plan 2011*.

#### Application

This chapter applies to business and commercial development proposed for land within business zones (B1, B2, B3, B4, B5, B7) in the *Port Macquarie-Hastings Local Environment Plan 2011* or *Port Macquarie-Hastings (Area 13 Thrumster) Local Environmental Plan 2008*.

#### Applicable EPIs

Port Macquarie-Hastings LEP 2011 contains the key controls, and provides a hierarchy of business and commercial zones that cater for a range of needs and uses.

Other relevant controls include:

- *SEPP No 22 - Shops and Commercial Premises*.
- *SEPP (Exempt and Complying Development Codes) 2008*, particularly Part 5 General Commercial and Industrial Code.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

The purpose of this Chapter is to specify development guidelines for commercial land uses. This includes:

- Commercial premises (which encompasses business premises, office premises and retail premises and their 'child' terms) and
- Other business or commercial uses (excluding industrial-type uses).

### 3.4.2 Strategic Context

#### Introduction

The provision of a hierarchy of business and commercial centres throughout the region is essential to ensure that most of the residents have access to some retail and commercial uses, to take pressure off the CBD for lower order needs and to reduce the number of private vehicle trips.

At the small scale, **B1 Neighbourhood Centre** zones provide a range of small-scale retail, business and community services that serve the needs of people who live or work in the surrounding neighbourhood. Examples of these in the region are: Waniora Parkway, Watonga Street, Clifton and local shopping centres at Bonny Hills, North Haven and Kew. These centres should be located and designed to encourage walking and cycling rather than using the private vehicle.

**B2 Local Centre** zones, such as the Wauchope and Laurieton Town Centres, provide a wider range of services to a greater number of people within a wider catchment.

The **B3 Commercial Core** zone is applied exclusively to the Port Macquarie Town Centre and the Settlement City Precinct. The role of the commercial core is to provide a wide range of retail, business, office,

## Port Macquarie-Hastings Development Control Plan 2013

entertainment, community and other suitable land uses that serve the needs of the local and regional community in a centralised (and established) location.

The function of business and commercial zones is largely to service the retail and commercial needs of the area's residents; however they also provide a range of other functions that are imperative to economic, social and environmental health of the Port Macquarie-Hastings. Commercial and business zones create an environment that provides opportunities for social interaction and engagement, for recreation and for entertainment. This occurs formally in designated venues such as hotels, cafes and restaurants and informally and spontaneously on the street, in public places and in shopping centres.

In terms of urban form, business and commercial centres contribute most to an area's identity and importantly to a visitors' perception of the town. This is particularly relevant to the Port Macquarie-Hastings as tourism is such a significant contributor to the local economy.

The Port Macquarie Town Centre has a very specific function. It services the highest order retail and commercial needs of the LGA's 77,000 residents as well as being the area's premier tourist precinct. The need to access services and employment places specific demands on CBD infrastructure such as roads, parking and access. Providing this infrastructure, particularly additional parking, whilst maintaining a highly aesthetic and attractive urban realm is an ongoing challenge.

**B4 Mixed Use** zone provides a mixture of compatible land uses within a single building or area. Mixed use buildings typically contain commercial or retail on the ground and first floors and residential land uses above. This type of development helps to activate commercial areas after hours leading to greater surveillance and safety and reduces reliance of private vehicle trips.

Two other business and commercial zones exist in the region – **B5 Business Development** and **B7 Business Park**. Each of these zones supports specific commercial uses and development and should be consistent with the objectives of those zones.

### 3.4.3 Objectives and Development Provisions

#### Setbacks

##### 3.4.3.1 Objective

To provide an appropriate sense of enclosure and scale to all streets and reinforce their particular character.

#### Development Provisions

- a) A zero metre or consistent setback to ground floor is preferred in all business zone developments.

##### 3.4.3.2 Objective

To ensure that the development provides adequate pedestrian areas and integrates into the adjoining sites. To ensure that structures and queues do not undermine pedestrian movement.

#### Development Provisions

- a) Where a zero setback cannot be achieved, such as where parking can only be provided between the building and the street, a minimum 3.0m pedestrian setback is provided between the edge of the car park and the building.  
The 3.0m pedestrian setback:
- is open and accessible for pedestrians for its entire length and width;
  - is clear of columns (other than awning posts where provided) and other obstructions;
  - has a pavement matching the gradient of the adjoining footpath and connects pedestrian areas on neighbouring sites; and
  - connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.
- b) Where steps, escalators, ramps or lifts are set back, a further 1.2m should be provided to maximise

### Setbacks

- pedestrian flow and safety and allow for adequate waiting space.
- c) Any automatic teller machine:
- is set back 1.5m in addition to the building line;
  - is well illuminated at all times.

### Roof Form

#### 3.4.3.3 Objective

To provide visually interesting and harmonious roofscapes and skylines.

#### Development Provisions

- a) Variations in roof form including the use of skillions, gables and hips are to be provided in the development.
- b) Variations in roof materials should be used.
- c) Parapets and flat roofs should be avoided.
- d) In an established street, roof form and materials should be consistent or complementary to those developments in that street.
- e) Lift over-runs and service plant should be concealed within roof structures.
- f) All roof plant should be represented on plans and elevations.
- g) Outdoor recreation areas on flat roofs should be landscaped and incorporate shade structures and wind screens to encourage use.
- h) Roof design should generate an interesting skyline and be visually interesting when viewed from adjoining developments.

### Building Facades, Materials and Finishes

#### 3.4.3.4 Objective

To encourage and reinforce character and continuity of streetscapes.

#### Development Provisions

- a) Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and architectural qualities of the street

#### 3.4.3.5 Objective

To avoid bulky and unattractive buildings by encouraging high quality architectural building facades.

#### Development Provisions

- a) Shopfront widths are to be between 15m and 20m.  
Widths up to a maximum of 30metres may be considered where the building achieves superior built design and streetscape outcomes.
- b) The maximum length of any similar facade treatment is 22m.
- c) Side and rear facades are to be treated with equivalent materials and finishes to the front facade.
- d) Building facades should be designed to reflect the orientation of the site incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.
- e) An articulation zone of between 1.8m - 4.0m is provided for the front facade of all floors containing residential and tourist uses.

### Building Facades, Materials and Finishes

#### 3.4.3.6 Objective

To promote a positive sense of space, safety and openness in the public domain.

#### Development Provisions

- a) Any security grilles should be provided inside the building, behind glazing and designed to ensure transparency to the interior.

#### 3.4.3.7 Objective

To create a coherent streetscape,

#### Development Provisions

- a) Infill development or alterations should respect the form, scale and massing of existing traditional buildings.
- b) Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.

### Active Frontages

#### 3.4.3.8 Objective

To encourage an active street experience for pedestrians by promoting streets which are evenly edged with high quality and easily accessible buildings and businesses.

#### Development Provisions

- a) Ground floor levels should not be used for residential purposes in zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial core and B4 Mixed use.

#### 3.4.3.9 Objective

To encourage and enable direct contact (visual and physical) between the street and the interior of a building.

#### Development Provisions

- a) Active frontages should consist of one or more of the following:
- A shop front.
  - Commercial and residential lobbies.
  - Café or restaurant if accompanied by an entry from the street.
  - Public building if accompanied by an entry from the street.
- b) A minimum of 50% of the ground floor level front facade should be clear glazed.
- c) Active ground floor uses are to be accessible and at the same level as the footpath.
- d) Restaurants, cafés and the like should provide openable shop fronts to the footpath but should not encroach into footpath.
- e) Colonnade structures should not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.

### Arcades

#### 3.4.3.10 Objective

To provide connections to enhance the pedestrian network and to link between shopping areas, public spaces and car parking.

To encourage the use of parking at the rear of the development by providing good permeability to the front of the site.

To encourage activity within arcades.

#### Development Provisions

- a) Arcades are to:
  - House active uses (e.g. shop, commercial, public building and residential lobbies, cafés or restaurants).
  - Be obvious and direct through-ways for pedestrians.
  - Have a minimum width of 3m clear of all obstructions.
  - Provide public access from at least 7am-9pm daily.
  - Where practical, have access to natural light for part of their length and at openings at each end.
  - Where air-conditioned, have clear glazed entry doors at least 50% of the entrance.
  - Have signage at the entry indicating public accessibility and to where the arcade leads.
  - Have clear sight lines and no opportunities for concealment.
- b) Where arcades or internalised shopping malls are proposed, those shops at the entrance should have direct pedestrian access to the street.
- c) Non slip pavements are provided throughout arcades.

### Awnings

#### 3.4.3.11 Objective

To provide pedestrian amenity by the provision of weather protection.

#### Development Provisions

- a) Continuous shelter from the weather is to be provided for the full extent of the active street frontage.

#### 3.4.3.12 Objective

To provide a consistent building element within the streetscape.

#### Development Provisions

- a) Awnings should be horizontal or near horizontal (maximum pitch of 10%).
- b) Awnings should be consistent with the existing streetscape or be between 3.2m and 4.2m from the finished front property boundary level at the building edge to the underside of the awning.
- c) A minimum awning width of 2.5m is required unless this cannot be achieved because of narrow pavements and street tree planting, traffic signals, traffic signage or utility poles.
- d) New awnings should be set back at least 1.0m from the kerb line.
- e) Awnings along sloping streets should step down in horizontal steps (a maximum of 700mm per step) to follow the slope of the street.
- f) All contiguous awnings should be of consistent height and depth and of complementary design and materials.
- g) Awnings and/or canopies should be provided elsewhere to define public entrances to buildings, including residential flat buildings.
- h) Awning should wrap around street corners and contribute to the articulation and focal design of corner buildings.

### Awnings

- i) Materials should encourage high quality design and amenity in the public domain.
- j) New awning fascias should be coordinated with adjacent awning fascias where they exist. In all other instances fascias are to be solid, flat and between 300mm and 700mm in height.

#### 3.4.3.13 Objective

To promote safety and encourage the use of streets by pedestrians at all times of day and night.

#### Development Provisions

- a) Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.
- b) Under awning lighting should comply with AS/NZS1158 - *Lighting for roads and public spaces*.

#### 3.4.3.14 Objective

To encourage the use of outdoor spaces for active uses in association with ground level uses.

#### Development Provisions

- a) Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.

### Landscaping

#### 3.4.3.15 Objective

Planting should be utilised to provide shade, soften the built form of the proposal and enhance its appearance from public viewpoints.

#### Development Provisions

- a) A landscape plan should be submitted with the development application and include:
  - Existing vegetation; and
  - Existing vegetation proposed to be removed; and
  - Proposed general planting and landscape treatment; and
  - Design details of hard landscaping elements and major earth cuts, fills and any mounding; and
  - Street trees; and
  - Existing and proposed street furniture including proposed signage.
- b) Vegetation is provided on top of podium levels, on tops of car parks, and on balconies and verandahs fronting the street below podium level.

#### 3.4.3.16 Objective

To contribute to the creation of functional corridors between different vegetation communities through the urban realm.

#### Development Provisions

- a) All street plantings are to be selected from Council's *Indigenous Street and Open Space Planting List* from the relevant vegetation community adjacent to the Development.

## Landscaping

### 3.4.3.17 Objective

To improve the amenity of places through the retention and or/planting of large and medium size trees.

### Development Provisions

- a) Large trees and spreading ground covers are provided in all landscape areas within the site.
- b) Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.
- c) Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.

### 3.4.3.18 Objective

To assist with management of the water table and water quality.

### Development Provisions

- a) At grade car parking incorporate water sensitive urban design principles to drain pavement areas.

### 3.4.3.19 Objective

To ensure that fencing does not detract from the streetscape.

To avoid privatisation of public places.

### Development Provisions

- a) Fencing for security or privacy should not be erected between the building line and the front boundary of a site.

### 3.4.3.20 Objective

To ensure that rear and side fencing does not detract from the streetscape or from internal areas.

### Development Provisions

- a) Where fences are erected, landscaping of an appropriate height and scale should be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.

### 3.4.3.21 Objective

To ensure that street furniture is coordinated with existing street furniture.

To ensure that street furniture does not create clutter and obstacles in the public realm.

### Development Provisions

- a) Street furniture, including seats, bollards, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains are coordinated with other elements of the streetscape.

### 3.4.3.22 Objective

To encourage a positive response to public areas to the needs of people with a sensory disabilities.

### Development Provisions

- a) Any ramps are to be integrated into the overall building and landscape design.
- b) The development complies with AS1428 - *Design for Access and Mobility*.

## Gateways and Landmark Sites



### Gateways and Landmark Sites

#### 3.4.3.23 Objective

To ensure key 'landmark' sites are developed to ensure distinctive and unique design of buildings that will form 'gateways' to town centres and business or commercial precincts.

#### Development Provisions

- a) The design of buildings on corner sites or at the ends of business or commercial zones, should emphasise the importance of the corner as a focal point.
- b) Corner sites or at the ends of business or commercial zones should be constructed to boundary or with a minimal setback with no car parking or servicing between the site boundary and the building.
- c) Design devices such as:
  - increased wall heights,
  - splayed corner details,
  - expression of junction of building planes,
  - contrasting building materials; and
  - other architectural features;should be used to reinforce the way finding attributes and significance of focal points.
- d) Shopfronts should wrap around corners and entrances located centrally to the corner.
- e) The tallest portion of the building should be on the corner.

### Waste Management

#### 3.4.3.24 Objective

To avoid the generation of waste through design, material selection and building practices.

#### Development Provisions

- a) A waste management plan for the construction and/or occupation of the development is provided that:
  - Recycles and reuses demolished materials where possible;
  - Integrates waste management processes into all stages of the project;
  - Specifies building materials that can be reused and recycled at the end of their life;
  - Uses standard components and sizes to reduce waste and facilitate update in the future.

#### 3.4.3.25 Objective

To encourage waste management minimisation including source separation, reuse and recycling.

#### Development Provisions

- a) Separate storage bins for collection for organic waste and recyclable waste are provided in the development.

#### 3.4.3.26 Objective

To encourage efficient storage and collection of waste and quality design of facilities.

#### Development Provisions

- a) Bulk waste facilities should be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:
  - is not visible from the street or public domain;
  - is easily accessible to businesses;
  - may be serviced by collection vehicles;



### Waste Management

- has water and drainage facilities for cleaning and maintenance; and
  - does not immediately adjoin onsite employee recreation area; and
  - be maintained to be free of pests.
- b) Cardboard compactors are provided for large retail and commercial developments.
- c) Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service should be provided.

### Vehicular Access Location and Design

#### 3.4.3.27 Objective

To ensure that business and commercial development is pedestrian orientated whilst providing for appropriate vehicular access.

#### Development Provisions

- a) No direct vehicular access to at grade or basement car parking from the active street frontage should be permitted in B1 zones.
- b) The number of vehicular crossovers should be kept to a minimum and appropriate sight lines provided to encourage safe integration of pedestrian and vehicular movement.
- c) Any car park ramps are located largely within the building footprint.
- d) Underground car parks should be designed to enable all vehicles to access and egress in a forward direction.
- e) Vehicular entrances to underground car parks are to be:
- Located on minor streets;
  - Have a maximum crossover of 6.0m;
  - Should be signed and lit appropriately;
  - Should be designed so that exiting vehicles have clear sight of pedestrians and cyclists.
- f) At-grade / surface car parking areas adjacent to streets should be generally avoided or at least adequately softened by appropriate landscaping.
- g) All stairs and elevators in the parking structure are clearly visible.

#### 3.4.3.28 Objective

To ensure that car parking does not deactivate public space, including streets, laneways and share ways.

#### Development Provisions

- a) The street level frontage of car parking structures (including multi level car parks) where adjoining public places, including streets, share ways and laneways, should present an active frontage along the entire frontage less any car park entry.

#### 3.4.3.29 Objective

To integrate underground car parking into the building design and streetscape.

#### Development Provisions

- a) Internal finishes of underground car parks should be consistent with the external materials where they are visible from the public realm.
- b) Underground car parks should generally be designed for natural ventilation. Ventilation ducts/grilles should integrate with the streetscape, be unobtrusive and/or appropriately screened.
- c) Garage doors to underground parking should be designed to complement the materials used elsewhere on the development.

<b>Pedestrian Entries and Access</b>
<b>3.4.3.30 Objective</b> To encourage and promote equity for all street users
<b>Development Provisions</b> a) The development complies with AS1428 - <i>Design for Access and Mobility</i> .
<b>3.4.3.31 Objective</b> To separate and clearly distinguish between pedestrian and vehicle access ways. To minimise potential conflict between pedestrians and vehicles.
<b>Development Provisions</b> a) Pedestrian and vehicle movement areas are separated to minimise conflict. b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.
<b>3.4.3.32 Objective</b> The design of buildings and spaces should promote legibility to help users find their way.
<b>Development Provisions</b> a) Pedestrian and vehicle movement areas are separated to minimise conflict. b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways. c) Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open. d) Signage is provided at the entries to the development detailing the services available within the centre and where they are located. e) Signage to key public spaces accessible from the centre such as car parks, food courts should be provided within the centre. f) Signage to key facilities such as rest rooms, Centre Management, baby change rooms should be provided within the centre. g) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.
<b>3.4.3.33 Objective</b> To encourage walking and cycling.
<b>Development Provisions</b> a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.

### Outdoor Dining

#### 3.4.3.34 Objective

To encourage appropriate outdoor dining associated with food and drink premises on public footpath areas.

To promote vitality and interest in the streetscape.

To promote security by activating streets.

To allow the unobstructed movement of people and goods along all public footpaths.

To minimise conflict between vehicles and diners.

#### Development Provisions

- a) A minimum footpath clearance width of:
  - 1.8m for high volume pedestrian areas; or
  - 1.5m in all other circumstances;is to be maintained between the immediate front of the building (shoreline) and the proposed outdoor dining area.
- b) A risk assessment should accompany any application for footpath dining that considers the risk of conflict between vehicles and diners. The assessment should recommend adequate measures to minimise any risk identified.
- c) The suitability of the footpath for outdoor dining is at Council's discretion.

#### Note:

Footpath clearance measurements are taken from the edge of the building (shoreline) or property boundary to the back of the chair (at a distance out from the table to equate with someone seated in the chair). An outdoor dining area includes all items such as umbrellas, tables and chairs, planter boxes associated with the use.

### Commercial development adjoining Residential Land uses

#### 3.4.3.35 Objective

To promote compatibility between business and commercial development and preserve the amenity of adjoining residential areas.

To ensure that the interface between business and commercial development and adjoining residential areas is of a high quality and achieves adequate visual and acoustic privacy.

#### Development Provisions

- a) The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.
- b) Where this cannot be achieved visual and acoustic treatment of the interface is required.
- c) The building elevation adjoining the residential area should be:
  - Articulated, with changes in setback at intervals no greater than 10m;
  - Use a variety of materials and treatments;
  - Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater.
- d) Waste areas are located and managed to minimise pests, noise and odour.

### Mixed Use Development

Mixed use development means a building or place comprising 2 or more different land uses. Mixed use buildings typically contain commercial or retail on the ground and first floors and residential land uses above. This type of development helps to activate the commercial areas after hours leading to greater surveillance and safety and reduces reliance of private vehicle trips.

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An assessment against Chapters 3.2 and 3.3 for any residential component of any mixed use development is required.

### Mixed Use Development

#### 3.4.3.36 Objective

To define the term 'place' in the Local Environmental Plan for the purposes of mixed use development in the Port Macquarie-Hastings.

#### Development Provisions

- a) For the purpose of mixed use development, 'place' is defined as being on the same lot or within those lots that are the subject of a single development application for 'mixed use development'.

#### 3.4.3.37 Objective

To encourage the integration of appropriate retail and commercial uses with residential development.

#### Development Provisions

- a) Mixed use developments are located in areas close to key business, commercial and employment centres with good public transport accessibility.

#### 3.4.3.38 Objective

To ensure that the design of mixed use developments maintains a reasonable level of residential amenity and preserves compatibility between uses.

#### Development Provisions

- a) The development should be designed so that loading bays, garbage collection areas and noise and odour generating aspects of buildings are located away from residential areas.
- b) Vehicular circulation systems are legible and differentiate between commercial service requirements, such as loading docks, and residential access.
- c) Residential entries are located directly from the public street and clearly demarcated from entries to commercial premises.
- d) Security entries are to be provided to all entrances into private areas, including car parks and internal courtyards.
- e) Where possible acoustic separation between loud commercial uses (such as cafés and restaurants) and residential uses is achieved by utilising an intermediate quiet-use barrier, such as offices.
- f) Plant is located on the roof or visually and acoustically isolated from the residential uses.

#### 3.4.3.39 Objective

To encourage flexible building design to accommodate a range of uses and to allow for changes to uses over time.

#### Development Provisions

- a) Buildings are to have a simple and efficient structural grid.
- b) The number of internal apartment structural walls are minimised.
- c) Ceiling heights for the ground and first floors should be 3.6m.

### Public Art - additional requirements for land zoned for Business and Tourism

#### 3.4.3.40 Objective

To make a positive contribution to the built environment of the Port Macquarie-Hastings region and promote the inclusion and integration of public art work in development that is responsive to and reflects the local culture and character of the Port Macquarie-Hastings region; including the area's indigenous cultural history and traditions; European heritage and contemporary culture, as well as the area's unique natural environment.

#### Development Provisions

- a) Development proposed on land zoned Business or Tourist on sites over 5,000sqm, or where the total project capital costs exceed \$5M, is to provide a Public Art Strategy for consideration as part of a DA.
- b) The Strategy is to make provision for quality artwork(s) within the development in publicly accessible location(s) and take into account the links and connections between the development and the area's natural and cultural heritage.
- c) The public art is to be 1% of the total cost of the development to provide works of art for appreciation from the public domain.

### 3.4.4 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108
17/07/2013	11/07/2014	Port Macquarie-Hastings Development Control Plan 2011 (Amendment No 8) - associated with PM-H LEP 2011 (Amendment No 21)	V20140711

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## Chapter 3.5 Industrial Development

### 3.5.1 DCP Context

#### Application and land to which this Chapter applies

This Chapter applies to:

- all development in land zoned IN1, IN2, IN3, IN4 and W3, and
- Industries, Heavy industrial storage establishments and Storage premises, Boat building and repair facilities, Vehicle body repair workshops and Vehicle repair stations in any zone.

It does not apply to Rural Industries.

#### Notes:

Industries include:

- heavy industries
  - hazardous industry
  - offensive industry
- light industries
  - high technology industries
  - home industry
- general industries

Heavy industrial storage establishments include:

- hazardous storage establishments
- liquid fuel depots
- offensive storage establishments

Storage premises include Self storage units.

#### Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

#### Purpose

The purpose of these provisions is to enhance the amenity of the areas industrial precincts and discourage inappropriate use of industrial land for uses not associated with industrial development, such as retail, business, office and recreation facilities can undermine the integrity of the region's industrial zones.

### 3.5.2 Strategic Context

#### Introduction

Industrial lands are important employment generators with approximately 15% of the working population of the Port Macquarie-Hastings employed in industrial and supporting industries.

Industrial lands have specific requirements such as access and often include noisy or offensive activities that require buffering from sensitive land uses.

Industrial areas support large workforces however they are sometimes poorly serviced by supporting infrastructure and services. This results in significant lunchtime traffic into and out of the industrial area and a high reliance on personal transport. Therefore it is important that each industrial area has a range of centrally located, supporting services such as food outlets, medical facilities and banks to service the needs of the workers in that area.

The amenity of industrial areas including the design of buildings and streetscape works is often considered secondary to function. However, industrial areas are an important part of the urban fabric, they are the sites

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of public transactions and employ 15% of the Port Macquarie-Hastings' workforce. Therefore it is important that the amenity and aesthetics are considered in addition to the functioning of the site.

Industrial development often has specific challenges such as stormwater from large areas of impervious surfaces and roofing, pollutants from onsite activities, noise, waste, access and servicing. Industrial development also has many opportunities to reduce energy consumption through careful site and building design. Stormwater capture and reuse and the use of water sensitive urban design principles also present significant opportunities for industrial development aiming for sustainability.

### 3.5.3 Objectives and Development Provisions

#### Setbacks

##### 3.5.3.1 Objective

To promote an aesthetic streetscape that reflects the functions and characteristics of the street and the land use.

To ensure buildings and parking do not dominate the streetscape.

To ensure adequate area is available at the front of buildings to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles.

To reduce the visual impact of development on the streetscape.

#### Development Provisions

- a) Minimum setbacks are provided as follows:
- 10m from a classified road;
  - 7.6m from any other road boundary;
  - 3m from any secondary road frontage.

#### Building Design

##### 3.5.3.2 Objective

Industrial development is attractive and functional.

#### Development Provisions

- a) Elevations of building which are visible from a public road, reserve or adjacent or adjoining residential areas are to be constructed using:
- brick, masonry, pre-coloured metal cladding, or
  - appropriately finished 'tilt-slab' concrete; or
  - a combination of a number of these materials.
- b) Large unrelieved expanses of wall or building mass are not favoured, and as such should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.

#### Open Storage and Work Areas

##### 3.5.3.3 Objective

To minimise the impact of open storage and work areas in the locality.

#### Development Provisions

- a) Where storage of materials is proposed to be undertaken outside the confines of a building, full details of the areas to be used and the materials/volumes to be stored should be provided with the application.



### Open Storage and Work Areas

- b) Where a work area is proposed to be undertaken outside the confines of a building, full details of the areas to be used and activities to be undertaken should be provided with the application.
- c) Open work and storage areas are to be located at the rear of industrial developments and should be screened from public view by the use of landscaping and/or screen fencing. Such fencing is to be constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2m.

### Landscaping and Fencing

#### 3.5.3.4 Objective

To improve the visual quality and amenity of Port Macquarie-Hastings' industrial areas through low maintenance landscape treatment of development sites.

To provide a natural buffer between development on industrial and adjoining or adjacent non-industrial land uses.

To encourage planting in scale with the height and bulk of the building.

To contribute to the creation of functional corridors between different vegetation communities through the urban realm.

#### Development Provisions

- a) A detailed landscaping plan should be submitted with the development application and include:
  - All existing trees and those proposed to be removed clearly highlighted;
  - Proposed general planting and landscape treatment (including species); and
  - Design details of hard landscaping elements and major earth cuts, fills and any mounding; and
  - Street trees in accordance with Council's *Indigenous Street and Open Space Planting List*.
- b) A landscaped strip at least 3m wide covering a minimum of two thirds of each street frontage.
- c) Fencing for security or privacy should not be erected between the building line and the front boundary of a site unless the front setback is intended to store vulnerable items such as machinery or display items.
  - In this instance, Council may permit fencing in the front setback only if:
    - Diplomat® fencing or high quality equivalent is used, and
    - High quality landscaping is provided in the front setback.

### Onsite Facilities

#### 3.5.3.5 Objective

The proposal should create a socially, visually and physically amenable work environment

#### Development Provisions

- a) An onsite recreation area is provided for staff that:
  - Includes seating, tables and rubbish bin.
  - If outside, is adequately protected from the weather
  - Is safely accessible to all staff.
  - Is separate private from public areas.
  - Is located away from noisy or odorous activities.

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### Onsite Facilities

#### 3.5.3.6 Objective

To reduce parking pressure in industrial areas and promote the use of sustainable transport by industrial workers.

#### Development Provisions

- a) Provide onsite facilities for changing, showering and secure bike storage.

### Industrial Land Adjoining Sensitive Land Uses

#### 3.5.3.7 Objective

To minimise the impact of industrial development on adjoining/adjacent residential areas.

#### Development Provisions

- a) Industrial development should comply with the provisions of the *NSW Industrial Noise Policy*, Environment Protection Authority 2000.
- b) Windows, doors and other wall openings should be arranged to minimise noise impacts on residences where an industrial development is located within 400m of a residential zone.
- c) External plant such as generators, air conditioning plant and the like, should be enclosed to minimise noise nuisance and located away from residences.
- d) External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas.
- e) Driveways should be arranged or screened to avoid headlight glare on residential windows.

### Retailing and Offices in Industrial Areas

#### 3.5.3.8 Objective

Promote the efficient and economic use of industrial resources by ensuring that development proposed is appropriate in industrial areas and does not undermine the commercial areas of the Port Macquarie-Hastings Local Government Area.

#### Development Provisions

- a) Office space ancillary to the industrial use is permissible with consent, subject to satisfaction of the following matters:
  - That the office component of a proposed development is ancillary to the functions carried out in the factory, warehouse or other industrial use.
  - That the office area is not leased to a separate company or entity.
  - That parking facilities are adequate to cater for the size of the office development.

### Servicing, Waste Management and Stormwater

#### 3.5.3.9 Objective

To ensure that the site is adequately serviced by sewer and water infrastructure and telecommunications.

#### Development Provisions

- a) The site should be serviced by reticulated water (and dual reticulation where this is available), sewer and telecommunications.

### Servicing, Waste Management and Stormwater

#### 3.5.3.10 Objective

To minimise the impact of waste storage on public areas.

#### Development Provisions

- a) Garbage storage areas are not visible from a public place.

#### 3.5.3.11 Objective

To control and manage all stormwater generated within the development.

To provide an effective legal point of discharge for all collected stormwater, from the development to a natural watercourse, Council drainage system or approved outfall.

To achieve these objectives without detrimentally affecting the environment, surface and subsurface water quality, groundwater infiltration characteristics, the adjoining landowners and other landowners near the drainage outlet and watercourses either upstream or downstream of the subdivision.

#### Development Provisions

- a) An application for industrial development should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted **Aus-Spec design specification documents**.
- b) Rainwater tanks and a dual reticulation system providing water to non potable uses (e.g. toilet flushing, landscape watering and vehicle wash down facilities) are to be provided on the site.

### 3.5.4 Amendment history

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16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108

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## Chapter 3.6 Subdivision

### 3.6.1 DCP Context

#### Land to which this Chapter applies

This Chapter applies to all land within the Port Macquarie-Hastings Local Government Area.

#### Application

This Chapter of the Port Macquarie-Hastings Development Control Plan 2011 applies to any application to subdivide land unless exempt under the Codes SEPP.

The following table should be used as a guide in determining which section should be addressed in an application.

	Strata title	Major Residential (>20 lots)	Minor Residential (<20 lots)	Commercial	Industrial	Rural
Pre Lodgement Consultation	✓	✓	✓	✓	✓	✓
Community Consultation		✓	✓	✓	✓	✓
Social Impact Assessment		✓				
Hazard Management	✓	✓	✓	✓	✓	✓
Strategic Context		✓	✓	✓	✓	✓
Site Analysis		✓	✓	✓	✓	✓
Integrated Water Cycle Management	✓	✓	✓	✓	✓	✓
Stormwater Management	✓	✓	✓	✓	✓	✓
Water Supply	✓	✓	✓	✓	✓	
Sewerage	✓	✓	✓	✓	✓	
Soil Management		✓	✓			✓
Road Design and Construction		✓	✓		✓	✓
Pedestrians (P) and Cycleways (C)		P/C	P/C	P	P	P/C
Public Open Space						
Urban Structure and Lot Layout	✓	✓	✓	✓	✓	✓
Service Infrastructure and IT	✓	✓	✓	✓	✓	✓
Waste Management	✓			✓	✓	
Additional Land Uses				✓	✓	✓
Strata/Community Title Subdivision	✓					
Streetscaping		✓	✓	✓	✓	✓
Community Safety		✓				

#### Note:

Under Part 6 of the Codes SEPP (ie *SEPP (Exempt and Complying Development Codes) 2008*) strata subdivision of a building, other than a dual occupancy, for which development consent or a complying development certificate was granted or issued, is, for 5 years from the date the consent or certificate was granted or issued, is complying development.

#### Applicable EPIs

Prior to Council granting consent for subdivision of land within an Urban Release Area as mapped in LEP 2011, clause 6.3 of the LEP requires preparation of area based provisions (that should be included in this Development Control Plan).

## Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other Chapters of this DCP. Refer to **Chapter 1.1 Preamble** section **1.1.4 Structure** for the list of other Chapters.

## Purpose

The purpose of this chapter is to achieve quality design and development outcomes by encouraging safe, convenient and attractive residential neighbourhoods, and functionally compatible industrial and commercial estates that meet the diverse and changing needs of the community.

This includes:

- A choice of good quality affordable housing.
- Promoting a compact urban form.
- Access to community and commercial facilities.
- A diversity of services providing local employment opportunities.
- Access to excellent IT infrastructure and telecommunication services.
- Encouraging sustainable transport use.
- Minimising energy consumption.
- Providing access to high quality, functional recreational open space.
- Promoting a sense of place and distinctive identity.
- Ensuring adequate site drainage and control development on floodable areas.
- Promoting safety.
- Preserving the biodiversity of the region.

## 3.6.2 Strategic Context

The subdivision of land is necessary to house the expected population growth in the Port Macquarie-Hastings and to support the employment needs of the population. The Mid North Coast Regional Plan has broadly identified where it may be appropriate to accommodate this growth. The major growth areas are expected to house the bulk of the projected greenfield housing demand and planning for these areas is underway.

Urban consolidation is also expected to significantly contribute to meeting housing demand in the coming years and importantly to support the commercial and retail core and tourist precincts by activating streets, reducing congestion, reducing costs for the provision of infrastructure (roads, water, sewerage).

Subdivision of commercial or industrial zoned land is more complex as the variety of possible uses is difficult to anticipate and the service requirements of those uses may be significantly different. Therefore, the assessment of an application to subdivide commercial or industrial land should be largely merit based and where it can be demonstrated that:

- The site/s can be adequately serviced by utilities and infrastructure without unreasonable cost to the rate payers of the Local Government Area; and
- Access and road layout (internal and external) is adequate for the type and volume of vehicles likely to access the area; and
- All development costs are borne by the developer of that land; and
- The subdivision is in accordance with an adopted strategy; and
- There are no adverse environmental impacts; and
- It can be demonstrated there should be no adverse impacts on the surrounding development.

The inappropriate subdivision of agricultural land undermines the sustained viability of agricultural industries in the Local Government Area. A mixture of high quality and lesser quality agricultural land is important as it encourages diversity in the regions agriculture. Lesser quality agricultural areas often act as an interface between intensive agricultural and urban areas which are important in maintaining amenity by providing a buffer for noise, odours and spray drift.

The level of detail required in a development application will be consistent with **Schedule 1 - Part 1 Development Applications - Information to be included in development application** of the *Environmental Planning and Assessment Regulation 2000*,

Supporting information may include (but not limited to) the following:

- Site Analysis Plan.
- Vegetation Management Plan.
- Utility services plan.
- Street Layout.
- Lot layout plan.
- Transport report for all modes of transport.
- Traffic Impact Assessment Report.
- Stormwater Management Plan.
- Erosion and Sediment Control Plan.
- Flood impact assessment.
- Water Sensitive Urban Design (WSUD) plan.
- Streetscape report.
- Ecological Assessment Report.
- Bushfire Assessment Report.
- Geotechnical Report.
- Building Envelope Plan.

### Notes

All new Land Titles in NSW are issued under the Torrens Title System, introduced in 1863. Prior titles, e.g., original Portions, were issued under Old System (or Common Law) Title.

The Torrens system is based on a plan of survey, or a plan compiled from a survey, which defines the boundaries of a parcel of land at the date upon which it was registered. When new land parcels are created (e.g., by Deposited Plan subdivision) or when all or part of an existing parcel is to be used for a specific purpose (e.g., easement, lease or Strata Plan), a survey plan should be prepared, lodged and registered with the NSW Department of Lands.

In defining new parcel boundaries, the plan creates the legal identity of the land and contains information regarding any relevant restrictions.

The main plan types include:

- Deposited Plans: which most commonly depict a subdivision of a parcel of land under the *Real Property Act 1900*;
- Strata Plans: which depict the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units, (e.g. home unit and town house developments) under the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*; and
- Community Plans: which depict the development of planned communities of any type where the use of some land is shared, under the *Community Land Development Act 1989*.

### Staged Subdivision

Where it is proposed to carry out a subdivision, or particular elements of a subdivision in stages, it is necessary to identify these details within the Development Application. In this way the Development Consent issued can be structured so that relevant conditions and developer contributions are applied at the appropriate time.

Any staging of development is to take into account the orderly and efficient extension of infrastructure services, including transport services.

## 3.6.3 Objectives and Development Provisions

### Context

Good design responds and contributes to its context. Context is everything that has an impact on an area, its key natural and built features. Context includes social, economic and environmental factors as well as the physical form of the area and its surrounds. Understanding context means understanding how the interrelationships between all these factors, and between the local area and the region, should have an impact on the area in the future.

Responding to the local context involves identifying the desirable elements of current character or the key aspects of character that are important to its future.

Understanding the local context is a key step in the process of establishing a robust urban structure which can support change and help to identify the appropriate building types and development controls for a particular situation.

The level of consultation required should largely depend on the size and the complexity of the subdivision.

### Site Analysis

A site analysis is necessary to ensure that the development is of high quality, sensitive to its environment and positively contributes to its context. A thorough site analysis should ensure that site layout and building design address existing and possible future opportunities and constraints of both the principle site and its surrounds.

An analysis of the site and context is a fundamental stage of the design process, and should support many key design decisions relating to the proposal. The site analysis should assist in minimising issues relating to noise, overshadowing, community safety, access, views, privacy, energy consumption and waste generation.

The applicant should demonstrate to Council that a site analysis has been utilised in preparing the design for the site and that due consideration has been given to the opportunities and constraints identified. The analysis may then be used by Council and the applicant to critically assess the merit of the proposal in its response to the features of the site and its context.

A site analysis drawing should be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. The site analysis should be prepared to scale and accurately show the following required information

### Site Analysis

#### 3.6.3.1 Objective

To ensure that site attributes and constraints are carefully considered during the design phase.

#### Development Provisions

- a) A site analysis is required for all development and should illustrate:
- microclimate including the movement of the sun and prevailing winds;
  - lot dimensions;
  - north point;
  - existing contours and levels to AHD;
  - flood affected areas;
  - overland flow patterns, drainage and services;
  - any contaminated soils or filled areas, or areas of unstable land;
  - easements and/or connections for drainage and utility services;
  - identification of any existing trees and other significant vegetation;
  - any existing buildings and other structures, including their setback distances;



## Site Analysis

- heritage and archaeological features;
- fences, boundaries and easements;
- existing and proposed road network, including connectivity and access for all adjoining land parcels;
- pedestrian and vehicle access;
- views to and from the site;
- overshadowing by neighbouring structures; and
- any other notable features or characteristics of the site.

## Urban Structure and Lot Layout

### Lot layout

#### 3.6.3.2 Objective

To provide a range of lot sizes to suit a variety of dwelling and household types

To ensure the lot layout plan reflects the site's opportunities and constraints.

#### Development Provisions

- a) Any residential allotments created by Torrens title subdivision should satisfy the following standards:
- A minimum width of 15 metres when measured at a distance of 5.5 metres from the front property boundary;
  - A minimum width of 7 metres measured when side boundaries are extended to the kerb line;
  - A minimum depth of 25 metres;
  - For lots where the average slope of the development site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.
- b) Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m<sup>2</sup> if:
- Each allotment to be created is part of a community or strata title scheme, or
  - Is carried out as part of an integrated Torrens title housing development.

#### 3.6.3.3 Objective

To ensure subdivision design and road layout responds to the topography of the land and the site constraints.

To prevent servicing costs (associated with access, utilities and services) from being transferred to the land owner because of poor subdivision design.

To reduce the impacts of battleaxe allotments in infill areas on adjoining landowners, the streetscape and the final landowner.

To ensure that development of rear lots of battleaxe allotments does not result in the impacts greater than would be expected from a single dwelling in terms of:

- Traffic generation;
- Noise;
- Privacy;
- Utilities;
- Waste management; and
- Amenity.

#### Development Provisions

- a) Battleaxe allotments are discouraged in greenfield development.
- b) Council may consider permitting Torrens Title battleaxe allotments for "infill" development where it is demonstrated that:

## Lot layout

- A Torrens Title lot, that is not a battleaxe lot, cannot be achieved; and
- the number of crossovers do not reduce the amenity of the street or on street parking; and
- the impact of noise, dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and
- addresses privacy between the rear lot and the rear open space of the front lot by the provision of adequate screening, larger lot size and setbacks; and
- extends utilities to the end of the axe handle; and
- There is sufficient space for garbage collection on the frontage.

### 3.6.3.4 Objective

To ensure that subdivision layout responds to the gradient of the land and does not:

- result in lots that require excessive cut and fill to achieve development areas;
- create a land slip risk;
- result in soil creep or slip;
- result in adverse drainage conditions;
- reduce the life of water, sewer, drainage or road infrastructure;
- result in unable private open space.

## Development Provisions

- Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.
- Lot sizes should increase in accordance with the standards specified below in table below.

Zone	Slope (%)	Slope Category	Minimum area per lot created	Minimum width in any direction
All	0-10%	A	450m <sup>2</sup>	15m
All	11-15%	B	600m <sup>2</sup>	18m
All	16-20%	C	1000m <sup>2</sup>	20m
All	21-25%	D	1200m <sup>2</sup>	25m
All	>25%	The subdivision of land with slopes exceeding 25% is generally discouraged.		

**Table 3.6.1 Appropriate lots sizes for land gradient**

For subdivisions proposed on land categorised as Slope category A, B, C, or D the following additional information is required.

Slope Category	Requirements
Category A	Details of any retaining walls (including height, location and extent of cut and/or fill) required to permit construction of a dwelling.
Category B	Matters required under Category A Identification of a building footprint. Vehicular access details and accommodation for 2 cars. Retaining wall heights.
Category C	Matters required under Category B. Demonstrate driveway details to the building line from property boundary if fill is to be greater than 300mm. Onsite drainage details. Proposed residential footings layout.

## Lot layout

Category D	Matters required under Category C. Specified building design for the site.
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**Table 3.6.2 Information requirements for slope**

### 3.6.3.5 Objective

To provide lot orientation that maximises energy efficiency and conservation principles.

To create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles.

### Development Provisions

- a) Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots.  
Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in **Figure 3.6-2**.
- b) Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.

### 3.6.3.6 Objective

To ensure provide a legible network for infrastructure, cycle, pedestrian and motor vehicle movement.

To provide a clear grid layout with street connectivity and through streets.

### Development Provisions

- a) The site analysis, including the lot orientation, layout, and natural topography should inform and aid the design of the street pattern.
- b) The street plan should provide:
  - Street network, including those existing (adjacent or opposite);
  - Cycleways and pathway network;
  - Indicative gradients and cross-sections of roads, cycle ways and pathways, particularly those with steep slopes that may present access and mobility constraints. Provide notional road batters for steep areas;
  - General intersection traffic dampening, related landscape features and constriction points;
  - Notional drainage pattern and works where affected by road works;
  - Car parking;
  - Consideration of existing and proposed street trees;
  - Existing and proposed fire trails.
  - Street and Service Plans should need to show how the proposal should integrate with the existing system.
- c) Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist, unless:
  - It is technically impractical to construct kerb and guttering due to uncertainty as to the appropriate levels to be adopted or an isolated section should present a hazard to road traffic safety; or
  - The street drainage necessary to provide kerb and guttering is an unreasonable imposition on the development; or
  - An alternative treatment is preferred by Council having regard to Water Sensitive Urban Design (WSUD) principles; or
  - Kerb and guttering is not the most suitable streetscape treatment for the area on the basis of existing and anticipated development.

In these cases, an alternative treatment to kerb and gutter such as mountable kerb, concrete dish

## Lot layout

drain, cemented paving stones or other treatment should be required with the exact type based upon the characteristics of the site.

### 3.6.3.7 Objective

To establish a clear urban structure that maximises the sense of neighbourhood and encourages walking and cycling over private car use.

### Development Provisions

- Subdivision applications close to urban centres should achieve a high-medium population yield (>35 dwellings per hectare).
- Subdivisions along arterial roads and serviced by public transport should achieve a high-medium population yield (>35 dwellings per hectare).

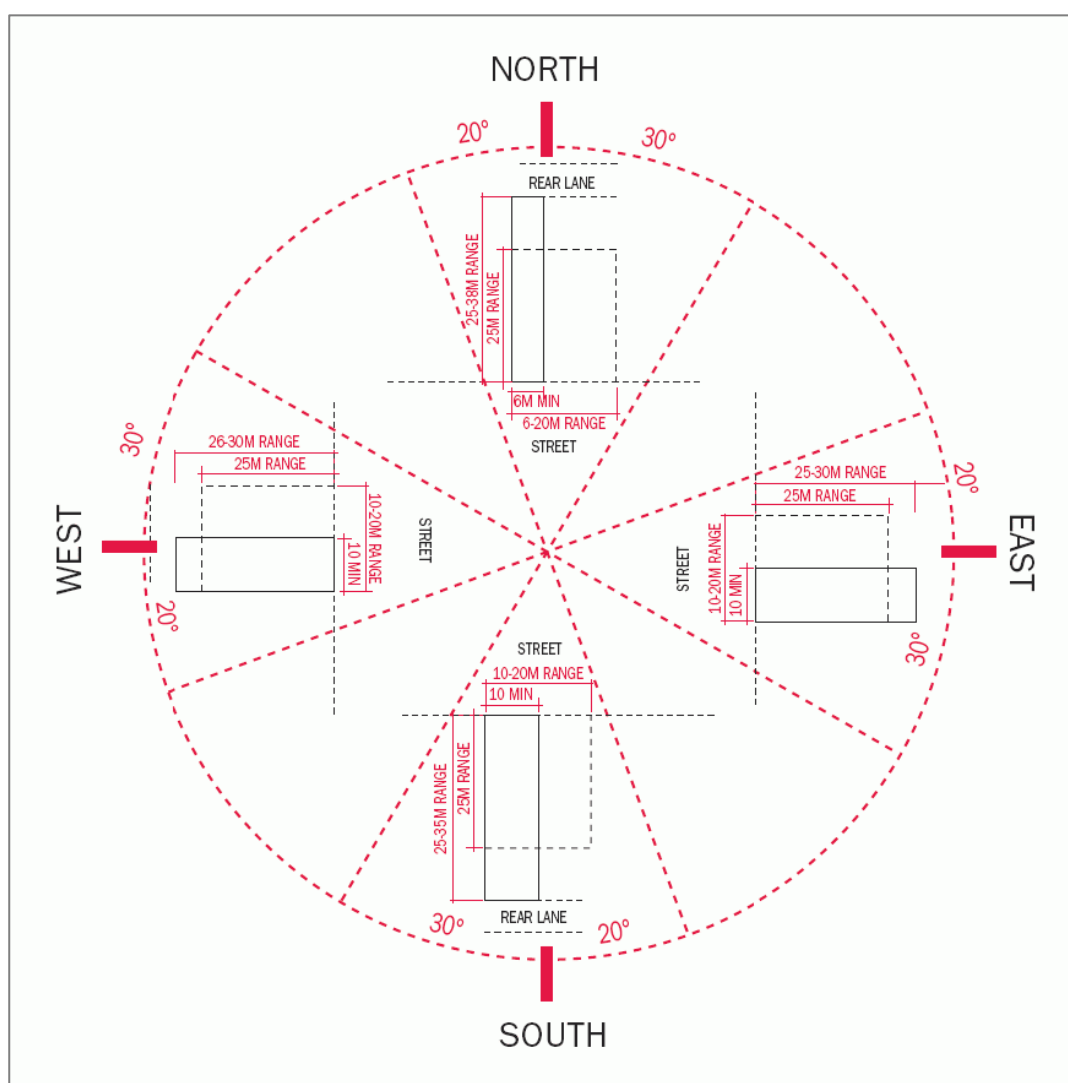
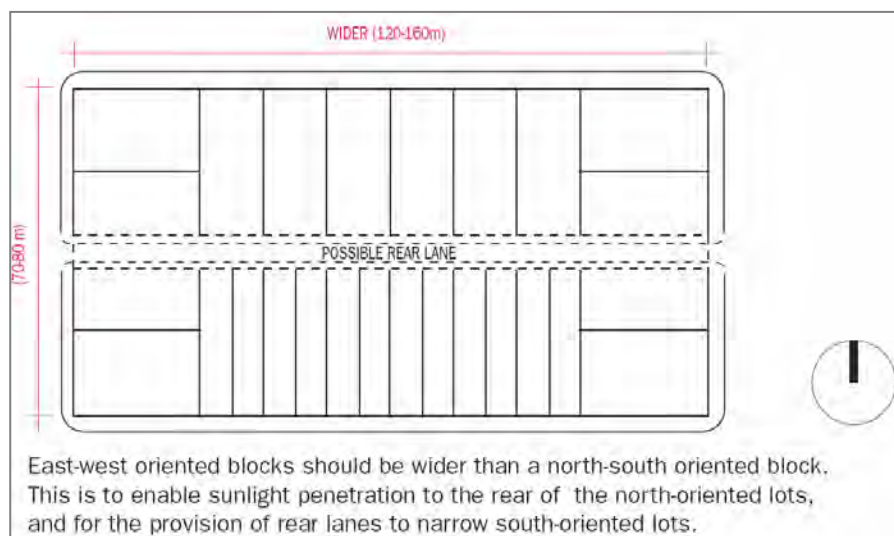


Figure 3.6-1 Indicative Block Configurations



**Figure 3.6-2 Preferred lot layout and orientation.**

## Infrastructure - Road Design and Construction

### Road Design and Construction

#### 3.6.3.8 Objective

The street network is to provide convenient and safe access to all allotments for pedestrians, vehicles and cyclists.

To provide safe, logical and hierarchical transport linkages with existing street system.

To provide appropriate access for buses, emergency and service vehicles.

To provide for a quality product that minimises maintenance costs.

To provide a convenient way for public utilities, and co-ordinate the location of public utility services and drainage systems without adversely affecting road pavements.

To provide an opportunity for street landscaping.

To provide convenient parking for visitors.

To have appropriate regard for the climate, geology, flora, fauna and topography of the area.

#### Development Provisions

- a) All new roads are to be dedicated to Council designed in accordance the Council's adopted AUSPEC design specification documents.  
All applications to subdivide land should include a road layout plan that meets the Council's design requirements including providing connectivity and access for all land parcels consistent with Council's road hierarchy.

#### 3.6.3.9 Objective

To enable the penetration of buses into a new subdivision and promote their use.

#### Development Provisions

- a) The design of roads identified for bus routes should comply with the AUSTROADS standards, including the design of bus bays and stops.
- b) Development should provide the bus stops, including bus bays and shelters not more than 600m apart.

## Road Design and Construction

### 3.6.3.10 Objective

To enhance visual amenity through good urban (road) design.

#### Development Provisions

- a) The design of roads should aspire to achieve standards illustrated in **Figure 3.6-3** to **Figure 3.6-11**.
- b) At a minimum all new roads should include:
  - street trees at a rate of 1 per 20m along the street frontage and in accordance with Council's *Indigenous Street and Open Space Planting List*;
  - underground utilities;
  - formed kerb and guttering;
  - 1.2metres pedestrian path.

### 3.6.3.11 Objective

To utilise roads to assist in the protection of properties from bushfire threat where appropriate.

#### Development Provisions

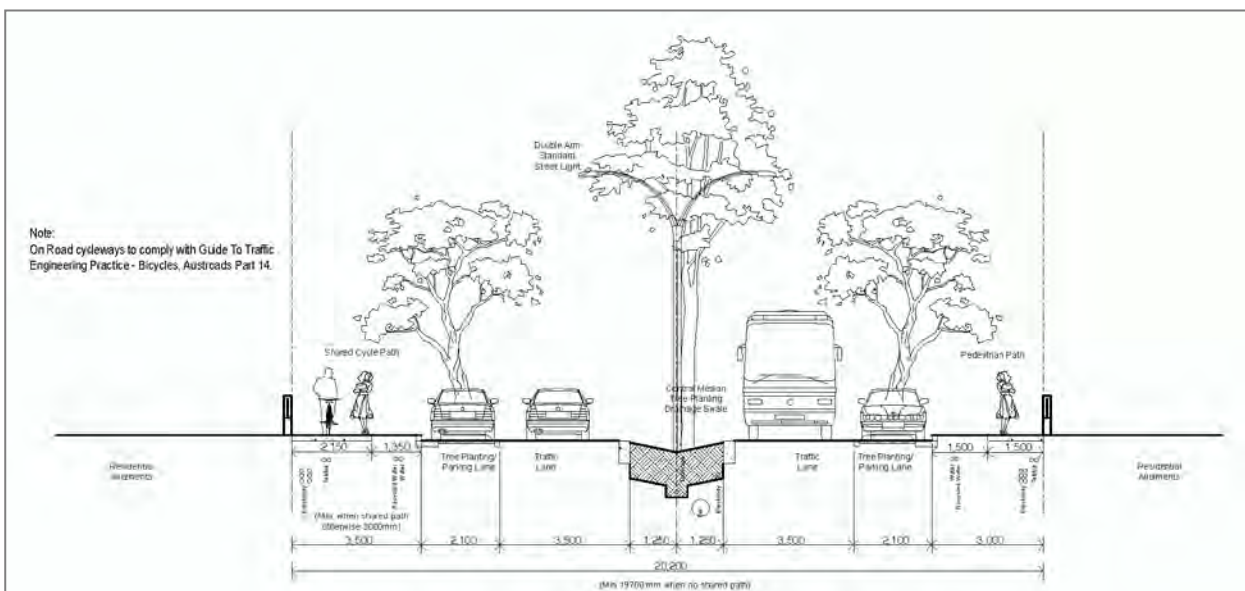
- a) Perimeter roads adjoining bushland should be designed in accordance with **Figure 3.6-8** and may be considered part of the APZ requirements for the adjoining land.

### 3.6.3.12 Objective

To utilise roads to protect natural assets and promote public enjoyment of these assets where appropriate.

#### Development Provisions

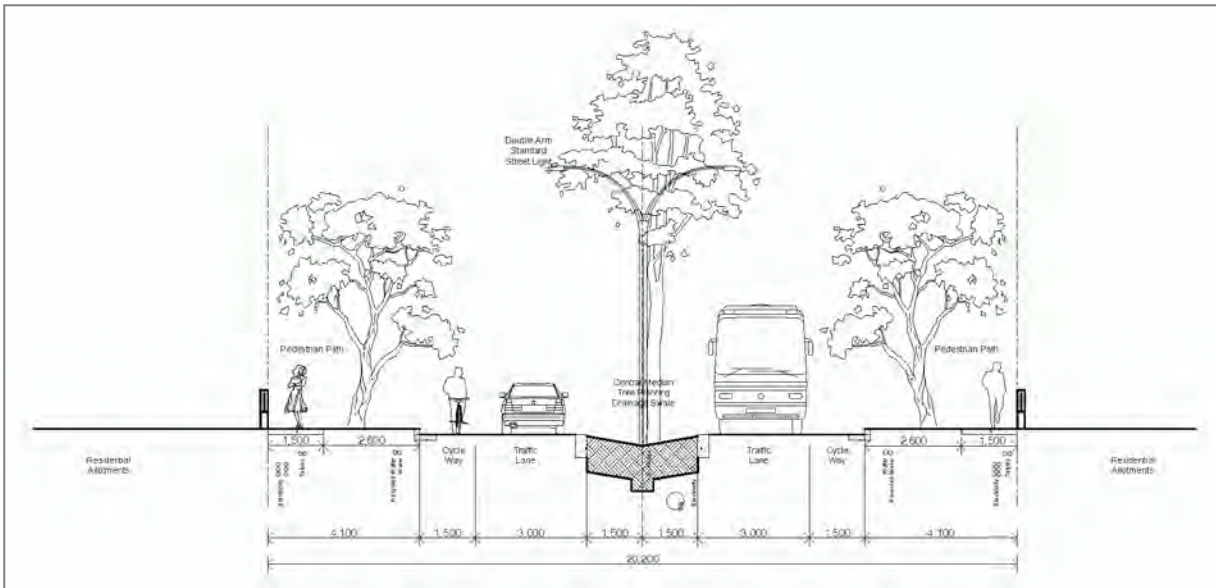
- a) Perimeter roads should be designed in accordance with **Figure 3.6-8**



**Figure 3.6-3 Road Section - Indicative Neighbourhood Avenue**

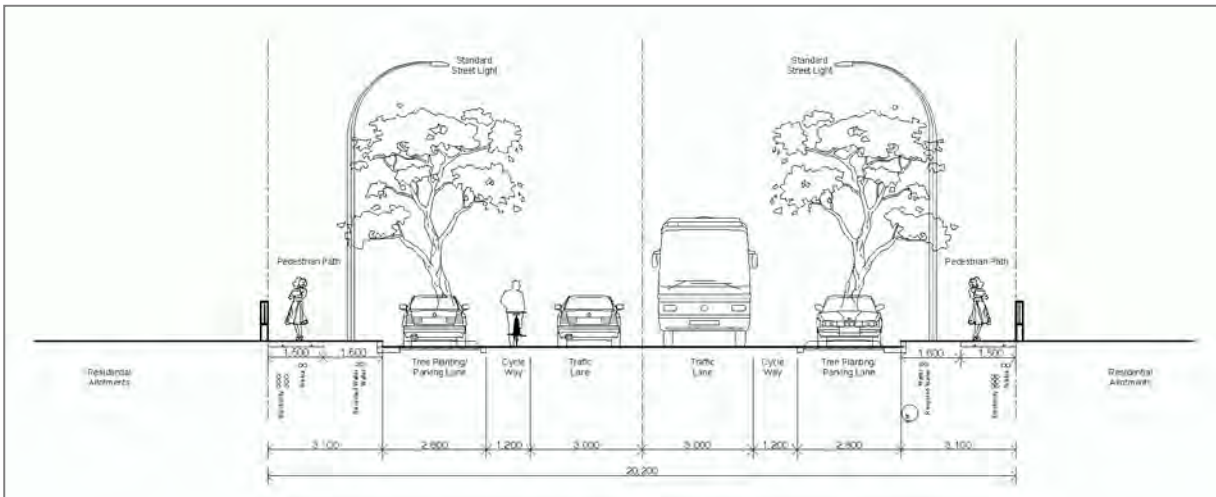
Source: Anterra Design Pty Ltd, 2007





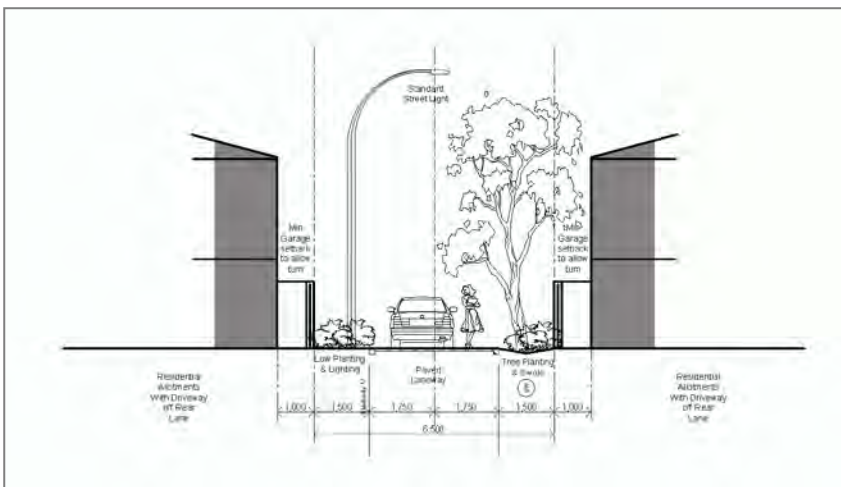
**Figure 3.6-4 Road Section - Indicative Neighbourhood Avenue with On Road Cycleway (Option 1).**

Source: Anterra Design Pty Ltd, 2007



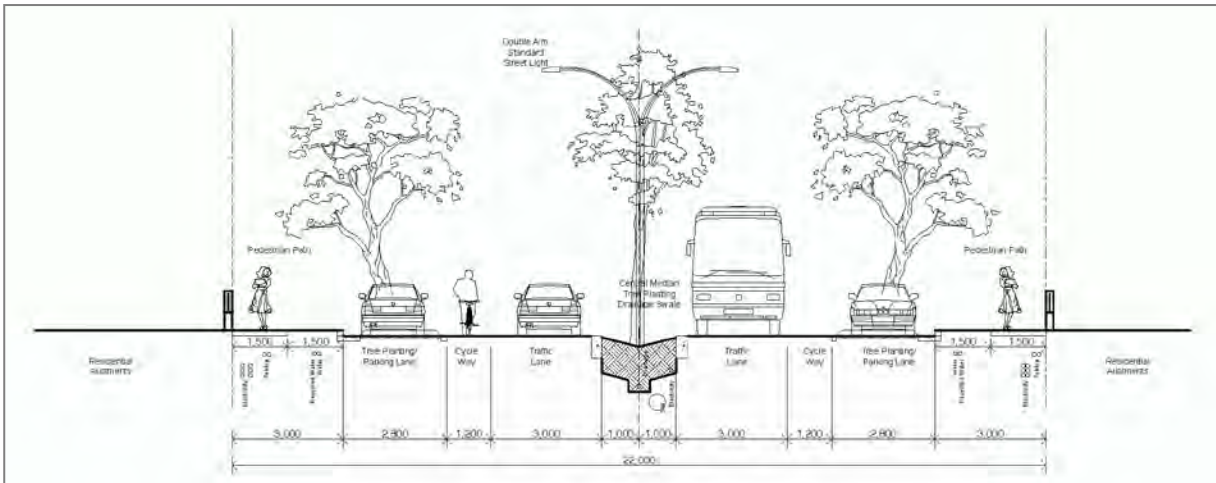
**Figure 3.6-5 Road Section - Indicative Neighbourhood Avenue with On Road Cycleway (Option 2).**

Source: Anterra Design Pty Ltd, 2007

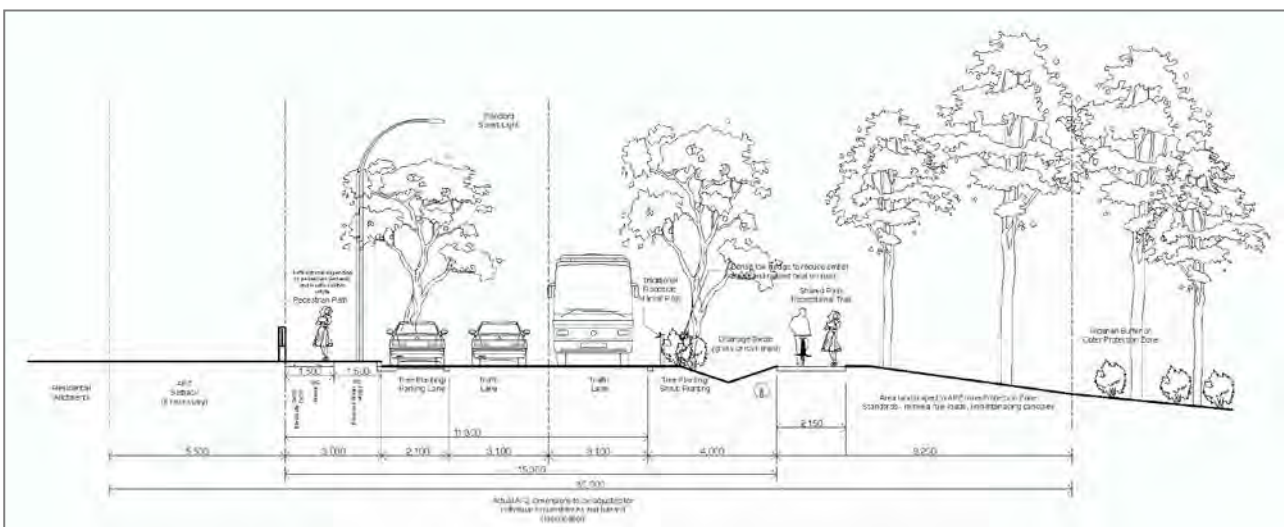


**Figure 3.6-6 Road Section - Indicative Shareway (servicing 6-8 dwellings maximum).**

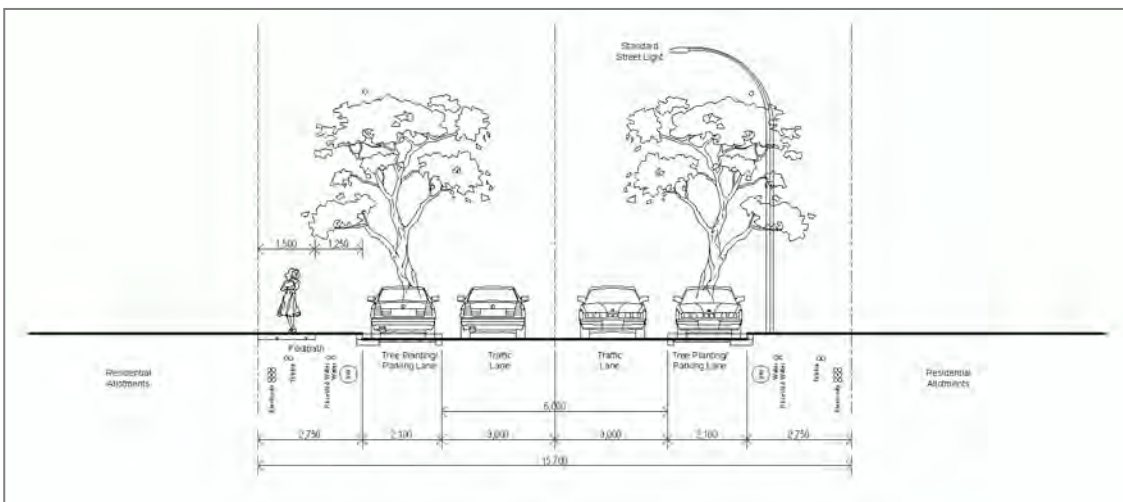
Source: Anterra Design Pty Ltd, 2007



**Figure 3.6-7 Road Section - Indicative Neighbourhood Avenue with On Road Cycleway (Option 3).**  
Source: Anterra Design Pty Ltd, 2007

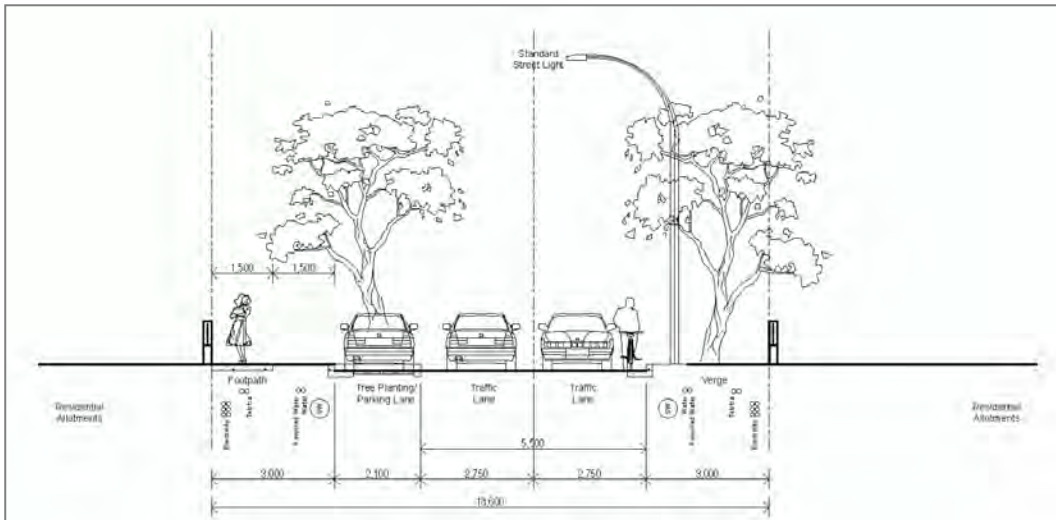


**Figure 3.6-8 Road Section - Indicative Bushland or Riparian Edge Street.**  
Source: Anterra Design Pty Ltd, 2007



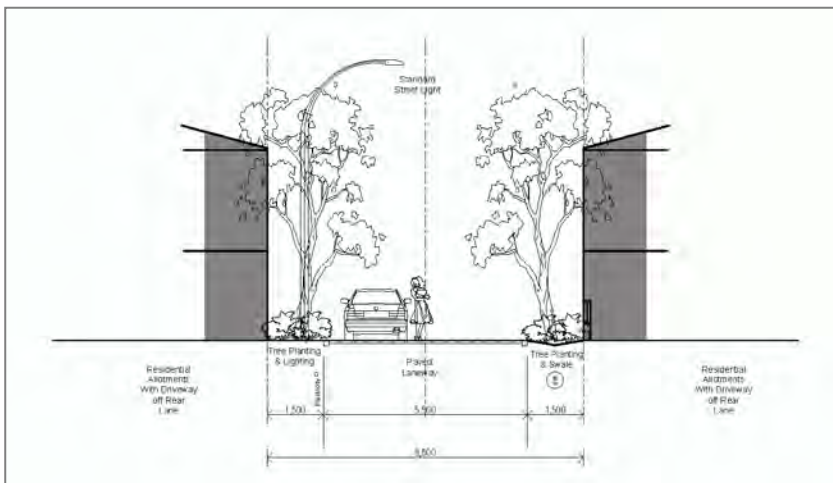
**Figure 3.6-9 Road Section - Indicative Neighbourhood Access Street.**  
Source: Anterra Design Pty Ltd, 2007





**Figure 3.6-10 Road Section - Indicative Minor Neighbourhood Access Street.**

Source: Anterra Design Pty Ltd, 2007



**Figure 3.6-11 Road Section - Indicative Laneway.**

Source: Anterra Design Pty Ltd, 2007

## Infrastructure - Pedestrians and Cycleways

### Pedestrians and Cycleways

#### 3.6.3.13 Objective

To provide a clear and safe pedestrian and cycleway system that links residential areas, open spaces, schools, social and cultural facilities, town centres and neighbourhoods.

#### Development Provisions

- Development for the subdivision for land or major residential development should provide footpaths on both sides of all collector and arterial roads.
- Footpaths should be provided on one side of the street for access places and local streets in accordance with Council's adopted AUSPEC design specification documents.
- Off street share-ways and on road cycle ways should be provided.
- Footpaths and cycleway are to have regard for *Crime Prevention Through Environmental Design* (CPTED) principles.
- The choice of direction and possible routes should be maximised, with streets and footpaths substantially capable of surveillance by residents.

### Pedestrians and Cycleways

#### 3.6.3.14 Objective

To provide a local cycleway network using predominately on street systems along local roads, linking to the regional network. (Local roads in this context means roads used by the cycleway network.)

#### Development Provisions

- a) Local roads are to be designed for a maximum vehicle speed of 50kph.
- b) Traffic management schemes may be appropriate to discourage speeding in long stretches of local roads or to discourage 'rat-running'.
- c) On street parking should be discouraged along local roads.
- d) Signage should be provided illustrating links from local roads to the regional networks.

#### 3.6.3.15 Objective

To provide a commuter cycle network.

#### Development Provisions

- a) Cycling infrastructure should be provided in accordance with the Council's Cycling Plan.
- b) Where physical infrastructure or land dedication cannot be provided or is not identified, a contribution in accordance with the Councils' contribution plan/s.

### Infrastructure - Integrated Water Cycle Management

Integrated Water Cycle Management (IWCM) seeks to integrate water supply, wastewater and stormwater thereby promoting the sustained health and maintenance of waterways and catchment areas.

Water Sensitive Urban Design (WSUD) is also a key component of IWCM by minimising impervious surfaces and mitigating changes to the natural water balance through on-site reuse of water and temporary storage.

IWCM has extensive benefits by reducing the construction and ongoing maintenance costs of hard infrastructure, by reducing demand on the treated water supply and therefore the river systems and water storage and reticulation infrastructure, by maintaining groundwater, by reducing volumes of fresh water and pollutants (including sediment and nutrients) into waterways and the ocean.

### Water Cycle Management

#### 3.6.3.16 Objective

To reduce the lifecycle cost of public infrastructure (potable water supply, reclaimed water supply, waste water and stormwater) through efficient and effective resource use.

#### Development Provisions

- a) An application for subdivision should be accompanied by an Integrated Water Cycle Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted design specification documents.

### Infrastructure - Stormwater Management

The urban environment alters the natural flow of storm water by increasing impervious surfaces, reducing groundwater infiltration, reducing evapo-transpiration by vegetation and by introducing pollutants such as sediment and nutrients to waterways. This results in a range of management issues including flooding, peak flows and stormwater quality that need to be addressed in any new subdivision.

## Stormwater Management

### 3.6.3.17 Objective

#### General

To control and manage all stormwater generated within the development.

To control and manage all stormwater passing through the development from the surrounding catchment.

To provide an effective legal point of discharge for all collected stormwater, from the development to a natural watercourse, Council drainage system or approved outfall.

To achieve these objectives without detrimentally affecting the environment, surface and subsurface water quality, groundwater infiltration characteristics, the adjoining landowners and other landowners near the drainage outlet and watercourses either upstream or downstream of the subdivision.

To encourage the protection and enhancement of natural watercourses, aquatic habitat and riparian vegetation.

To ensure that stormwater runoff meets specified quality objectives during all phases of a development.

To provide a safe and convenient environment for pedestrians and traffic.

To incorporate principles of Ecological Sustainable Development.

#### Development Provisions

- a) An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted Aus-Spec design specification documents.

The Designer should adopt the 'major/minor' approach to urban drainage systems as outlined in Australian Rainfall and Runoff. The 'Minor' system generally refers to the underground system but also applies to surface structures. The minor system is designed to an Average Recurrence Interval (ARI) as shown in Council's Aus-Spec design specification documents.

The 'Major' system refers to overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The major drainage system is designed to handle flows resulting from rare storm events up to and including a 100-year ARI.

These flows should follow a designated overland flow path, which should be:

- A road if the catchment area is small; and/or
- A drainage reserve if it is impractical for unsafe for a road to carry the excess flows.

The finished floor level of buildings should be above the 100 year ARI flood level (plus freeboard) and in accordance with the council's current flood policy.

### 3.6.3.18 Objective

#### Minor Flows

To prevent stormwater damage to property.

To contain nuisance flows to a level, which is acceptable to the community.

To provide a stormwater system, which can be economically maintained.

To provide a stormwater system which utilises open space and other open land for infiltration of runoff and stormwater retention in a manner, which does not detract from its principal function.

To minimise the occurrence of traffic accidents during minor storm events.

To minimise increases in stormwater runoff and protect the environmental values and physical characteristics of receiving watercourses from degradation by urban runoff.

#### Development Provisions

- a) An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted Aus-Spec design

## Stormwater Management

specification documents.

The Designer should adopt the 'major/minor' approach to urban drainage systems as outlined in Australian Rainfall and Runoff. The 'Minor' system generally refers to the underground system but also applies to surface structures. The minor system is designed to an Average Recurrence Interval (ARI) as shown in Council's Aus-Spec design specification documents.

The 'Major' system refers to overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The major drainage system is designed to handle flows resulting from rare storm events up to and including a 100-year ARI.

These flows should follow a designated overland flow path, which should be:

- A road if the catchment area is small; and/or
- A drainage reserve if it is impractical for unsafe for a road to carry the excess flows.

The finished floor level of buildings should be above the 100 year ARI flood level (plus freeboard) and in accordance with the council's current flood policy.

### 3.6.3.19 Objective

#### Major Flows

To prevent flood damage to the built and natural environment and prevent both short-term and long-term inundation of dwellings.

To ensure the street system operates adequately during and after major storm events.

To provide a stormwater system which minimises erosion and which utilises open space in a manner that does not detract from its principal function.

To protect the environmental values and physical characteristics of receiving watercourses.

#### Development Provisions

- a) An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted Aus-Spec design specification documents.

The Designer should adopt the 'major/minor' approach to urban drainage systems as outlined in Australian Rainfall and Runoff. The 'Minor' system generally refers to the underground system but also applies to surface structures. The minor system is designed to an Average Recurrence Interval (ARI) as shown in Council's Aus-Spec design specification documents.

The 'Major' system refers to overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The major drainage system is designed to handle flows resulting from rare storm events up to and including a 100-year ARI.

These flows should follow a designated overland flow path, which should be:

- A road if the catchment area is small; and/or
- A drainage reserve if it is impractical for unsafe for a road to carry the excess flows.

The finished floor level of buildings should be above the 100 year ARI flood level (plus freeboard) and in accordance with the council's current flood policy.

## Infrastructure - Water Supply

Port Macquarie-Hastings Council is responsible for the provision of a reliable, safe, clean and cost effective water supply to Council's customers in a manner sympathetic and responsible to the environment.

## Port Macquarie-Hastings Development Control Plan 2013

In the Local Government Area, the delicate balance between harvesting water and the commitment to its preservation depends on a three-tiered approach – conservation through education and application of water efficiency regulations, environmentally sustainable infrastructure and water reclamation.

Embracing technology that should play a crucial role in ensuring the future sustainability of regional water supplies across Australia and the health of our rivers has never been more important. A separate reticulated reclaimed water supply network should be provided in suitable areas to provide fit for purpose (non drinking) water to new and existing customers.

Clause 7.13 of LEP 2011 requires the consent authority to be satisfied that essential utility infrastructure is available or adequate arrangements have been made for it to be available. This includes the supply of water.

### Water Supply

#### 3.6.3.20 Objective

To provide a regular supply of potable water, with sufficient capacity for peak usage, fire fighting and long term development.

#### Development Provisions

- a) A reticulated water supply should be required for all subdivisions except rural zoned areas greater than 40 hectares or where deemed financial unviable by the Manager Water Supply Services or equivalent.
- b) A water supply strategy should be required where there are more than 20 lots and may be required for sub-divisions of less than 20 lots as directed by the Manager Water Supply Services or equivalent.
- c) All water supply systems should be designed to meet Council's design specification documents for infrastructure external to the property.
- d) All water supply systems should be designed to meet the NSW Code of Practice Plumbing & Drainage 2006 and Australian Standard AS3500 and related standards for infrastructure within property boundaries.

#### 3.6.3.21 Objective

To provide a regular supply of reclaimed water in suitable areas, with sufficient capacity for peak usage and long term development.

#### Development Provisions

- a) A reclaimed water supply should be constructed in accordance with Council's strategy for the provision of reclaimed water supply.
- b) Where a reclaimed water reticulation system is available to the site, connection to that system should be provided and a reclaimed reticulation system within the site should be provided.
- c) Where a reclaimed water reticulation system is planned to be available to the site a reclaimed reticulation system should be provided within the site.
- d) Where a reclaimed water reticulation system is not currently planned for the site consideration of providing a reclaimed reticulation system within the site is not required.
- e) Public areas such as parks created by the subdivision, are to be connected to a reclaimed water reticulation system.
- f) Any amenities provided in public areas, such as toilets, should maximise the utilisation of reclaimed water where appropriate.

#### 3.6.3.22 Objective

To protect public health by ensuring potable water is utilised where appropriate and by ensuring reclaimed water is of the highest possible quality.

#### Development Provisions

- a) Where a reclaimed water reticulation system is available or planned to be available to the site,

### Water Supply

reclaimed water should be used for:

- Garden watering/irrigation;
- Toilet flushing;
- Hot water systems;
- Washing machine cold water tap;
- Other non potable uses as permitted.

Where a reclaimed water reticulation system is available or planned to be available to the site, potable water should be used for:

- Kitchen, bathroom and laundry tub cold water taps;
- Pool filling;
- Fire fighting.

- b) Ensure infrastructure is designed to minimise the risk of cross-connection of potable and non-potable systems, for both public and private infrastructure.

#### 3.6.3.23 Objective

To reduce the lifecycle costs of public infrastructure (potable water supply, reclaimed water supply, wastewater & stormwater) through efficient and effective resource use.

#### Development Provisions

- a) Proponents should be required to extend and meet full cost of water reticulation.
- b) Any water supply assets required prior to the timing in Council's Corporate Plan are to be funded by the developer.

### Infrastructure - Sewerage

A sewerage system is primarily intended to efficiently remove all domestic and other approved wastes and to dispose of treated wastes in an environmentally satisfactory way.

Port Macquarie-Hastings Council currently operates five (5) separate sewerage schemes to serve the urban areas of Port Macquarie & Lighthouse Beach, Lake Cathie/Bonny Hills, Camden Haven, Wauchope and Kew/Kendall.

Each Sewerage Scheme has been individually designed using the best technology available at the time of construction, and each process is slightly different and unique. The general sewerage treatment process can be divided up into the four main areas being Collection, Pre-treatment, Main Treatment (includes Primary, Secondary and Tertiary), and Sludge Treatment.

Council maintains an up-to-date comprehensive dynamic simulation of the system to determine sewer main sizes required for new subdivisions, augmentation or amplification of existing reticulation, and requirements for future treatment works, pumping stations and rising mains. This should ensure that development is not projected for areas which are beyond the capacity of available sewerage disposal systems and that there are adequate sites for sewerage installations.

Council has a number of schemes for contribution to the installation of sewer mains and for the upgrading of headworks. Reference should be made to the detail of such applicable area schemes.

Clause 7.13 of PMH LEP 2011 requires the consent authority to be satisfied that essential utility infrastructure is available or adequate arrangements have been made for it to be available. This includes the disposal and management of sewage.



### Sewerage

#### 3.6.3.24 Objective

Sewerage systems should be designed to achieve the following:

- a level of service to Councils' customers in accordance with Councils' policies
- a single gravity connection for each property
- relatively immune from breakdown or blockage
- zero level of infiltration on commissioning of sewers
- minimise installation and maintenance costs
- keep sewage aerobic
- adequate hydraulic capacity to service the full catchment
- allow for the impact of the total discharge on the downstream system outside the subdivision.

#### Development Provisions

- a) Sewerage systems should be designed in accordance with Councils adopted design specification documents and the Sewerage Code of Australia (WSA02-1999).
- b) A sewerage strategy should be provided for an application for subdivision of 20 or more lots.
- c) The strategy should include the proposed method of servicing and any staging proposed.
- d) Sewerage systems should be planned to provide for anticipated future requirements over a period of at least twenty (20) years.
- e) Each lot is to have a separate sewer junction and connection to Council's main.

#### 3.6.3.25 Objective

To reduce the lifecycle costs of public infrastructure through efficient and effective resource use.

#### Development Provisions

- a) Proponents should be required to extend and meet full cost of sewerage systems.
- b) Any sewerage system required prior to the timing in Council's Corporate Plan is to be funded by the developer.

### Soil Management

Urbanisation affects the quality and quantity of runoff. Peak discharges and velocities are increased causing a greater potential for scouring of land surfaces.

During construction, the removal of vegetation and reshaping of the land creates a surface which is prone to erosion. Runoff contains sediment, oxygen-demanding organic matter, nutrients, bacteria, toxic organic chemicals, oil and litter.

There is an acute risk of impact on water quality and the aquatic environment during the construction phase and a lower, on going risk during the occupation of the site.

### Soil Management

#### 3.6.3.26 Objective

To minimise erosion and sediment loss before, during and after construction.

#### Development Provisions

- a) An erosion and sediment control plan should be provided for a development application to subdivide land in accordance with Council's adopted Aus-Spec design specification documents.

### Soil Management

#### 3.6.3.27 Objective

To minimise water pollution due to erosion, siltation, sedimentation and acid sulfate soils.

#### Development Provisions

- a) An erosion and sediment control plan should be provided for a development application to subdivide land in accordance with Council's adopted design specification documents.
- b) Land identified on the acid sulfate soils map are subject to the provisions under clause 7.1 the LEP.

#### 3.6.3.28 Objective

To minimise the requirement for imported fill for landscaping.

#### Development Provisions

- a) Saving and re-using top soil and the incorporation of additives to improve existing soils is preferred to the importation of soils for landscaping.

### Public Open Space

### Public Open Space

#### 3.6.3.29 Objective

To provide active and passive open spaces areas that are accessible and meet the needs of the population.

#### Development Provisions

- a) Neighbourhood parks area to be provided so that all residential areas are generally within 500m of the nearest park.
- b) The location of neighbourhood parks is to be optimised so that a minimal number of parks are required.
- c) Neighbourhood parks and playing fields should be connected to the cycleway and pedestrian path networks.
- d) Neighbourhood parks should provide a range of facilities.
- e) Sports fields should be located close to school facilities.
- f) As a minimum 1.5 hectares active open space (sportsfields); 5000m<sup>2</sup> neighbourhood park; 1 hectare of linkage/amenity space (total 3 hectares open space) to be provided per 1,000 people.

#### 3.6.3.30 Objective

To ensure that new, public open space is of a high quality that is sustainable into the future.

#### Development Provisions

- a) Neighbourhood parks are to be dedicated as development occurs, and are to include the following:
  - Minimum size of 5,000m<sup>2</sup>.
  - At least 2000m<sup>2</sup> should be level to gently sloping land.
  - Street frontage to the same standard as adjoining residential areas (i.e. kerb and gutter, or drainage swales where appropriate).
  - Any landform grooming to ensure the park is to a standard to suit Council's maintenance regime.
  - Any drainage works to ensure the functionality of the park.
  - Access via more than one street.
  - Integration with other community facilities.
  - Should be located to cause minimal disruption to traffic.
- b) Neighbourhood park embellishment is to incorporate:



### Public Open Space

- Park furniture including seats with shelters, barriers and any appropriate path and cycleway linkages along desire lines or linking to the cycleway network.
- Any boardwalks necessary to achieve the required functionality of the park.
- Works should generally be required to be undertaken prior to dedication to Council.

#### 3.6.3.31 Objective

To develop open space that connects to natural linkages, drainage and wildlife corridors; and that also enhances these natural values through appropriate protective measures and management.

#### Development Provisions

- a) An open space management strategy should accompany any subdivision application where open space that connects to natural linkages, drainage and wildlife corridors.

#### 3.6.3.32 Objective

To contribute to the creation of functional corridors between different vegetation communities through the urban realm.

#### Development Provisions

- a) All street plantings are to be selected from Council's *Indigenous Street and Open Space Planting List* from the relevant vegetation community adjacent to the Development.

#### 3.6.3.33 Objective

To provide open space in locations that benefit from casual surveillance to promote user safety.

#### Development Provisions

- a) Lot layout should address areas of open space or public environmental management areas.
- b) Perimeter roads should border any area of open space or public environmental management areas.
- c) An assessment against the generic elements of crime prevention through environmental design described in the *Crime Prevention Through Environmental Design* (CPTED) principles is provided with the subdivision application.

### Service Infrastructure and Information Technology

#### Service Infrastructure and Information Technology

#### 3.6.3.34 Objective

The proposed lots are adequately serviced by service infrastructure including electricity and telecommunications and provision for fibre optic cabling.

#### Development Provisions

- a) All service infrastructure should be underground unless otherwise approved by Council.
- b) All service infrastructure should be installed in a common trench.
- c) Conduits for the main technology network system should be provided in all streets.
- d) Conduits are to be installed in accordance with the National Broadband Network Company Limited's *'Guidelines for Fibre to the Premises Underground Deployment'*.
- e) Access pits are to be installed at appropriate intervals along all streets.

## Waste Management

### Waste Management

#### 3.6.3.35 Objective

To ensure that lot layout and road design enable access by waste collection vehicles.

#### Development Provisions

- a) All new roads are to be designed in accordance the Council's Aus-Spec design specification documents.  
All applications to subdivide land should include a road layout plan that meets the Council's design requirements.

## Additional Land Uses

### Commercial and Retail Subdivision

#### 3.6.3.36 Objective

To maintain and enhance where possible the quality of the streetscape.

#### Development Provisions

- a) Lots are to front constructed roads.  
b) All water and sewer services are to be in accordance with current Council's Aus-Spec design specifications.

#### 3.6.3.37 Objective

To encourage business development for employment generating zones by providing a variety of lot sizes for development opportunities.

#### Development Provisions

- a) Subdivision applications for commercial areas should include details of proposed development of the area including car parking and service access.

### Industrial Subdivision

#### 3.6.3.38 Objective

To provide industrial lots that are sufficient in size to cater for construction and building development, vehicle parking, access and loading facilities.

#### Development Provisions

- a) Any industrial allotment created by Torrens title subdivision should satisfy the following standards:
- Comply with minimum subdivision requirements of clause 4.1 of LEP 2011.
  - Minimum width of 20m.
  - Minimum depth of 40m.
  - The depth to width ratio should not exceed 3 to 1.
- b) Lots are to be generally rectangular in shape and lot boundaries should have regard to the landform and the character of the site.
- c) Battleaxe allotments should not be permitted.

### Industrial Subdivision

#### 3.6.3.39 Objective

To ensure adequate servicing of industrial land.

#### Development Provisions

- a) All water and sewer services are to be constructed in accordance with Council's Aus-Spec design specifications.  
Subsequent development of the land may require the installation of a larger water service when the potential water demand is known.
- b) Industrial subdivision should not be supported on land with slope greater than 15%.

#### 3.6.3.40 Objective

To provide street layout and design that provides adequate access for industrial uses.

#### Development Provisions

- a) Lots are to front constructed, dedicated roads.
- b) Street layout and design should be in accordance with current Council's Aus-Spec design specifications.
- c) Cul-de-Sacs in industrial estates should not be approved unless a 5 metre wide laneway with a minimum 4 metre wide carriageway is provided to a public road, to permit through vehicular access.

### Rural Subdivision

#### 3.6.3.41 Objective

To ensure site suitability and adequate access, including for emergency vehicles.

#### Development Provisions

- a) A minimum gate width of 3.6m should be provided to any property.
- b) Land with a slope greater than 15 degrees is not to be proposed for house construction or effluent disposal.
- c) Unless created under clause 4.2 of LEP 2011 or clause 9 of SEPP (Rural Lands) 2008, lots in rural areas should:
  - have an identified building platform for a dwelling house.
  - have appropriate area and dimensions for the siting and construction of a dwelling and any ancillary outbuildings.
  - have a gate installed for the driveway .
  - demonstrate that an environmentally sensitive, 2 wheel drive standard access can be located between the driveway (referred to above) and the nominated building platform on each lot and in accordance with Council's adopted design specifications.
  - have a sealed driveway, constructed from the road to 3m inside the property boundary.
  - have access to a public road that is readily upgraded to all weather two wheel drive standard;
  - comply with bushfire guidelines;
  - be above Q100 flood level and has high level road and/or pedestrian access to land above probable maximum flood level;
  - have adequate solar access;
  - not impact on rural activities on nearby land.
- d) Where access is on a right of way over another property, the maximum number of allotments that may share in the above right of way access arrangements is 2.
- e) For battleaxe or hatchet shaped allotments access width should be a minimum of pavement width

### Rural Subdivision

(including width required for earthworks, batters, retaining walls, longitudinal drainage and services etc) as specified in Council's adopted design specification documents.

#### 3.6.3.42 Objective

Lot boundaries should not undermine the agricultural or environmental qualities of the site.

#### Development Provisions

- a) Lot boundaries should be suitably located taking into the relevant criteria slope of the land:
- natural boundaries;
  - existing fencing and paddock structure;
  - protection of natural or cultural features;
  - site environmental constraints;
  - retention of special features such as trees and scenic topographical features.

#### 3.6.3.43 Objective

To ensure that the rural road network complements rural subdivision structure, lot layout and environmental constraints.

#### Development Provisions

- a) Rural roads should be designed in accordance with Council's adopted design specification documents.

#### 3.6.3.44 Objective

To ensure that roads servicing rural residential development are designed to support sustainable transport such as cycling and walking and access by buses.

#### Development Provisions

- a) Rural roads should be designed in accordance with Council's adopted design specification documents.  
b) Pathways and cycleways are to be provided in large lot residential subdivisions.

### Street Lighting

#### Street Lighting

#### 3.6.3.45 Objective

To provide a well lit environment that enables the safe and comfortable movement of vehicular and pedestrian traffic at night.

Lighting should be designed to minimise light spillage.

#### Development Provisions

- a) Street lighting should be provided in accordance with Australian Standards AS/NZS 1158.1.1 - *Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Performance and design requirements* and AS/NZS 1158.3.1 - *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*.

#### 3.6.3.46 Objective

To effectively manage lighting so that the electricity costs incurred in the lighting of urban roads and other public thoroughfares are minimised.

#### Development Provisions

- a) All new development should use energy efficient street lighting.

### Street Lighting

#### 3.6.3.47 Objective

To discourage anti social behaviour along corridors and in public spaces.

#### Development Provisions

- a) Lighting should be provided along pathways, cycleways and in public places.

### Street naming

### Street naming

#### 3.6.3.48 Objective

Street names are in accordance with Council's policy and guidelines.

#### Development Provisions

- a) As the relevant road Authority, Council must approve any proposed names to streets in new subdivisions in accordance with Council's policy and guidelines for naming of roads issued by the Geographical Names Board, AS1742.5-1997 - *Manual of uniform traffic control devices - Street name and community facility name signs*, the *Roads Act 1993* and the *Roads Regulation 2008*.
- b) The proposed names of roads and streets are to be shown on the detailed engineering plans.

### Strata / Community Title Subdivision

### Strata / Community Title Subdivision

#### 3.6.3.49 Objective

To promote consideration of strata subdivision with the development application.

To clearly identify future ownership patterns for private and communal spaces.

#### Development Provisions

- a) Strata subdivision may be applied for:
- as part of a development application for a new proposal.
  - existing development, currently not subject to a strata.

For new developments applicants are advised to apply for strata title subdivision at the development application stage. Otherwise a separate and new application is required, accompanied by new fees.

Applicants are to submit an indicative concept plan with the development application showing private and common property. This does not have to be a formal strata plan at this stage. Where it is proposed to develop in stages, this should be indicated on the concept plans. The development should be completed in accordance with the consent prior to the release of the linen plan.

#### 3.6.3.50 Objective

Dividing land in parts by lease or subdivision of existing or approved buildings, whether or not including land, should not create a situation where, as a result of the subdivision:

- the use/s or building/s become/s unlawful.
- dependent activities of use/s become separated by means of titling.
- the functioning of use/s or the relevant development approval is compromised.

#### Development Provisions

- a) The use/s of the land are lawful and any existing buildings are lawfully built, and use/s and/or building/s comply with the development approval/s; OR
- b) Where, for the subdivision of approved buildings yet to be constructed, the subdivision is consistent

## Port Macquarie-Hastings Development Control Plan 2013

### Strata / Community Title Subdivision

with the development approval/s.

#### Note:

Under Part 6 of the Codes SEPP (ie *SEPP (Exempt and Complying Development Codes) 2008*) strata subdivision of a building, other than a dual occupancy, for which development consent or a complying development certificate was granted or issued, is, for 5 years from the date the consent or certificate was granted or issued, is complying development.

### Street tree planting

#### Street tree planting

##### 3.6.3.51 Objective

To ensure that street trees contribute to the overall environmental amenity of the street and the region.

##### Development Provisions

- a) Street trees should be provided along all road frontages generally at a rate of 1 per 20m interval.
- b) The development should ensure that all street tree plantings at their mature growth height and form should not affect solar access, this is to be demonstrated by providing Council with shadow diagrams.

##### 3.6.3.52 Objective

To ensure that street tree planting is consistent with Council's indigenous street tree planting list.

To contribute to the creation of functional corridors between different vegetation communities through the urban realm.

To ensure that street trees do not require significant supplementation by water and nutrients.

##### Development Provisions

- a) All street plantings are to be selected from Council's *Indigenous Street and Open Space Planting List* from the relevant vegetation community adjacent to the Development.

##### 3.6.3.53 Objective

To minimise the risk of species impacting on pavements, infrastructure and services.

To ensure that street trees result in low ongoing maintenance.

##### Development Provisions

- a) An assessment against the generic elements of crime prevention through environmental design described in the *Crime Prevention Through Environmental Design (CPTED)* principles is provided with the subdivision application.

### Community Safety

#### Community Safety

##### 3.6.3.54 Objective

The subdivision layout should deter crime and vandalism and facilitate;

- Personal and property security;
- Casual surveillance of footpaths and parkland;
- Activity and interaction within public spaces and movement networks.

##### Development Provisions

- a) An assessment against the generic elements of crime prevention through environmental design described in the *Crime Prevention Through Environmental Design* (CPTED) principles is provided with the subdivision application.

### 3.6.4 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013	v20131108



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## PART 4 GREATER PORT MACQUARIE - AREA-BASED PROVISIONS

### Chapter 4.1 Preamble

#### Notes:

Chapter 4.1 identifies the land subject to area-based provisions in the following Chapters within Part 4, and provides a strategic overview of the area covered by Part 4. This Chapter is under development.

Initially it simply identifies the land to which the following Chapters apply.

#### 4.1.1 Land subject to Part 4

In **Figure 4.1-1** light shading indicates land subject to other Chapters in this Part, and darker shading indicates land subject to specific provisions in that Chapter. Other land may be subject to provisions in Part 5 of DCP 2011, as adopted by Chapter 1.1 of this DCP.

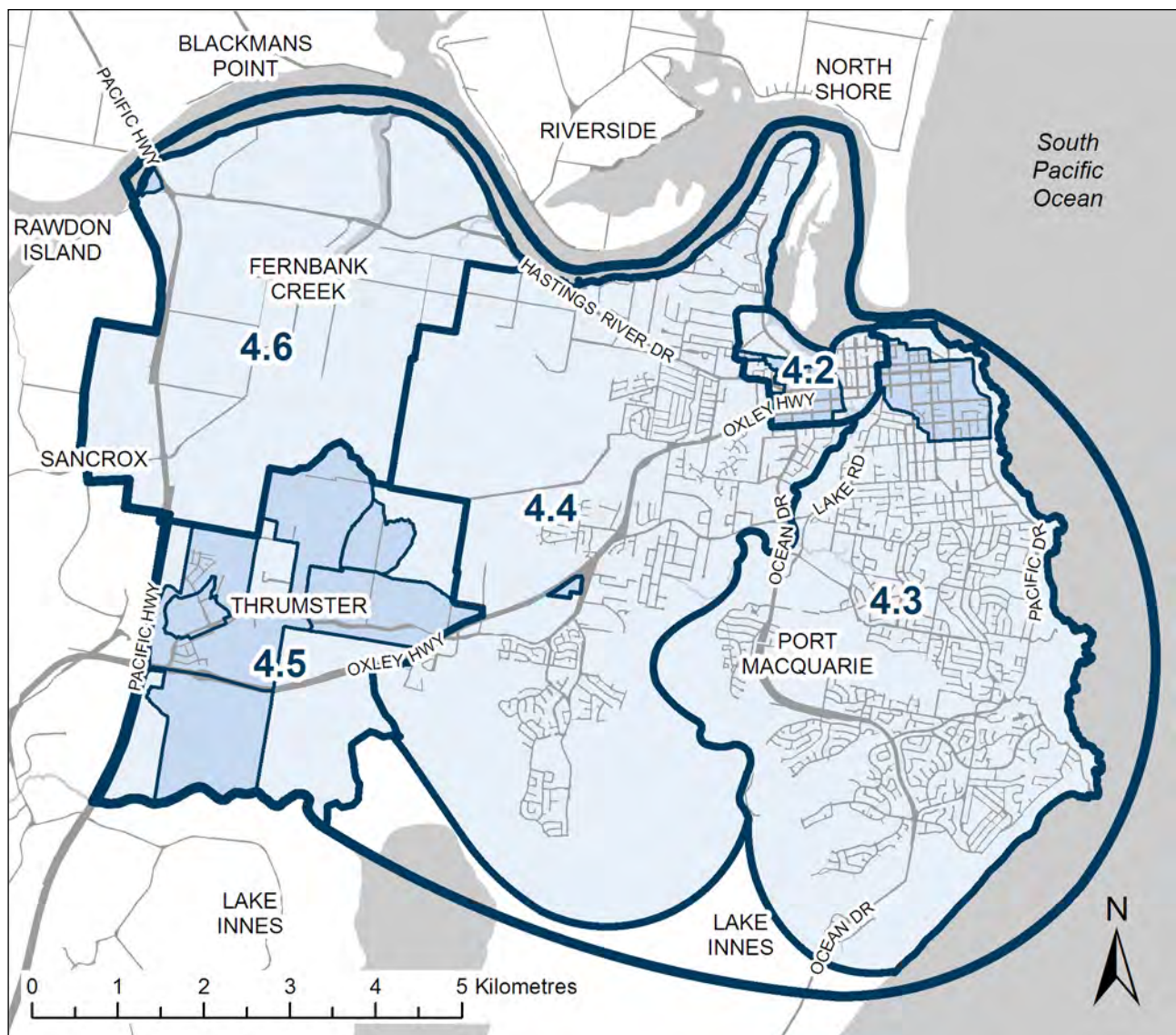


Figure 4.1-1 Land subject to Part 4

## Port Macquarie-Hastings Development Control Plan 2013

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The following Chapters are:

- 4.2 Port Macquarie Greater Town Centre
- 4.3 Port Macquarie East
- 4.4 Port Macquarie West
- 4.5 Thrumster
- 4.6 Highway Employment Lands

### 4.1.2 Strategic overview

[This is a place holder for a future content.]

### 4.1.3 Amendment history

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16/07/2014	15/08/2014	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 1)	v20140815
17/12/2014	02/04/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 3)	v20150402
15/04/2015	10/07/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 2)	v20150710
15/07/2015	24/07/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 4)	v20150724
16/12/2015	15/01/2016	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 6)	v20160115

## Chapter 4.2 Port Macquarie Greater Town Centre

### 4.2.1 Area Context

#### Land to which this Chapter applies

This Chapter applies to the land shown below in Figure 4.2-1.

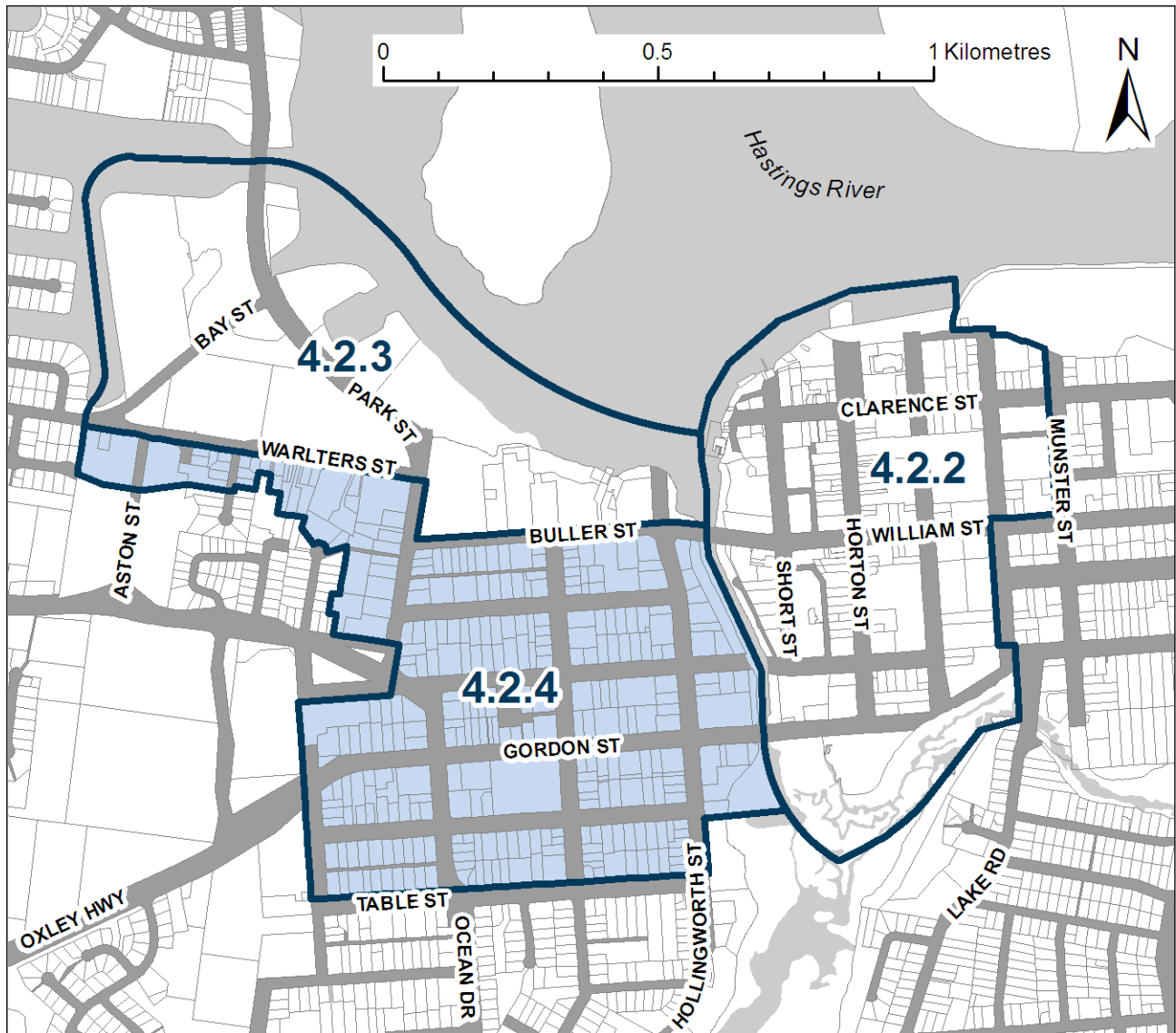


Figure 4.2-1 Land to which Chapter 4.2 applies

### 4.2.2 Central Business District

#### Notes:

At present there are no provisions here.

In lieu, refer to the relevant provisions in Part 5 of Port Macquarie-Hastings Development Control Plan 2011, as adopted by reference in Chapter 1.1 of this DCP.



## 4.2.3 Settlement City Neighbourhood

### Notes:

At present there are no provisions here.

In lieu, refer to the relevant provisions in Part 5 of Port Macquarie-Hastings Development Control Plan 2011, as adopted by reference in Chapter 1.1 of this DCP.

## 4.2.4 Westport Neighbourhood

### Land to which this section applies

The land included in the Westport Neighbourhood is shown below in **Figure 4.2-2**.



Figure 4.2-2 Westport Neighbourhood

### Strategic Context

Westport is located between the Town Centre, Settlement City, the Hastings River foreshore and Kooloonbung Creek. The future vision for Westport is as a vibrant residential neighbourhood which provides quality residential accommodation set within distinctive streetscapes.

Planning and development in Westport has the potential to provide a coordinated approach to development throughout the precinct to improve aspects of the public domain and to improve connection to the important foreshore edges of both the river and the creek.

In 2012, a jointly funded urban design project was undertaken to encourage urban consolidation and regeneration in the Port Macquarie Town Centre Fringe areas, including Westport and Aston Hill. This urban design report included a range of provisions that are now included in the Port Macquarie-Hastings Local Environmental Plan 2011 or have been applied to all residential development under the development specific provisions of this development control plan. The design analysis remains relevant and should be considered in any development application in the precinct.

The preferred building types provisions provide a sound built form aspiration, however it is considered that the development specific provisions of SEPP65 provide adequate control mechanisms to achieve a high level of design outcome.

The design analysis did highlight two elements that are not covered elsewhere and are therefore appropriate to include as area based provisions.

1. New lane ways  
A number of new lane ways have been identified in the precinct to support access, to improve street address and to provide opportunities to maximise the development of deep, narrow lots.
2. Public domain works  
The Westport Precinct is characterised by wide streets that service low levels of traffic. These streets provide a unique opportunity to make significant improvements to the public realm.

## Development Guide

### New streets and laneways

#### 4.2.4.1 Objective

- To improve the service and parking access to Gordon Street retail and commercial uses.
- To improve the public access to parkland for adjacent residents
- To improve pedestrian access to Gordon Street and to enhance existing links through redevelopment.

#### Development Provisions

- a) New laneways, park edge streets and through site pedestrian links are to be provided as shown in **Figure 4.2-3**.
- b) New lane ways are to be a minimum 8 metre reserve width for two way traffic with a 1.5 metre wide planting zone along the residential interface.
- c) New laneways are to be a minimum 6 metres reserve width for one way traffic and include a 1.5 metre wide planting zone along one side.
- d) New park edge streets are to be a minimum 12 metres reserve width with a footpath along the northern side and parallel parking bays along the park edge.
- e) New pedestrian through-site links are to be a minimum 2 metres wide.
- f) Lighting, paving, street furniture and street tree planting are to be provided in accordance with Council specification.



## Lot size and frontage

### 4.2.4.2 Objective

- To ensure that development is carried out on sites that are adequate in size and dimension.
- To maximise the potential of land to achieve the desired floor space and to deliver greater housing capacity within the neighbourhood.
- To enable design quality and adequate amenity within the site and between neighbours.
- To ensure that on-site parking requirements can be adequately met.
- To avoid isolated sites.

### Development Provisions

- a) A minimum lot frontage of 24 metres at the property line is required for residential flat development.
- b) On sites with multiple street frontages, a reduced frontage of 18 metres may be appropriate, where it is demonstrated that adequate on-site parking, setbacks, separation and deep soil can be achieved.
- c) Where a minimum street frontage cannot be achieved, the development potential of the site is reduced.

## Building height

### 4.2.4.3 Objective

- To provide finer grain neighbourhood level guidance in assessment of building heights under the local environmental plan, ensuring development responds to the desired scale and character of the street and local area.
- To provide space within the height control for roof design and articulation.
- To support the use of roofs for communal open space, where appropriate.
- To ensure the ground floor ceiling heights are sufficient to support flexibility in use over the life of the building, where appropriate.

### Development Provisions

#### General

- a) Buildings do not exceed the maximum height of buildings shown in the local environmental plan maps.
- b) Setbacks and building alignments are to be consistent with those shown in **Figure 4.2-4**.

#### Bridge Street south-west of Gore Street

- c) Where commercial uses are proposed for ground and first floor, a 2 storey wall height is to be built to the front boundary with residential floors above, setback 3 metres.
- d) The floor level of the upper-most storey is to be at least 4.5 metres below the maximum permissible building height in metres

#### Gore Street, Bridge Street and William Street

- e) Ceiling heights for ground and first levels are to be a minimum of 3.3 metres to promote flexibility in use over time.





Figure 4.2-3 New streets and lane ways

## Streetscape and front setbacks

### 4.2.4.4 Objective

- To facilitate redevelopment of a variety of lot depths.
- To reinforce the desired character, building use and spatial definition of the street.
- To promote outlook and surveillance of the street.
- To provide private open space for street level units

### Development Provisions

- a) Setbacks and building alignments are to be consistent with those shown in **Figure 4.2-5** and **Figure 4.2-6**.
- b) Where no setback is shown, buildings are to be setback 3 metres from the street.

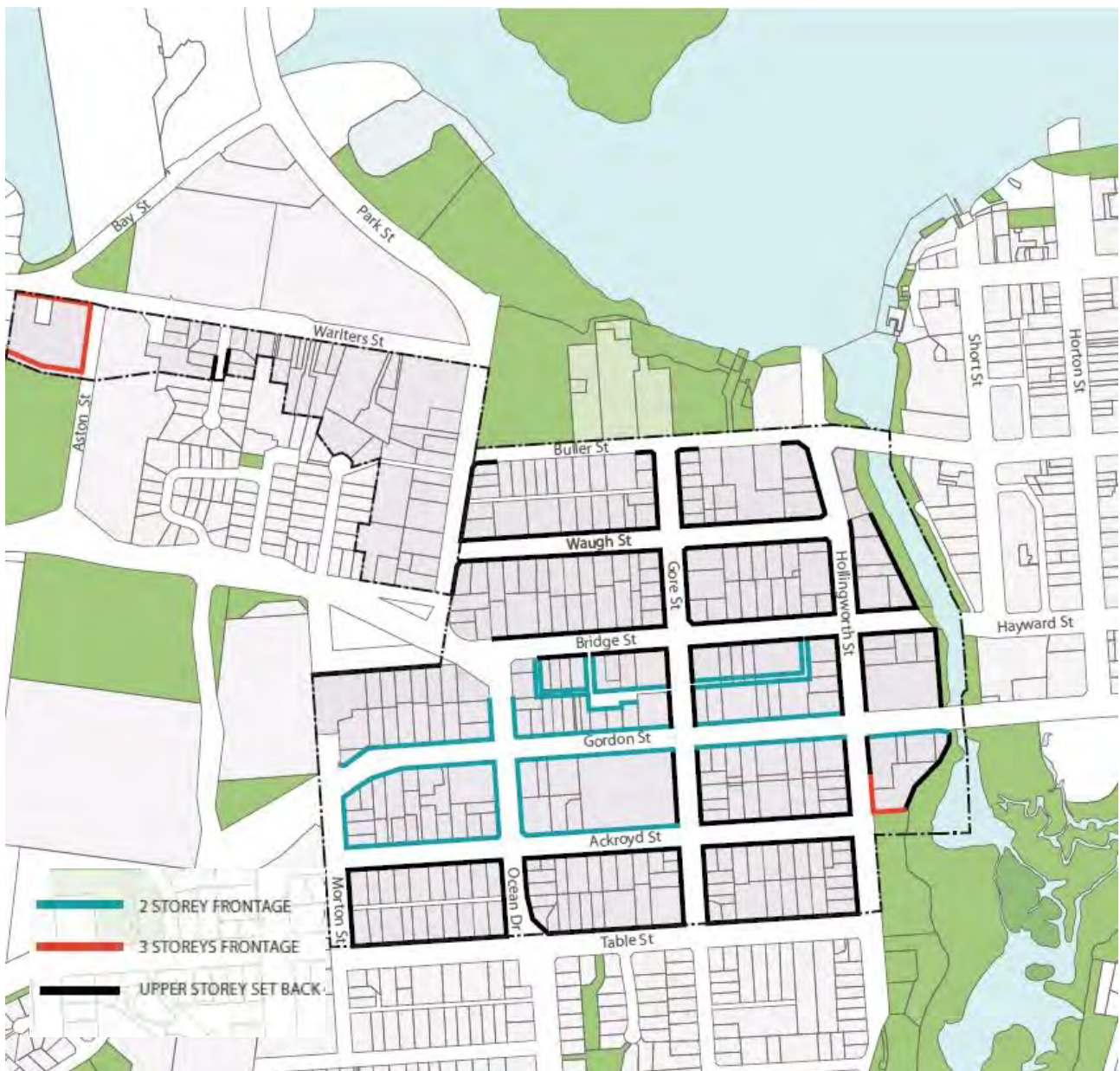


Figure 4.2-4 Street edge heights and upper level setbacks





Figure 4.2-5 Streetscape and front setback

#### Side and rear setback

##### 4.2.4.5 Objective

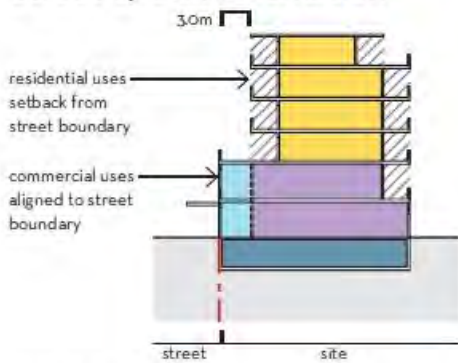
- To provide access to light, air and sun, views and outlook within a site and for neighbouring properties.
- To assist in providing adequate privacy between properties.
- To retain or establish a pattern of spaces between buildings that gives character to the streetscape.
- To assist in managing the interface between different densities at zoning boundaries.
- To provide space for soft landscaping detail and deep soil.

## Side and rear setback

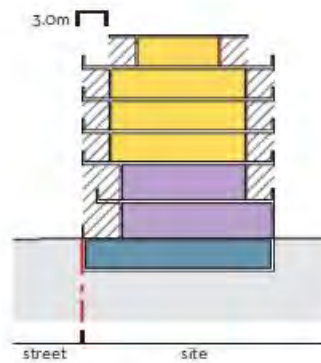
### Development Provisions

- Buildings are setback:
- 3 metres from side boundaries, and
- 6 metres from the rear boundary.
- South of Gordon Street, where existing residential uses are located to the rear, the rear setback is 10 metres (see **Figure 4.2-7**).
- Party wall development is not appropriate in the precinct.

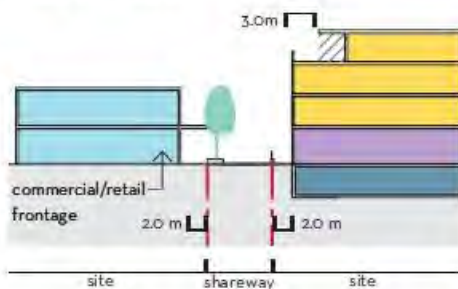
### Street-specific Condition



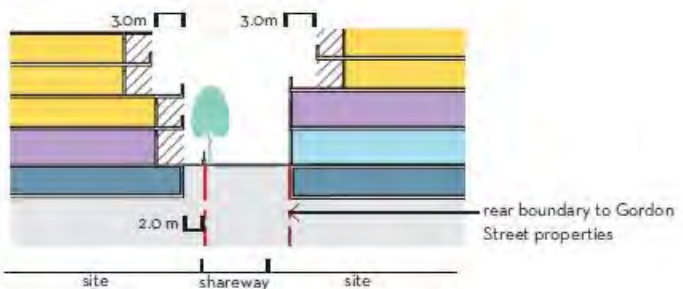
BRIDGE STREET -  
NORTH SIDE



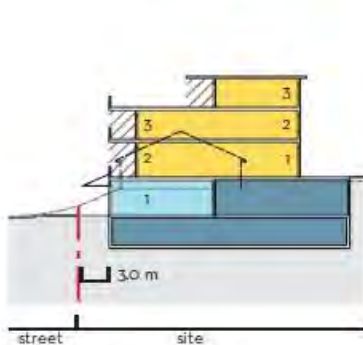
GORE STREET



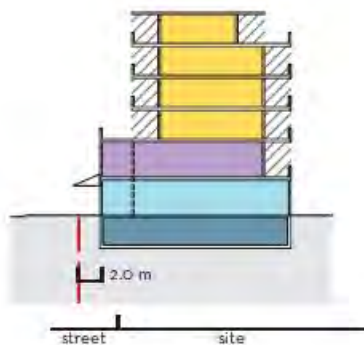
ONE WAY SHAREWAY



TWO WAY LANEWAY



WALTERS STREET



WILLIAM STREET

Figure 4.2-6 Building envelope sections showing place-specific variation to street edge alignment

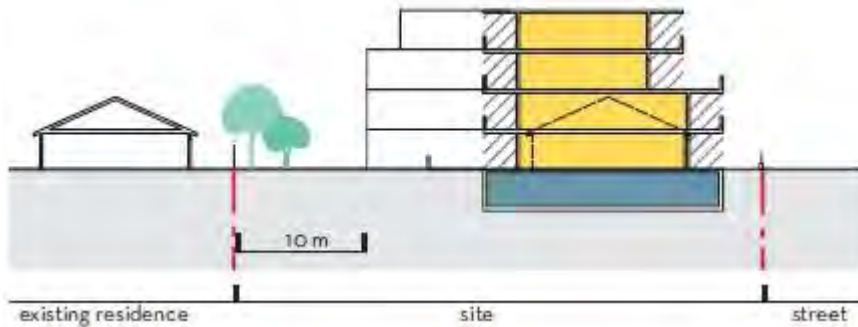


Figure 4.2-7 Place-specific variation to rear setback south of Gordon Street

## Kooloonbung Creek

### 4.2.4.6 Objective

- To promote the use and safety of the Kooloonbung Creek pedestrian/cycle way.
- To improve the appearance and character of the Kooloonbung Creek corridor.

### Development Provisions

- Where possible, buildings are to address Kooloonbung Creek pedestrian/cycle way with secondary building entries and individual entries to ground floor units.
- Where topography and flood management limit the ability for units to engage with the pathway, upper level balconies and communal open space are to overlook and contribute to the surveillance of the creek corridor.

## Building separation

### 4.2.4.7 Objective

- To ensure new development is scaled to support the desired character with appropriate massing and spaces between buildings.
- To assist in providing solar access and natural ventilation within a site and to adjacent neighbours.
- To provide reasonable levels of visual privacy externally and internally, during the day and night.
- To balance the outlook and views from principal rooms and private open spaces with visual privacy.

### Development Provisions

- Side and rear walls are to be articulated to achieve privacy separation with balconies and windows of adjacent buildings. Separation distances are to be measured from the boundary as:
- Up to 4 storeys/12 metres** - 6 metres for habitable rooms and balconies, 3 metres for non-habitable rooms
- Between 5 and 8 storeys/up to 25 metres** - 9 metres for habitable rooms and balconies, 4.5 metres for non-habitable rooms.
- Where an existing strata-titled building adjacent to the proposed development site does not provide adequate separation, privacy screens or louvers are to augment the above separation distances.

### Communal open space

#### 4.2.4.8 Objective

- To provide residents with passive and active communal open space.
- To ensure communal open space is consolidated, configured and designed to be useable and attractive.
- To support site specific responses to the location of communal open space.

#### Development Provisions

- a) Communal open space is to be at least 25 per cent of the site area.
- b) Where it is demonstrated that 25 per cent is not achievable due to site size constraints, provide a minimum 5 square metres per dwelling unit as consolidated communal open space.
- c) A minimum 2 hours sunlight is provided to the principle portion of communal open space between 9am and 3pm in mid-winter.
- d) Requirements for communal open space may be reduced where a development contributes to the enhancement of public open space. In particular, properties along Gore Street may contribute to the linear park in lieu of communal open space.
- e) Roof top communal open space is to be setback from building edges and located to minimise overlooking to adjacent properties.

### Deep soil

#### 4.2.4.9 Objective

- To contribute to the amenity and desirability of neighbourhoods.
- To enable the long life span of trees by providing suitable areas for healthy root growth and anchorage.
- To assist with management of the water table and water quality.
- To promote environmental benefits, including reducing local air temperature and improving air quality.

#### Development Provisions

- a) Deep soil is to be provided at the following rates:

Site area	Minimum deep soil zone (% of site area)
Less than 650m <sup>2</sup>	7%
650 to 1 500m <sup>2</sup>	10%
Greater than 1 500m <sup>2</sup>	15%

- b) The deep soil zone is to have a minimum dimension of 6 metres. On small sites, where it can be demonstrated that 6 metres is unachievable, a 3 metre minimum may be permitted.  
*Note: as deep soil is typically located along the rear boundary, sites likely to be constrained include sites under 30 metres deep, with lane way access and frontage, or where a new lane way is provide.*
- c) Deep soil zones are to be consolidated on a site and where possible, co-located with adjoining deep soil zones.
- d) Up to 10 per cent of a deep soil zone may be paved but only where paving is specifically designed to allow for tree root growth. For example, a paving profile of up to 250mm deep or decks with shallow pad footing.

### Fences and retaining walls

#### 4.2.4.10 Objective

- To contribute to the desired streetscapes of each neighbourhood..
- To facilitate safe and active streets.

#### Development Provisions

- a) Fences within 1 metre of the boundary are to follow the street alignment with a maximum height of 1.2 metres.
- b) On sites where the ground floor level is above the ground level at the boundary or in flood affected areas, a secondary higher fence or balustrade may be appropriate setback 1 metre from the boundary and up to 2 metres high above the boundary level.
- c) Any fences or retaining walls over 1.2 metres above the boundary level should be 50 per cent transparent above the 1.2 metre datum.
- d) Where the site slopes along the street, fencing should be incrementally stepped to reduce its height.

### 4.2.5 Amendment history

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17/12/2014	02/04/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 3)	v20150402



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## Chapter 4.3 Port Macquarie East

### 4.3.1 Context

#### Land to which Chapter applies

This Chapter applies to the land in Port Macquarie identified with shading in **Figure 4.3-1**. Specific provisions apply to the areas with darker shading. Note that some of the land within the outer boundary is subject to separate provisions adopted by reference from DCP 2011 Part 5.

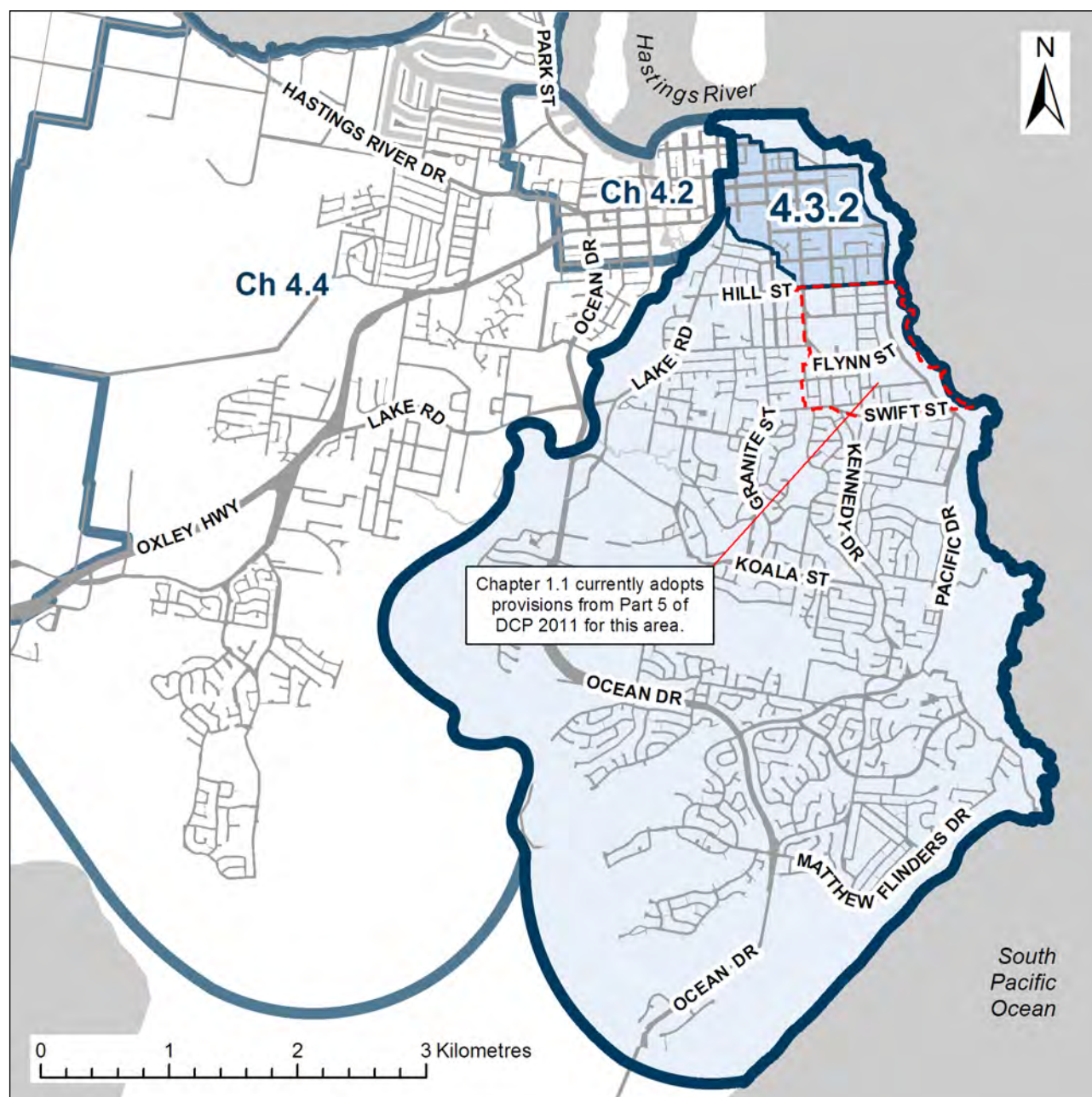
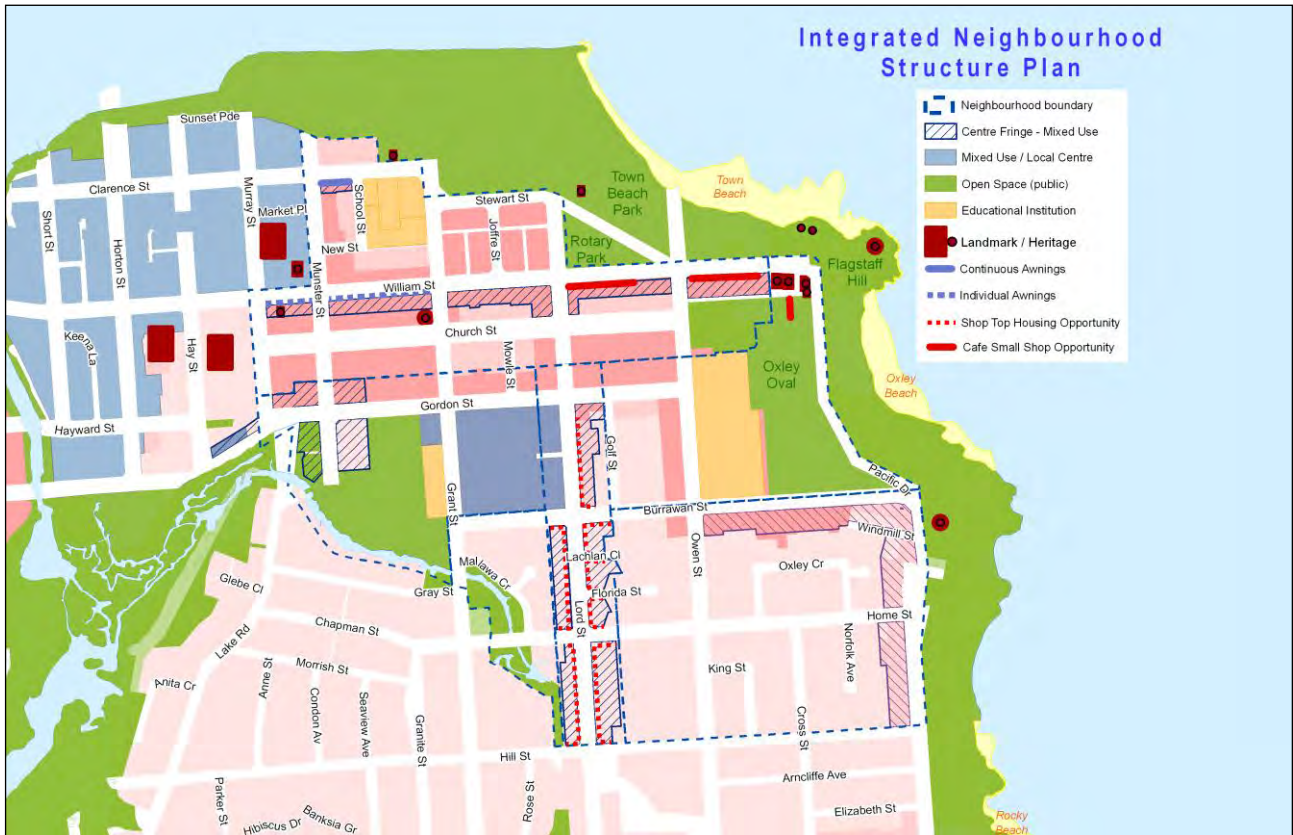


Figure 4.3-1 Land to which Chapter 4.3 applies

## 4.3.2 4.3.2 East Port Neighbourhood

### Land to which this section applies

The land included in the East Port neighbourhood is shown below in **Figure 4.3-2**.



**Figure 4.3-2 East Port Neighbourhood structure plan**

### Strategic context

East Port extends from the eastern edge of the Town Centre to the northern edge of Flynn's beach, comprising a range of functions and character within the precincts of Town Beach, Oxley Park, Windmill Hill, Lord Street and the Civic Precinct (including Council offices, pool and library).

The following provisions provide guidance on how future development will meet the objectives of the Port Macquarie-Hastings Local Environmental Plan 2011 and add detail or in some cases replace the general provisions of Chapter 3 of this DCP.

The following desired future character statements and structure plans for each precinct serve to guide assessment of development applications, Council's contributions planning and future Council or community led projects.



## Town Beach

The Town Beach precinct will continue to evolve into an urban precinct that supports tourist activity with a strong street grid culminating in landscape and foreshore views.

Clarence Street is a transition to the CBD and will continue to develop a mixed use character, retaining a mix of both tourist and permanent residential apartment and hotel/motel buildings, with the north side of Clarence Street predominantly residential in this precinct. Development design will reinforce a clear distinction between the Port Macquarie Town Centre and the Town Beach precinct, with each having their own discrete character. Shop top housing will increase the residential population adjacent to the CBD.

William Street's mixed use urban characteristics will further develop with retail and commercial uses at ground level. Soft landscaping and the promotion of restaurants and cafes below residential buildings towards the eastern end will serve local and tourist needs.

Church Street will become a higher density residential street with generous street tree planting. The view corridor to St Thomas Anglican Church will be retained and strengthened with building alignments, tree planting and the implementation of night lighting to key features and landmarks.

Owen Street and Grant Street will link the foreshore to the southern precincts, while Munster Street will remain the key link from Town Beach to the Civic precinct. Soft landscaping and street planting will enhance pedestrian amenity along these routes.

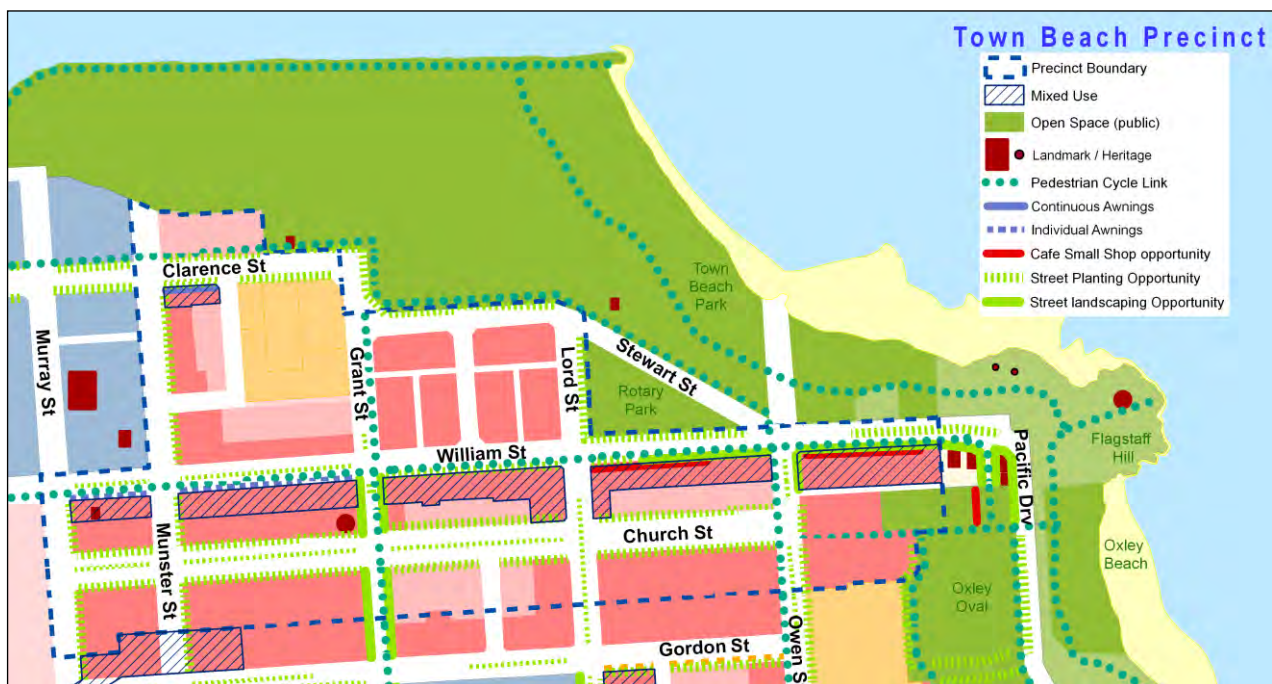


Figure 4.3-3 Town Beach Precinct Structure Plan

## Oxley Park

The Oxley Park precinct will remain a key East Port destination for recreational activities and the enjoyment of coastal open space by residents and visitors.

Enhancements to the Maritime Museum grounds will better integrate this historic site with Oxley Oval. Upgrades to amenities at Oxley Oval will strengthen its role as a sports field of regional importance. Oxley Park will be transformed into an activity-rich, landscape-oriented destination with appeal to visitors and residents of all ages.

Connectivity from east to west will be enhanced with a publicly accessible link from Owen Street to Pacific Drive. Northern foreshore views along Owen Street will be protected, and its function as a major north-south pedestrian link will be enhanced through street tree planting and soft landscaping.

The character of the residential quarter to the west of Owen Street will be retained and enhanced through landscaping and street tree planting along Owen, Burrawan and Gordon Streets.



Figure 4.3-4 Oxley Park Precinct Structure Plan

## Windmill Hill

The Windmill Hill precinct will continue to evolve as a medium density residential precinct with a diverse range of housing types. Building forms along the northern and eastern edges of the precinct will reflect the higher landform in this area and form a distinct edge to the open space, stepping down in height towards the west.

The eastern end of Burrawan Street and northern end of Pacific Drive will be developed with sensitive building design that reduces their visual impacts on views from the public domain and on open space. Home Street will link the neighbourhood to the Town Centre and the landscape view corridors to the west will be further enhanced through tree planting and soft landscaping.

Owen Street will be strengthened as the main north-south link through the precinct with tree planting and soft landscaping.

Burrawan Street will have higher densities between Owen Street and Pacific Drive creating a consistent edge to the school and Oxley Park, and could become a green focal point for community activity through the planting of edible streetscaping.

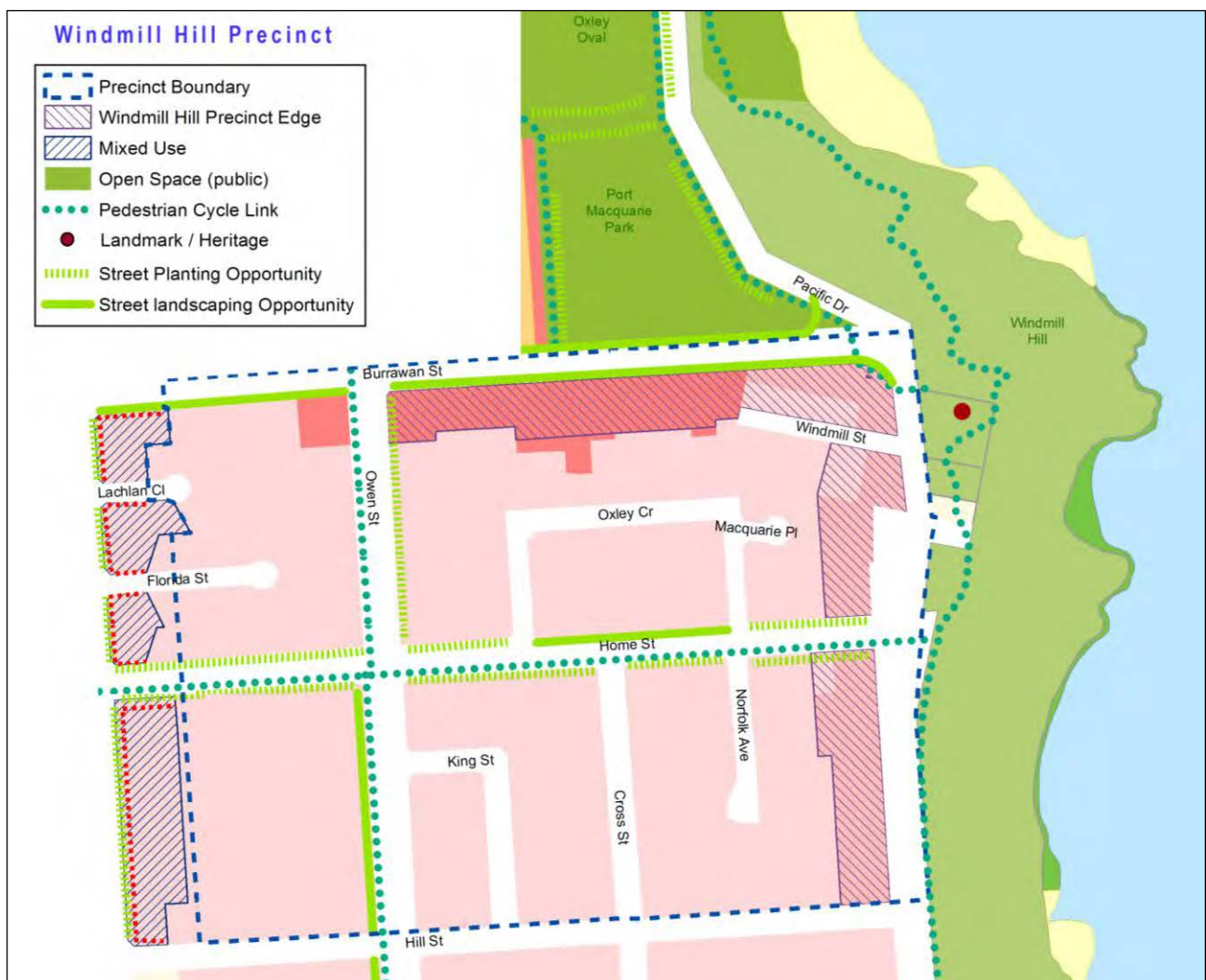


Figure 4.3-5 Windmill Hill Precinct Structure Plan



## Lord Street

Lord Street will further develop its identity as an important activity corridor for the East Port neighbourhood. Over time Lord Street will see an increase in higher-density building types which should include shop-top dwellings so that lower-level street activation and commercial activity can be further strengthened. This type of housing will retain the street's mixed use character, strengthen its role as an activity corridor and provide a consistent and legible built form edge for Lord Street.

Small pockets of lot amalgamation will occur to promote more useful land parcel sizes that will sustain desired commercial uses into the future. The corridor of taller building height that occurs as Lord Street progresses northwards will be further strengthened through a future increase in building heights between Burrawan and Gordon Streets. This will provide a legible edge between coastal development on the hill, and the hinterland suburbs to the south. Where appropriate, the addition of street trees, landscaping and safe pedestrian crossings will assist in improving the pedestrian experience.

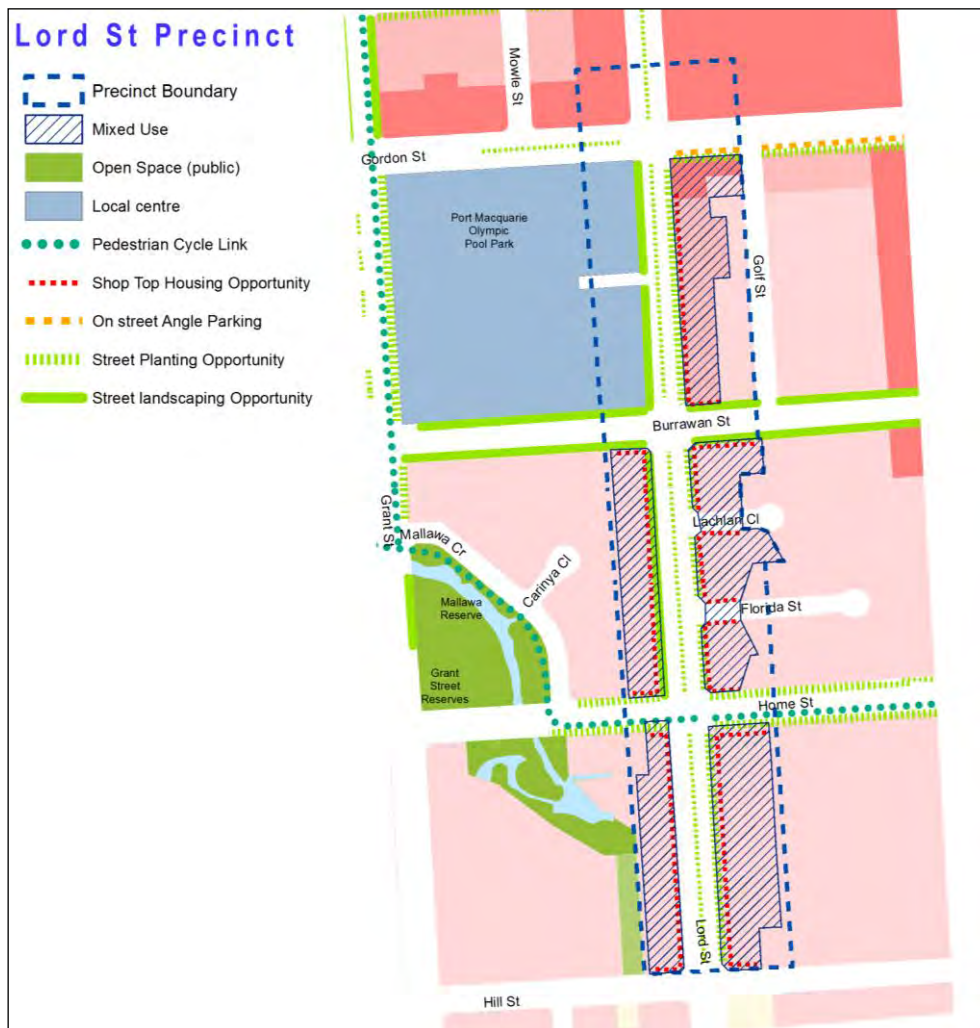


Figure 4.3-6 Lord Street Precinct Structure Plan



### Wrights Creek

The Wrights Creek precinct will remain a hinterland residential precinct with a low-density mix of residential types, including houses, villas, town-houses and apartments.

The neighbourhood's parkland setting will be preserved and enhanced, and over time small improvements to the public domain will increase pedestrian penetration through the neighbourhood.

Pedestrian activity will be further enhanced through strengthened landscape connections between Mallowa Crescent, Home Street and Grant Street.

Soft landscaping improvements in the form of edible streetscaping to Burrawan Street and Grant Street could create community focus and activity for the precinct.

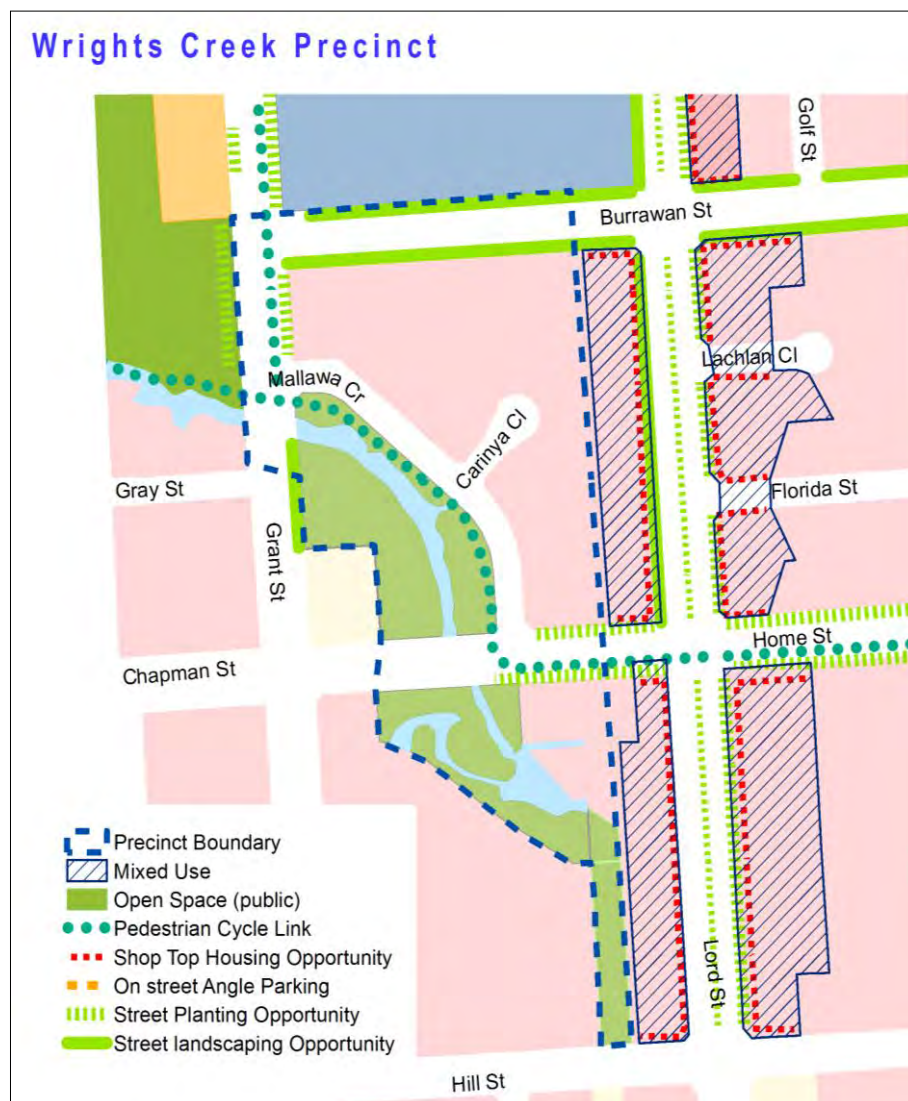


Figure 4.3-7 Wrights Creek Precinct Structure Plan

### Civic Precinct

The Civic Precinct will evolve into a cohesive, strongly identifiable civic centre for Port Macquarie and the East Port neighbourhood. Consistent and large-scaled street tree planting to Gordon Street will improve Port Macquarie's civic address and define the edge of Macquarie Park.

Taller building heights along Gordon Street will spatially define Gordon Street as an edge between the Town Centre neighbourhood and the Civic Precinct and lower scale residential neighbourhoods to the south. The Gordon Street local centre will be strengthened over time with new mixed use development, an improved public domain edge along Gordon Street and Munster Street which could include strategically placed safe pedestrian crossings.

he pedestrian experience along Grant Street would be improved by soft landscaping embellishments that could potentially include edible streetscaping, a community-driven feature that would strengthen links between schools, the university and residents in the area.



Figure 4.3-8 Civic Precinct Structure Plan

## Development Guide

### Precinct structure plans

#### 4.3.2.1 Objective

To ensure that development occurs in accordance with the desired future character of the East Port neighbourhood

#### Development Provisions

- a) Development is generally in accordance with the precinct structure plans shown in the previous section.

### Lot size and frontage

#### 4.3.2.2 Objective

- To ensure that development is carried out on sites that are adequate size and dimension.
- To maximise the potential of land to achieve the desired floor space and to deliver greater housing capacity within the neighbourhood.
- To enable design quality and adequate amenity within the site and between neighbours.
- To ensure that on-site parking requirements can be adequately met.
- To avoid isolated sites.

#### Development Provisions

- a) The minimum lot width for residential apartment buildings is:
- 18 metres where -
    - the proposed building height is not greater than 14.5 metres and minimum side setbacks are satisfied, or
    - the site has multiple street frontages, or
    - requirements for on-site parking, setbacks, separation and deep soil can be achieved
- or
- 22 metres.

Note: Where minimum lot width cannot be achieved, applicants are encouraged to consider amalgamation with an adjoining lot. Where amalgamation is not possible, the maximum height of building and floor space ratio denoted in the local environmental plan may not be achieved.

### Building height

#### 4.3.2.3 Objective

- To provide for finer grain neighbourhood level guidance in assessment of building heights under the local environmental plan, ensuring development responds to the desired scale and character of the street and precinct.
- To reduce the visual impact of buildings on coastal views from the public domain.
- To encourage buildings that are not overbearing on adjacent open space.

#### Development Provisions

- a) General
- Buildings do not exceed the maximum height of buildings shown in the local environmental plan maps.
- b) Development from 2 to 10 Burrawan Street and from 5 to 9 Pacific Drive
- Where buildings exceed three storeys, the upper storey is set back from the front facade of the building by three metres.

### Streetscape and front setbacks

#### 4.3.2.4 Objective

- See 3.3.2.4
- To ensure a consistent streetscape along key streets.
- To reduce the visual impact of buildings on coastal views from the public domain.
- To ensure buildings are not overbearing on adjacent open space.

#### Development Provisions

- Northern side of Clarence Street, east of Munster Street
  - Setback to Clarence Street is 3 metres.
- Southern side of Clarence Street, between Munster and School Streets
  - A zero street setback is provided
- Southern side of William Street, between Murray and Grant Streets
  - Setback to William Street is 2 metres.
- Development from 2 to 10 Burrawan Street
  - For lots with dual frontage to Burrawan and Windmill Streets, buildings are to address Burrawan Street as their primary frontage.
- Development from 5 to 9 Pacific Drive
  - Setback to Pacific Drive is a minimum of 6 metres.

### Side and rear setbacks

#### 4.3.2.5 Objective

- See 3.3.2.6

#### Development Provisions

- Party wall development is to be used along the south side of Clarence Street where within the Town Beach Precinct.
- Party wall development is not appropriate in other areas within the East Port Neighbourhood.
- Where there is a zone change at the rear of the site to the R1 General Residential Zone, any storey above 11.5 metres in height is set back a further 3 metres from the rear boundary.

### Waste management

#### 4.3.2.6 Objective

- To minimise the impact of waste management facilities on adjoining properties.

#### Development Provisions

- Communal bulk waste facilities are required for residential apartment development where collection is proposed from Windmill Street regardless of number of dwellings.

### Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/07/2014	15/08/2014	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 1)	v20140815
16/12/2015	15/01/2016	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 6)	v20160115

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## Chapter 4.4 Port Macquarie West

### 4.4.1 Context

#### Land to which Chapter applies

This Chapter applies to the land in Port Macquarie identified with shading in **Figure 4.4-1**. Specific provisions apply to the areas with darker shading. Note that some of the land within the outer boundary is subject to separate provisions adopted from DCP 2011 Part 5.

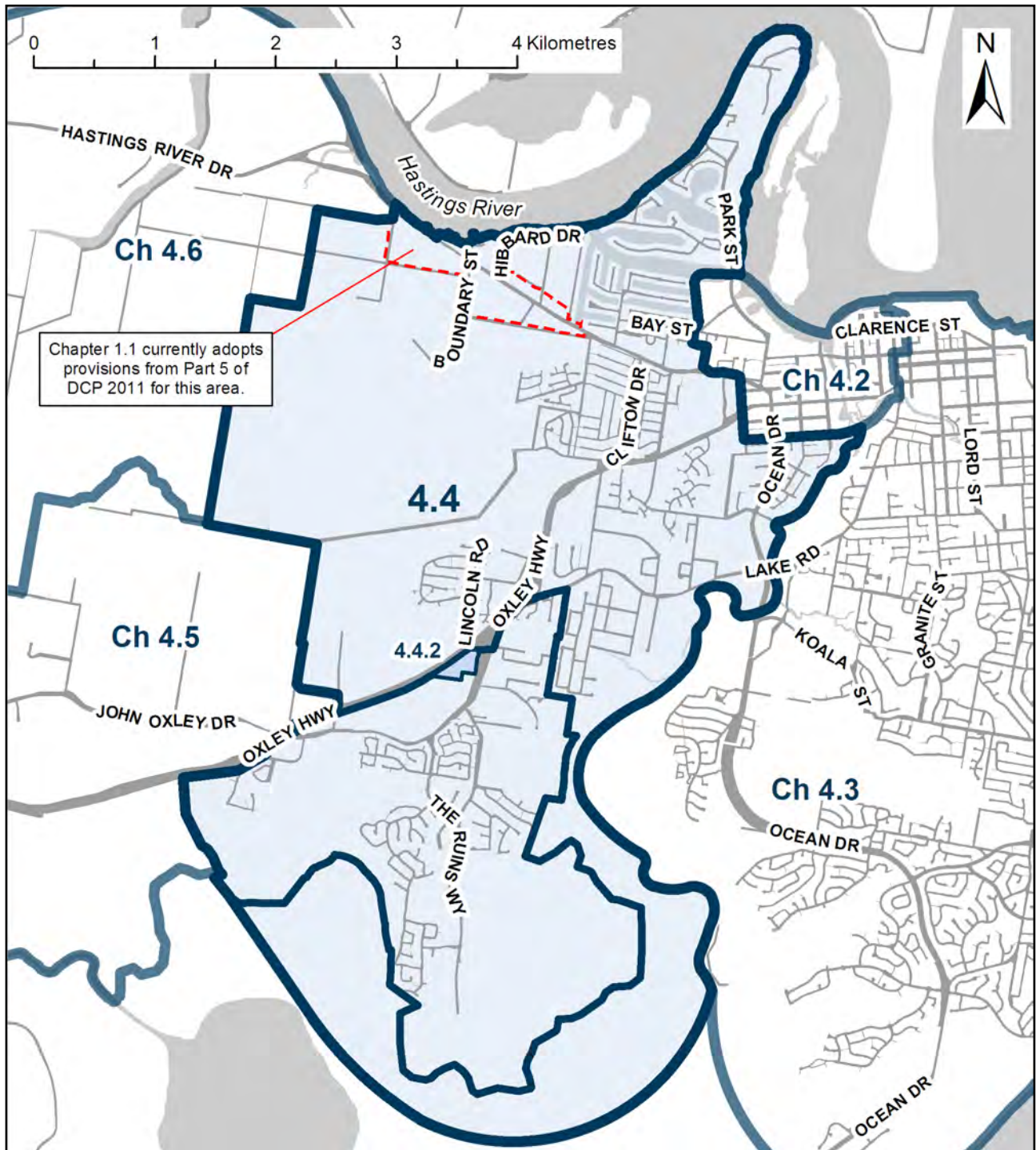


Figure 4.4-1 Land to which Chapter 4.4 applies

## Relationship to other sections of the DCP

The following provisions are in addition to the general requirements of Parts 1 to 3 of this Development Control Plan. Where they conflict with the requirements of Parts 1 to 3, this Chapter prevails.

### 4.4.2 John Oxley Drive East

#### Subject land

In its initial edition, this precinct relates to one development site, as shown in **Figure 4.4-2**, for which commercial development is permissible. Due to neighbouring residential development and to high visibility from the Oxley Highway entrance to Port Macquarie, these site-specific provisions apply in conjunction with the provisions of Chapter 3.4 Business and Commercial Development (particularly Objective 3.4.3.35).

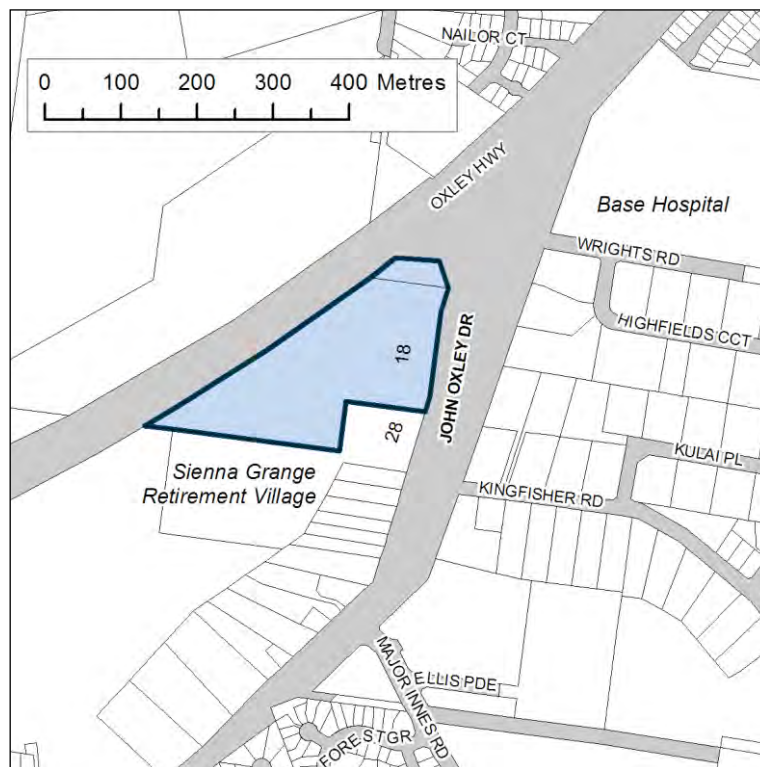


Figure 4.4-2 No 18 John Oxley Drive, Port Macquarie

#### Commercial Development of 18 John Oxley Drive, Port Macquarie

##### 4.4.2.1 Objective

To ensure that the amenity of neighbouring residents is not adversely affected by noise emanating from the subject property.

##### Development Provisions

- a) A development application should be accompanied by a Noise Impact Assessment report, which is to be prepared by a professional acoustician in accordance with the *Industrial Noise Policy 2000*, NSW Environment Protection Authority and with applicable Australian Standards. This requirement may be waived by Council for minor applications or modifications where minimal noise impacts are likely.

## Port Macquarie-Hastings Development Control Plan 2013

### Commercial Development of 18 John Oxley Drive, Port Macquarie

#### 4.4.2.2 Objective

To avoid the potential for significant overshadowing of habitable rooms and key open space areas for adjoining residential properties.

#### Development Provisions

- a) Sunlight to the principal area of ground-level private and other key open space of adjacent residential properties shall not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.
- b) Buildings shall not reduce the sunlight available, to the north-facing windows of living areas in existing adjacent dwellings, to less than the above specification.

#### 4.4.2.3 Objective

To ensure the visual impact of the development enhances the amenity of:

- the entrance to Port Macquarie along the Oxley Highway,
- John Oxley Drive, and
- the adjoining residents.

#### Development Provisions

- a) The design details for any development application should address mitigation of any adverse impacts of the proposed development, when viewed from outside the site, in relation to:
  - siting and bulk of buildings
  - car parking areas
  - signage.

Photomontages could be used to illustrate the visual impacts on the property to the south, and when viewed from east-bound traffic on the Oxley Highway.

These requirements may be waived by Council for minor applications or modifications where minimal visual change is proposed.

### 4.4.3 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/07/2014	15/08/2014	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 1)	v20140815
15/07/2015	24/07/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 4)	v20150724

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## Chapter 4.5 Thrumster

### 4.5.1 Area Context

#### Land to which this section applies

This Plan applies to land at Thrumster identified within the boundary shown in blue in **Figure 4.5-1**.

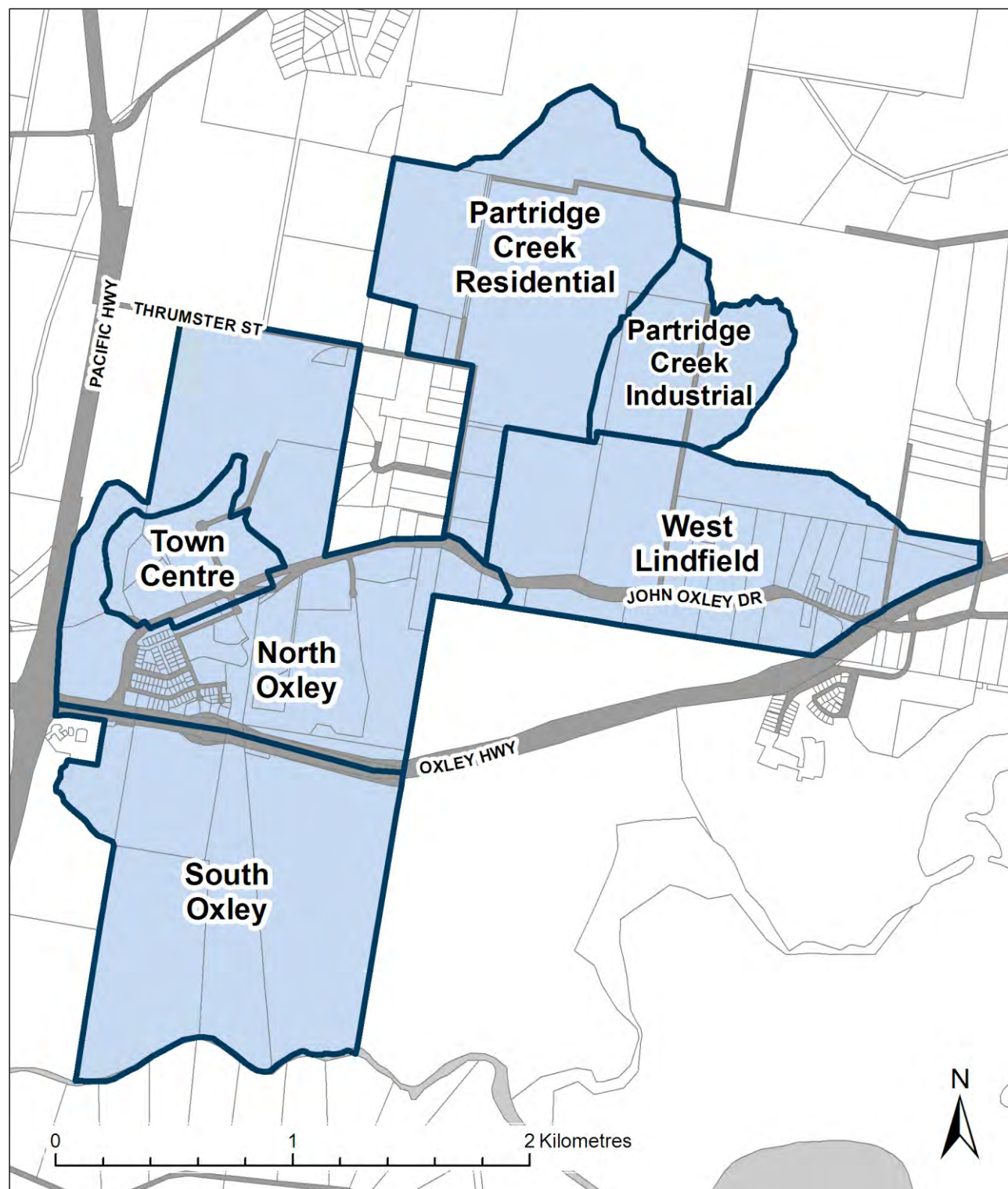


Figure 4.5-1 Thrumster Neighbourhoods

## Applicable EPIs

- Port Macquarie-Hastings Local Environmental Plan 2011,
- State Environmental Planning Policies: Nos 21, 36, 44, 64, 65; Affordable Rental Housing; Building Sustainability Index: BASIX; Exempt and Complying Development Codes; Housing for Seniors or People with a Disability; Infrastructure.

## Relationship to other sections of the DCP

The following provisions are in addition to the general requirements of Parts 1 to 3 of this Development Control Plan. Where they conflict with the requirements of Parts 1 to 3, this plan prevails.

## Purpose

To establish a framework of general objectives and development controls, in relation to:

- The achievement of a sustainable population in Thrumster that makes efficient use of urban land.
- Protection and management of environmental features.
- Management of environmental hazards.
- The provision of infrastructure, services and facilities.
- The establishment of employment areas and opportunities.

## 4.5.2 Strategic Context

### Introduction

Thrumster is identified in the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 as a key urban release area. Thrumster will play a major role in development of the Port Macquarie-Wauchope Corridor. The Corridor will contain the majority of urban growth and 'higher order' services and facilities needed to serve a catchment population in excess of 100,000 persons. The new Thrumster community will accommodate up to 10,000 people. The Thrumster Town Centre will offer convenience retail services to local residents to strengthen the structure of the corridor.

### Vision for Thrumster (Area 13)

Thrumster is to become a diverse but integrated community distinguished by the natural advantages of its setting, yet living in harmony in its unique flora and fauna. It will be a model development for sustainable living in the mid north coast region, containing distinct neighbourhoods defined by the topographic, bush land and other natural features of the location.

### Neighbourhoods and precincts

Thrumster comprises six distinct neighbourhoods, each comprising several precincts. The six Thrumster neighbourhoods are shown in **Figure 4.5-1**. The desired future character for each neighbourhood and precinct is described below.

### North Oxley

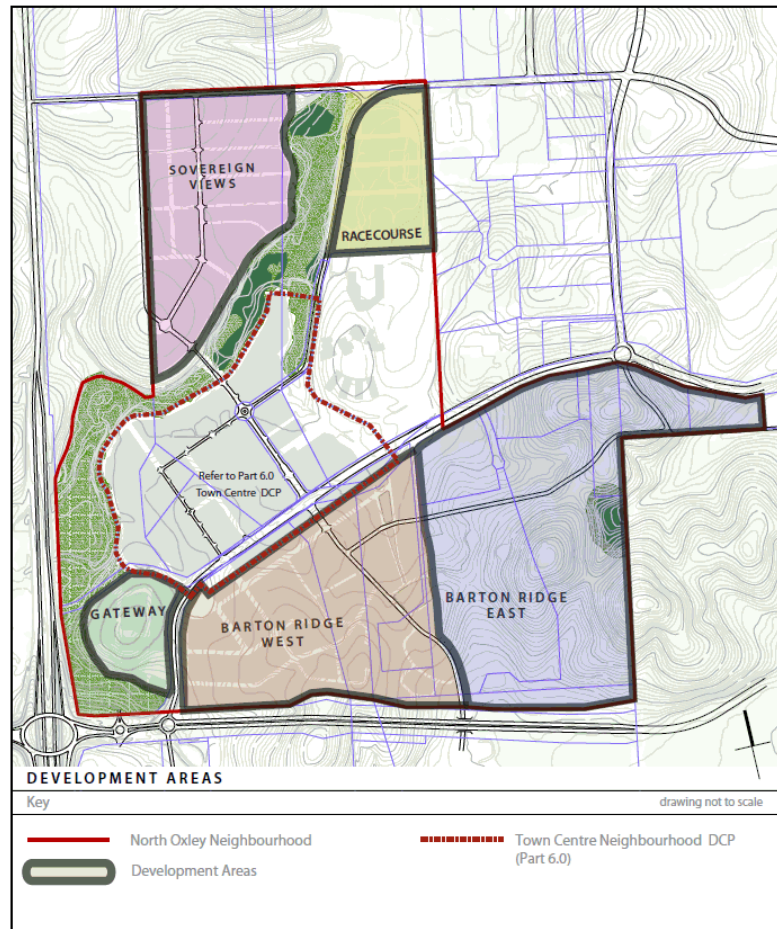
The North Oxley Neighbourhood (**Figure 4.5-2**) is centrally located and within easy access to the future Thrumster neighbourhoods to the north, south and east. The neighbourhood is bisected by John Oxley Drive. The area generally to the north of John Oxley Drive will form the future Town Centre.

The vision for the North Oxley community builds upon the rationale established in Thrumster DCP and the role that the Town Centre will play within the overall community. The North Oxley vision will also apply to the future planning and design of the South Oxley Neighbourhood.

North Oxley will be a community that will be:

- a sustainable place that is liveable, competitive and environmentally sensitive,
- a well-connected and accessible place that is easy to get to, move through and make contact,
- a creative place that provides opportunity and nurtures innovation and creativity,
- a place designed in response to its setting, climate and the emerging needs of the community,
- a place designed for change, with lasting and adaptable buildings and spaces,
- a new neighbourhood with a strong identity and contemporary design character.



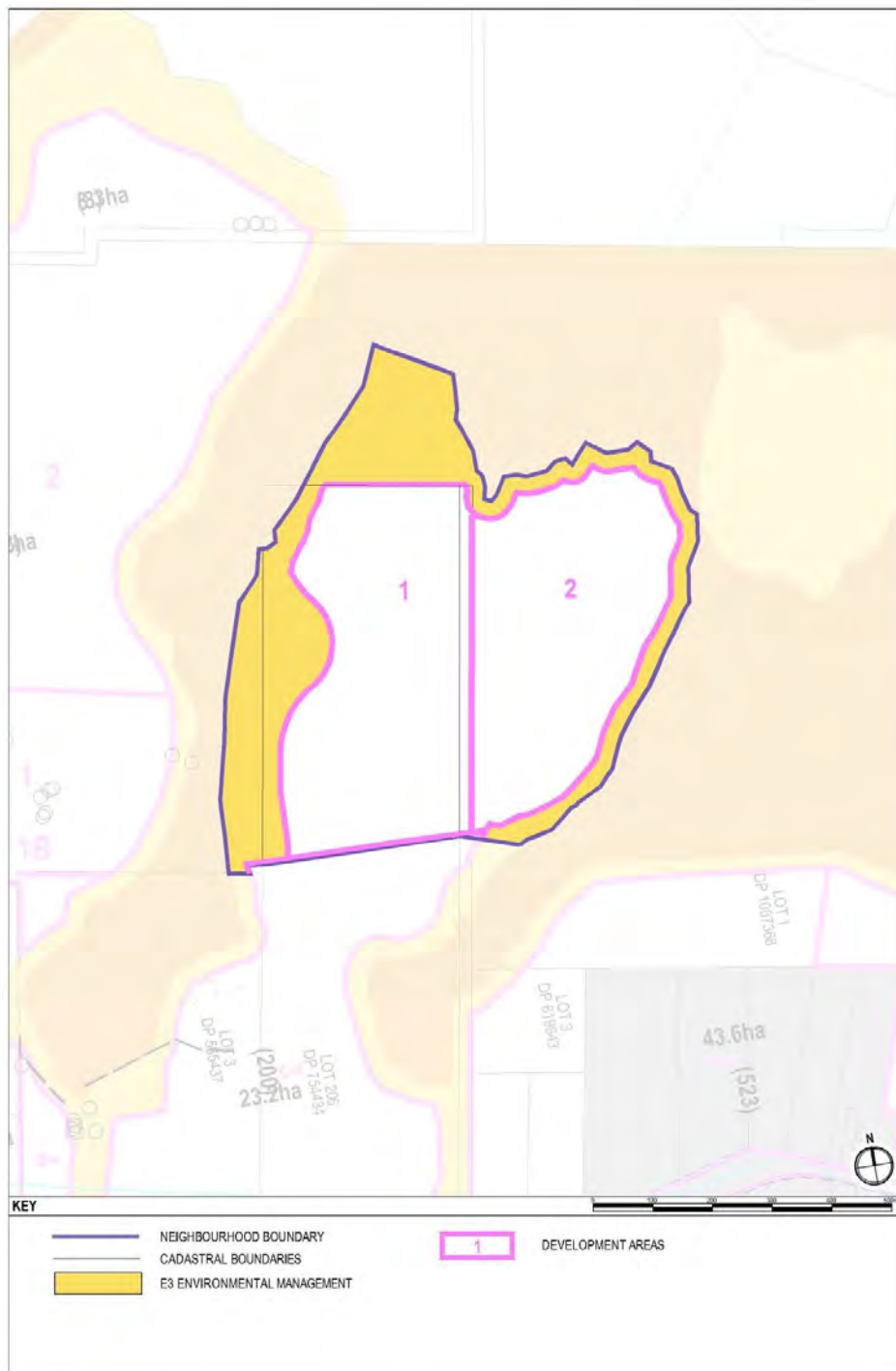


**Figure 4.5-2: North Oxley Precincts**

## Partridge Creek Industrial

The Partridge Creek Industrial Neighbourhood (**Figure 4.5-3**) provides an employment ‘hub’ for the area. The neighbourhood contains a diverse range of employment generating uses. Buildings have been designed to incorporate articulation, as well as a variety in colours, materials and finishes in order to provide a high level of visual amenity when viewed from the public domain and roadways.

All development has been designed and operates so as to minimise impacts on adjacent residential areas in terms of noise, traffic, emissions and bulk and scale. Public transport circulates through the area and connects to other employment areas.



**Figure 4.5-3: Partridge Creek Industrial Development Areas**

## Partridge Creek Residential

The main objective of this local community is to retain and enhance the existing biodiversity, watercourses and riparian and Koala vegetation. Community groups undertaking bush regeneration and other works have achieved this objective. An old growth hollow bearing tree is a landmark within this community and has been retained in a park setting. This tree is visible from a number of places.

Conventional housing forms have been developed to the north of this rural residential area. This area is clearly defined by the wetlands and riparian corridors that fringe the locality on the northern, eastern and western sides. This provides for a 'sense of place' within this setting. Streets in the residential area are characterised by landscaped front gardens and consistent front setbacks.

The area is well serviced by public transport. The streets are legible and connectivity to other areas is maximised.

A small neighbourhood (village) centre is the focal point of this community. The village centre provides retail and community focus for the locality, incorporating a mix of uses and housing types. Mixed use buildings have been orientated to the street. Ground floor premises are characterised by shops and commercial uses that encourage street level interaction and contributes to life within the streets and other public spaces. Housing and offices are located on the upper floors. Higher residential density development is located within the immediate area of the village centre and frames the centre.

Building and dwelling designs contribute to the vibrancy and define the streets and public spaces; creating environments that are comfortable, interesting and safe. Streets are characterised by landscaped front gardens and consistent front setbacks.

Local parks are strategically provided, generally within 400 metres walking distance to residents. These parks are well used and safe for families. Dwellings overlook these parks to provide casual surveillance.

Three development areas are shown on **Figure 4.5-4**.

**Partridge Creek Village Precinct (Area 1)** is the gateway to the Partridge Creek Residential Neighbourhood. The area will become the neighbourhood hub for convenience shopping and services. Residential dwellings will be at a higher density than elsewhere in the neighbourhood to take advantage of the proximity to shops and public transport and may include a mix of detached houses on small lots as well as attached or multi-dwelling housing catering to a variety of residential needs.

A key feature of the area will be an old growth tree, preserved within the landscaped entrance to the village.

**Partridge Creek Residential Precinct (Area 2)** represents the bulk of the Neighbourhood and is bordered by environmental lands to the north and east. This area forms the core residential area of the neighbourhood and includes two local parks within walking distance from the majority of homes. This area will be predominantly detached dwellings on a mix of lot sizes

**John Oxley Drive Precinct (Area 3)** stands at the corner of Thrumster Street and John Oxley Drive and is the entrance to the neighbourhood. Residential dwellings will be predominantly detached houses on larger lots and will be responsive to Koala Habitat in the area.

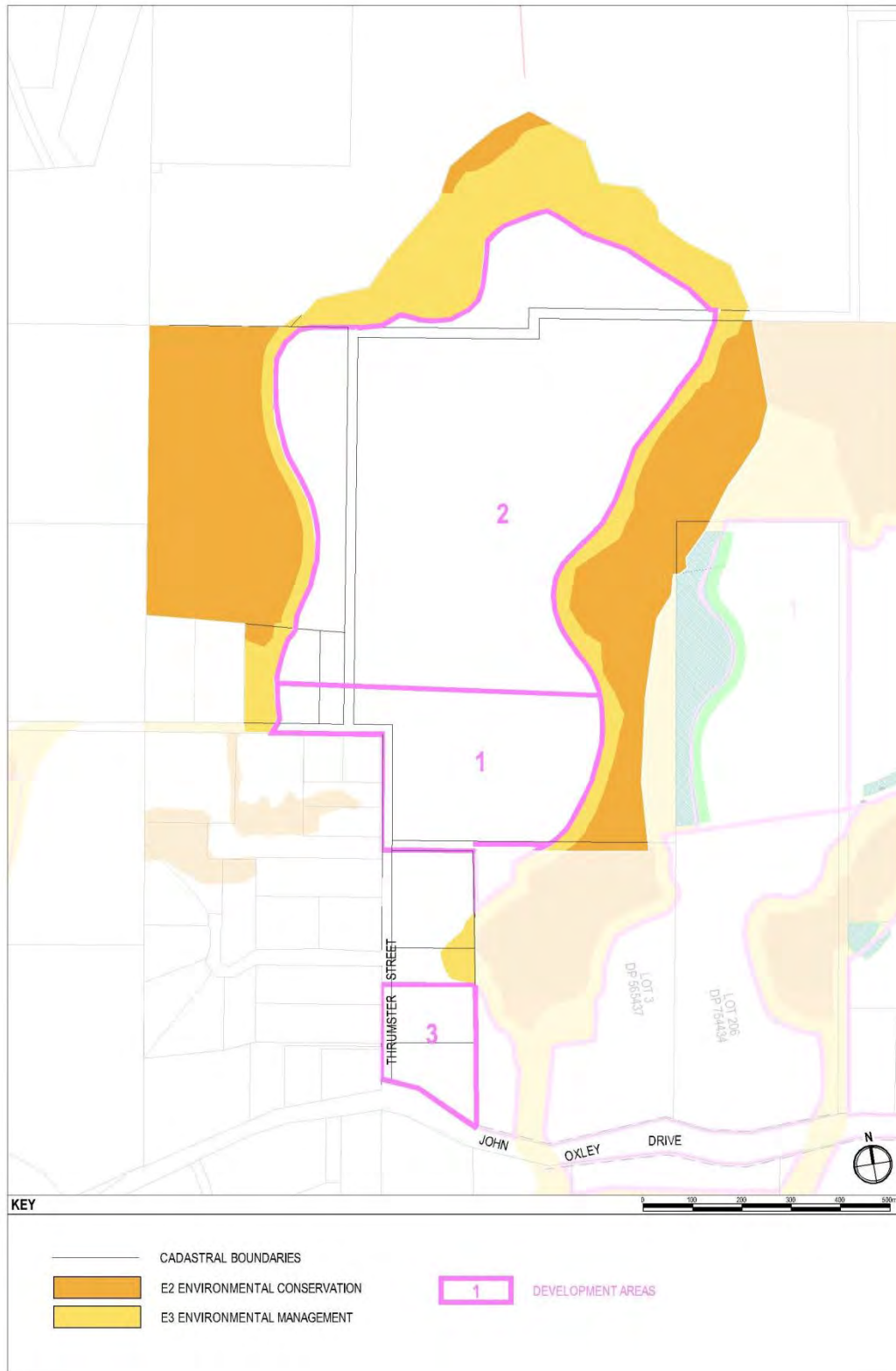


Figure 4.5-4: Partridge Creek Residential Development Areas

## South Oxley

The locality is characterised by residential uses in the form of attached dwellings, detached dwellings and other forms of medium density development. The precinct has easy access to the Town Centre and the various services and facilities.

A small neighbourhood (village) centre is the focal point of this community. The village centre provides retail and community focus for the locality, incorporating a mix of uses and housing types. Mixed-use building has been orientated to the street. Ground floor premises are characterised by shops and commercial uses that encourages street level interaction and contributes to life within the streets and other public spaces. Housing and offices are located on the upper floors. Higher residential density development is located within the immediate area of the village centre and frames the centre.

Building and dwelling designs contribute to the vibrancy and define streets and public spaces; creating environments that are comfortable, interesting and safe. Streets are characterised by landscaped front gardens and consistent front setbacks.

Local parks are strategically provided, generally within 400 metres walking distance to residents. These parks are well used and safe for families. Dwellings overlook these parks to provide casual surveillance.

Two riparian corridors traverse the locality in an east/west direction. These systems have been preserved and enhanced through appropriate landscaping. Part of the Karikeree Creek system contains items of significance to the local indigenous community. These items have been conserved within a park. A core Koala habitat corridor runs in a north/south direction. The Koala population has increased over the years due to the retention of this and other corridors.

Three Development Areas have been identified within the South Oxley Neighbourhood, as shown on **Figure 4.5-5**.

### **Area 1 – Gleeson Creek Residential and South Oxley Neighbourhood Village Centre**

This area will become the first of the residential land releases for South Oxley establishing the early population necessary to support the future neighbourhood Village Centre.

Development within South Oxley Area 1 will be characterised by gently sloping residential areas overlooking the central water course locally known as Gleeson's Creek, ringed by elevated residential lands and retained vegetation areas designed to protect and complement the environmental values of the precinct.

The habitat link, Tarrokoe Habitat Corridor is to be enhanced and further strengthened by vegetation plantings during the course of development.

The location of the Village Centre on the North side of the Gleeson's Creek Corridor will facilitate a greater degree of connectivity between the 3 Development Areas of South Oxley Neighbourhood and is supported by proximity to key road routes.

This area will be predominantly detached dwellings on a mix of lot sizes, with opportunity for medium density housing close to the Village Centre.

### **Area 2 – East Oxley Residential and Tarrokoe Environmental Living**

This area includes significant tracts of Koala habitat and is bordered to the North and West by Koala habitat corridor.

Steeper lands in the South East corner coincide with potential Koala habitat and the management of these lands is addressed in the Environmental Management Principles Plan

Shareway (pedestrian/cycle) links and strategic road crossings of the Tarrokoe Habitat Corridor will enable residents of the Development Area 2 to engage with and be a part of Village Centre community.

### **Area 3 - Karikeree Residential**

This area forms the Southern residential area of the Neighbourhood.

It will be characterised by the natural environmental setting to the south and east of the development area and focus towards the passive recreational opportunities along Gleeson's Creek Recreational area.





Figure 4.5-5: South Oxley Development Areas

### Town Centre

The Town Centre will provide the activity centre and heart of the new community planned for Thrumster. It will be characterised by a diverse mix of land uses and provide an integrated living and working community with the potential for up to 2,000 jobs in a diverse range of businesses.

The Town Centre will complement the hierarchy of centres, both existing and proposed, within Port Macquarie-Hastings, adding to the diversity of retailing, servicing and employment, without detracting from the significance, role and function of other centres.

The Town Centre will provide a range of high quality convenience retail, lifestyle entertainment, commercial uses and service facilities to meet the needs of the local community.

To provide for an active, secure and vital town centre, residential accommodation within the centre is required. A minimum dwelling yield of 180 residential dwellings will be provided; however, depending upon the mix of future land uses in the Town Centre, this yield could increase to over 300 dwellings.

The Town Centre can be defined by five separate Precincts which will all perform different roles and functions but interrelate to cumulatively provide for a viable and vital Town Centre (**Figure 4.5-6**).

The Precincts are:

1. Town Centre Core
2. John Oxley Drive
3. Mid-Town
4. Northern Edge
5. West End



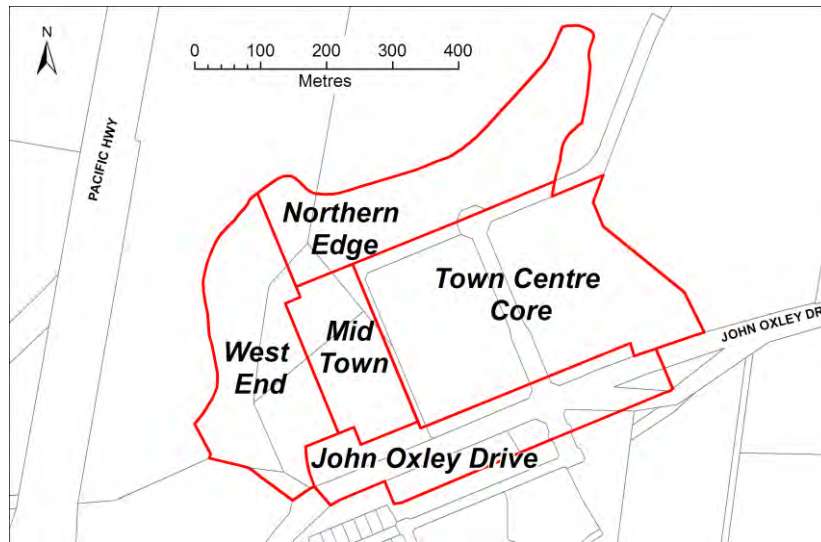


Figure 4.5-6: Town Centre Precincts

The **Town Centre Core Precinct** should be the centre of retail, leisure, community and civic activity for the emerging community. It should integrate both physically and visually with the lakes to the east through the provision of east west pedestrian priority areas and activity nodes which link civic open spaces, market places and pedestrian priority zones with active uses at ground level.

'Main Street' (Figure 4.5-7) will provide the prime activity spine and the most important street in the Town Centre. When the Town Centre is fully developed, Main Street will be the primary retail street in the Town Centre. From a landscaping perspective, Main Street will be the signature street of the town. It will have a consistent central median for its entire length providing a striking avenue of Norfolk Island Pines and Jacaranda trees.

A 'Main Street' running north-south should provide the main access, but through good design and landscaping, create an identifiable, high quality place which encourages interaction and activity for all people.

The Town Centre should be an aesthetically pleasing place which is safe, vibrant, accessible and economically, environmentally and socially sustainable. A place designed to foster a community where people come to work, live and play.



Figure 4.5-7: Main Street - Key elements of the public domain

The **John Oxley Drive Precinct** defines the southern edge of the Town Centre and incorporates both sides of the road to ensure built form relates to both the main connector road and the Town Centre itself.

It should accommodate a mix of land uses appropriate to a sub-arterial road frontage which may include, but are not limited to: business, showrooms, retail and health/medical centres.

High quality buildings and landscaping should define the gateway to the Town Centre.

Flexibility of future land use is a fundamental requirement for the **Mid Town Precinct**. It should provide a mix of uses which promote a range of live-work, studio/workshop, light industrial and commercial activities contributing to the vitality and diversity of the town. High quality design of buildings and spaces which integrate with the adjoining precincts in form, siting and use is essential. While providing a transition between the retailing hub of the Town Centre Core and the West End, mid town development must ensure a coherent urban design structure which enables identification of place.

Housing development within the Mid Town and West End precincts must have a density of 10 dwellings per hectare which equates to approximately 76 dwellings.

The **Northern Edge Precinct** is bound to the north and east by riparian vegetation. Its 'edge of town' location is ideal for the provision of a range of land uses, comprising business (potential Business Technology Park), medium density residential and recreational uses (potential Health and Country Club). The precinct is accessible and provides a high visual amenity while enabling the provision of a defined built edge envelope to the Town Centre.

Housing development within the northern edge precinct must have a density of 12 dwellings per hectare which equates to approximately 104 dwellings.

The **West End Precinct** sits within the view corridor from the Pacific Highway and is bound by the riparian corridor to the north. The amenity offered by the gently sloping land lends itself to medium density residential development interspersed with ancillary mixed uses designed to integrate with the landscape setting and provide an edge to the Town Centre.

Housing development within the west end and mid town precincts must have a density of 10 dwellings per hectare which equates to approximately 76 dwellings.

### Town Centre Population and Employment Strategy

The greenfield development of a new town needs to allow for the provision of an appropriate balance of land uses to ensure vitality and economic viability over time. Sufficient flexibility is required to ensure demand can be catered for while providing a degree of certainty that the ultimate development will be viable. In this regard, as Thrumster and the Town Centre grows, based upon the overall block structure and land uses proposed, two main employment / residential population scenarios are proposed for the future development of the Town Centre. For the purpose of achieving Town Centre employment and residential population objectives, Scenario Two is preferred.

Scenario One, at **Figure 4.5-8**, assumes the development of a moderately sized Business Technology Park of 5 Hectares, as indicated in an expanded Northern Edge Precinct, combined with more extensive medium density residential areas and a higher residential population. In this scenario, dwelling yield may reach in excess of 300 dwellings. This would equate to a density of up to 28 dwellings per hectare.

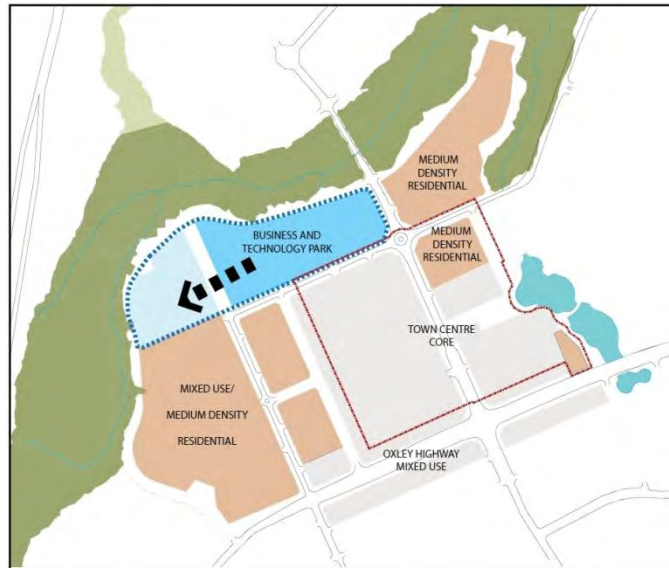


Figure 4.5-8: Thrumster Town Centre Development Scenario One

Scenario Two, at **Figure 4.5-9**, assumes the development of a more successful and extensive Business Technology Park of up to 11 Hectares, occupying the entire Northern Edge, part of Mid Town and part of West End precincts. In this scenario, the dwelling yield will achieve a minimum of 180 dwellings on 6 Hectares. This would equate to a density of up to 30 dwellings per hectare.

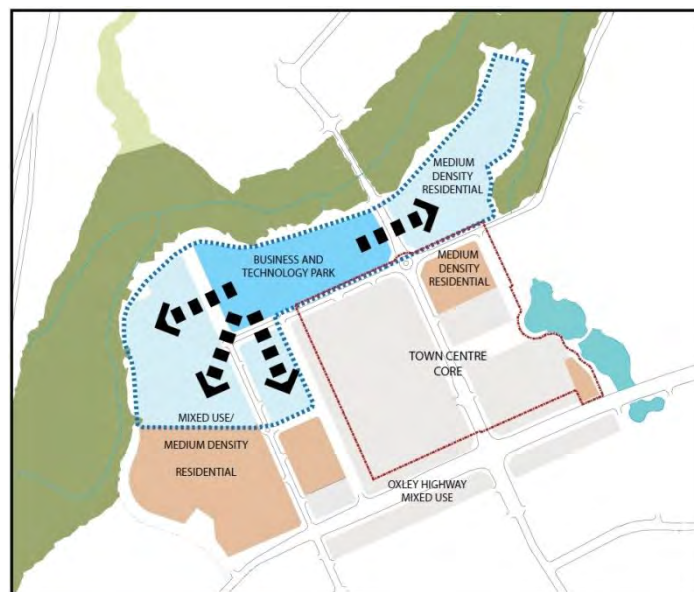


Figure 4.5-9: Thrumster Town Centre Development Scenario Two

### West Lindfield

West Lindfield is a low-density residential locality, with medium density concentrated around the neighbourhood centre. The road system provides for legibility and circulation throughout the precinct. A public transport system (bus) operates and connects to other areas, particularly for employment and shopping.

Building and dwelling designs contribute to the vibrancy and define streets and public spaces; creating environments that are comfortable, interesting and safe. Streets are characterised by landscaped front gardens and consistent front setbacks.

## Port Macquarie-Hastings Development Control Plan 2013

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Local parks are strategically provided, generally within 400 metres walking distance to residents. These parks are well used and safe for families. Dwellings overlook these parks to provide casual surveillance.

The two major wildlife linkages running north-south through the neighbourhood are well established and are home to a variety of native species.

An employment area is located on the eastern edge of this neighbourhood. The employment area is compact and provides employment opportunities for residents of the neighbourhood and is within easy walking distance to peoples' place of residence and reduces the need for car dependency.

Three development areas are shown at **Figure 4.5-10**.

**West Lindfield neighbourhood centre and Lindfield Park Light Industrial (Area 1)** will become the West Lindfield neighbourhood hub for convenience shopping and services and includes the local employment area of the Lindfield Park Light Industrial precinct. Residential dwellings in this area will be at a higher density than elsewhere in West Lindfield to take advantage of the proximity to shops and public transport and may include a mix of detached, attached or multi-dwelling housing catering to a variety of residential needs. Development at the interface between residential and industrial zones will be designed to be harmonious. A corridor of existing and revegetated Koala habitat will contribute to a visual buffer between industrial and residential areas.

**West Lindfield Residential (Area 2)** forms the core residential area of the neighbourhood and includes a local park within easy walking distance from the majority of homes. This area will be predominantly detached dwellings on a mix of lot sizes.

**West Lindfield Environmental Living (Area 3)** includes significant tracts of Koala feed trees and is bordered to the east and west by Koala habitat corridor. Residential dwellings in this area will be designed to protect and contribute to these valuable features. The area will be predominantly detached dwellings on larger lots, retaining significant vegetation in private ownership. The northern edge of the area adjoins the Partridge Creek Industrial neighbourhood with separation provided by an electricity transmission easement and adjacent collector road.

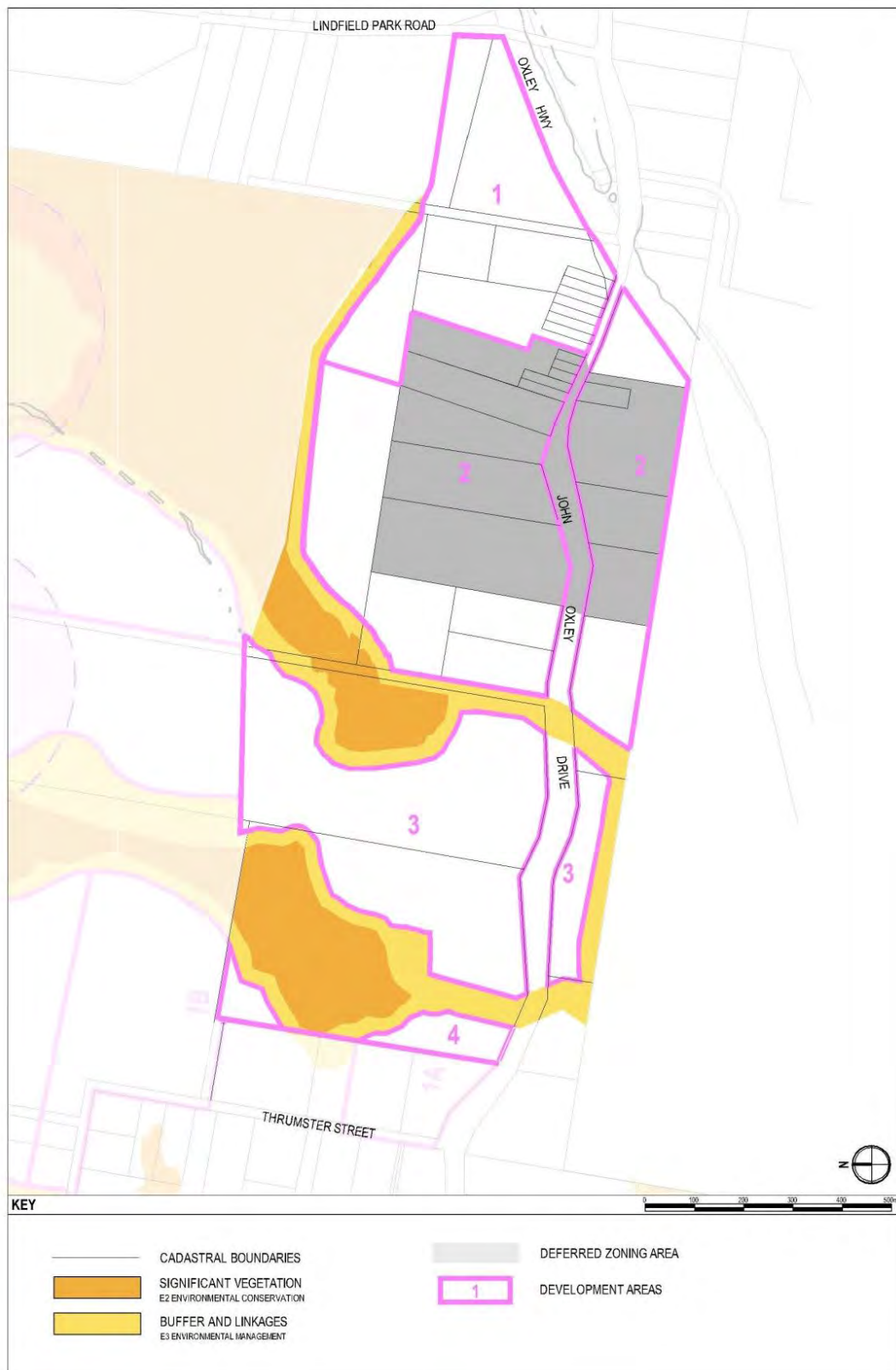


Figure 4.5-10: West Lindfield Development Areas



## 4.5.3 Development Guide

### Environmental management

#### Aboriginal heritage and archaeology (guidance to clause 5.10 of the Local Environmental Plan)

##### 4.5.3.1 Objective

- To preserve and manage key areas of Aboriginal heritage and archaeological remains.
- To ensure other areas of Aboriginal heritage and archaeological remains are assessed prior to development proceeding.

#### Development Provisions

##### General

- a) Sites 1, 2 and 3 shown in **Figure 4.5-11** are to be preserved and managed to reflect their significance.
- b) All development-related surface disturbance works within a 300 metre radius of Sites 1, 2 or 3 are to be monitored by Birpai Sites Officers. The affected areas are shown in **Figure 4.5-11** as Buffer Area. If any Aboriginal artefacts or a scarred tree are discovered during earthworks, subdivision and or building works, all work in the vicinity of the site is to immediately stop, the area cordoned off and the discovery reported to the relevant Aboriginal stakeholders, a suitably qualified archaeologist and the Office of Environment and Heritage in accordance with the provisions of the *National Parks and Wildlife Act 1974*.
- c) Development is not to proceed in other areas containing Aboriginal archaeological sites without appropriate consideration and consultation with the relevant local Aboriginal community.
- d) In areas where development cannot avoid impacting on identified Aboriginal sites, "Consent to Destroy" Permits are to be sought under Section 90 of the *NSW National Parks and Wildlife Act 1974*, and any such application will be Integrated Development.

##### Site 1 (Karikeree 1)

- e) Prior to any earthworks, clearing works, or excavation works, an inspection of the proposed development site is to be undertaken by an Aboriginal Cultural Sites Officer from the Local Aboriginal Land Council and a report on the site inspection is to be obtained.
- f) If discovered, artefacts should be moved under an approved Aboriginal Heritage Impact Permit to a location outside the impact area but within South Oxley Neighbourhood in consultation with the relevant Aboriginal stakeholders and Office of Environment and Heritage.

##### Site 2 (Wattoo 7)

- g) 'Wattoo 7' (Site 2 on **Figure 4.5-11**) has been assessed to be of high Aboriginal social and moderate to high local scientific significance. The following protection and management measures are required for this site:
- h) Protection:
  - A buffer area consisting of a 300 metre radius of Wattoo 7 is to be delineated within which development related surface disturbance works are to be monitored by Birpai Sites Officers.
  - A sign is to be erected identifying the area as Bush Regeneration Area.
  - Fencing is not required.
- i) Custodianship:
  - While Council will continue to own the site, the Birpai Local Aboriginal Land Council is entrusted with the care and control of the site.
  - The shaded area on **Figure 4.5-11** is to be allowed to regenerate naturally to bushland.
  - Vegetation management including control of noxious weeds (such as lantana) is the responsibility of the Birpai Local Aboriginal Land Council.
  - Port Macquarie Hastings Council has responsibility for weed management along any roads bounding the site.

##### Site 3 (The Island)

- j) The buffer area associated with 'The Island' (Site 3 on **Figure 4.5-11**) is partially located within the



### Aboriginal heritage and archaeology (guidance to clause 5.10 of the Local Environmental Plan)

Partridge Creek Industrial Neighbourhood. The following protection measures are required for this site:

- k) Protection:
- A buffer area consisting of a 300 metre radius of The Island is to be delineated within which development-related surface disturbance works are to be monitored by Birpai Sites Officers.

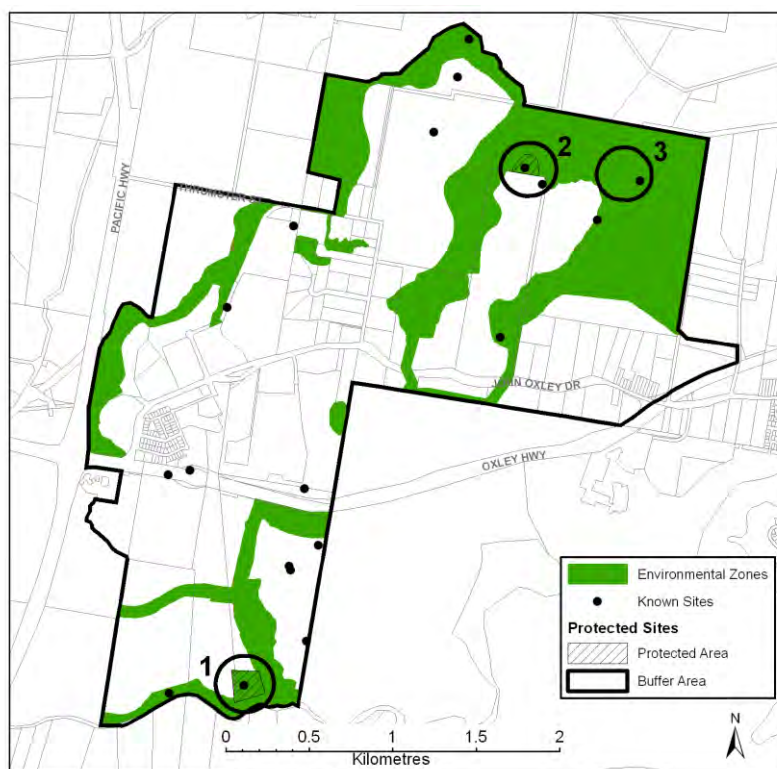


Figure 4.5-11: Aboriginal Archaeological Sites

## Environmental Management Areas and Buffers

### 4.5.3.2 Objective (in addition to 2.3.3.4)

To coordinate development activity with the rehabilitation and dedication of environmental management areas (E2 and E3 Environmental Management Zones).

## Development Provisions

### General

- a) The first development application within a Development Area is to be accompanied by a Vegetation Management Plan for the Development Area prepared by a suitably qualified person and consistent with Council's Vegetation Management Plan Guidelines. The plan should include, but is not limited to, guidance on the following matters:
- Environmental Management Areas
  - Hollow-bearing trees
  - Koala habitat
  - Stormwater management
  - Asset Protection Zones
  - Airspace protection (in particular tree heights where affected by the Obstacle Limitation Surface)
  - Any additional matters identified in an 'Assessment of Significance' report related to the land
  - Relevant planning agreements
  - Staging of environmental works, including the co-ordination of clearing or regeneration works within individual development stages, and link these stages to development within the associated stormwater catchment
  - The timing of any dedication of land to Council, including the maintenance regime before and after dedication, and the process for certifying completion of works at critical stages
  - Relevant neighbourhood-specific matters and plans identified in this chapter.

*Note: The first subdivision or major development application in a Development Area will usually prepare the Vegetation Management Plan. Subsequent development applications are required to be consistent with the approved plan or prepare a new plan for Council approval.*

- b) Development retains mature vegetation in buffer areas and revegetates existing cleared areas of the E3 Environmental Management Zone as shown in **Figure 4.5-12**.
- c) Environmental areas are to be publicly managed in accordance with any voluntary planning agreements between landowners and Council, or managed by private land owners in perpetuity in accordance with management plans and enforced through development accompanied consent conditions.
- d) Development is in accordance with the approved Vegetation Management Plan.

### North Oxley

- e) Environmental management works are consistent with the Environmental Management Principles and Works Plans shown at **Figure 4.5-14** to **Figure 4.5-17** and staged to occur in conjunction with development of the adjacent residential land generally in accordance with the Staging of Environmental Works Plan shown at **Figure 4.5-17**. Note however, the special requirements for Barton Ridge East detailed later in this chapter.

### Partridge Creek Industrial

- f) Environmental management works are consistent with the Environmental Management Principles Plan at **Figure 4.5-18** and the Environmental Management Works Plan at **Figure 4.5-19** and staged to occur in conjunction with development of the adjacent residential land.
- g) Vegetated swales and bio-retention ponds are to be incorporated within the E3 Environmental Management Zone, as set out on **Figure 4.5-18**.

### Partridge Creek Residential

- h) Vegetated swales and bio-retention ponds are to be incorporated within the E3 Environmental

### Environmental Management Areas and Buffers

Management Zone, as set out on **Figure 4.5-20**.

- i) Environmental management works are consistent with the Environmental Management Principles Plan at **Figure 4.5-20** and the Environmental Management Works Plan at **Figure 4.5-21** and staged to occur in conjunction with development of the adjacent residential land.

#### South Oxley

- j) The Vegetation Management Plan demonstrates a buffer width of not less than 50 metres to both sides of the centre line of Karikeree Creek and 30 metres to both sides of the centre line of identified watercourses shown in **Figure 4.5-22**.
- k) Environmental management works are consistent with the Environmental Management Works Plan at **Figure 4.5-22** and staged to occur in conjunction with development of the adjacent residential land.

#### Town Centre

- l) Environmental management works are consistent with the Environmental Management Principles Plan at **Figure 4.5-23** and staged to occur in conjunction with development of the adjacent land as shown by the black arrows.
- m) The Vegetation Management Plan for each stage of restoration work identified in **Figure 4.5-24** is to be submitted to Council and approved prior to the issue of consent for development relating to that stage.

#### West Lindfield

- n) Environmental management works are consistent with the Environmental Management Principles Plan at **Figure 4.5-25** and with the Environmental Management Works Plan at **Figure 4.5-26** and staged to occur in conjunction with development of the adjacent residential land.

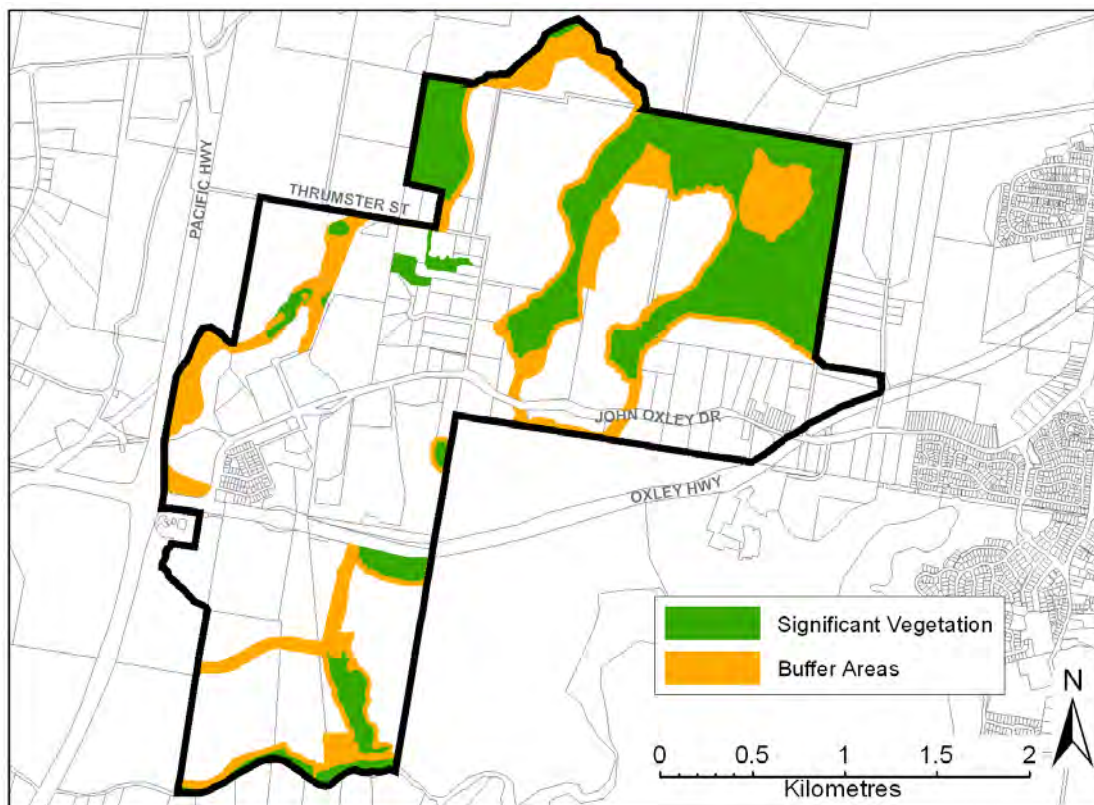


Figure 4.5-12: Significant Vegetation Areas

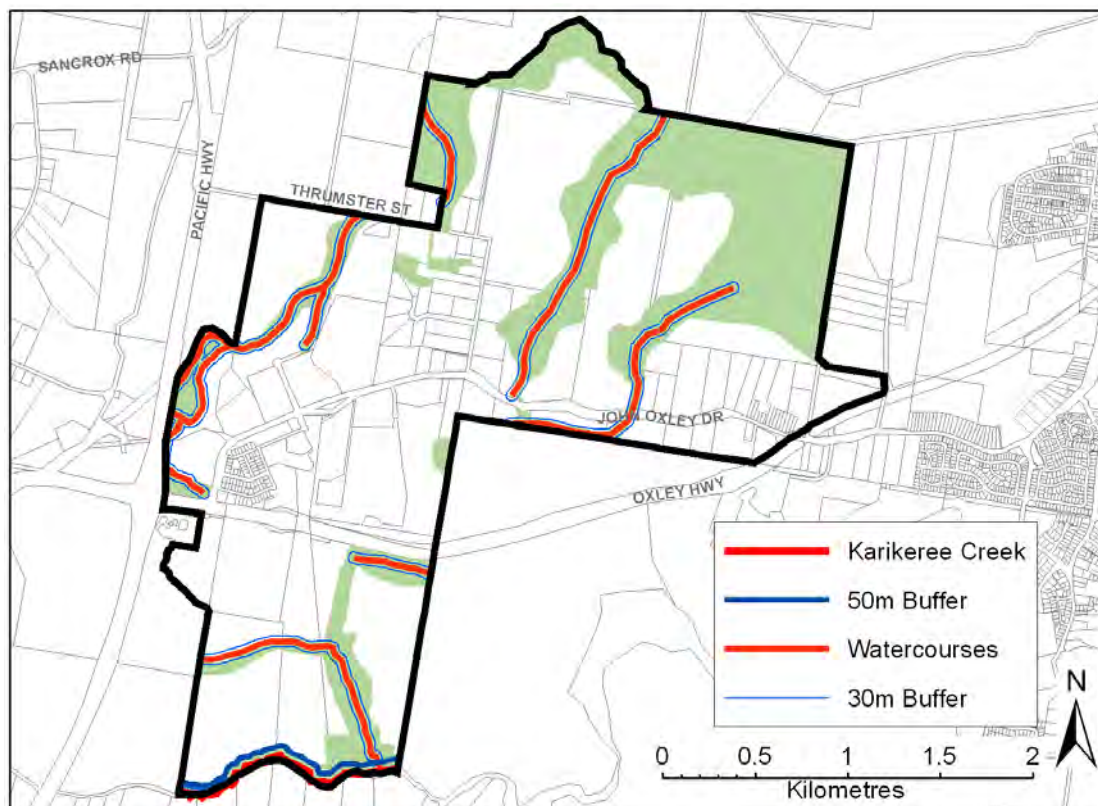


Figure 4.5-13: Watercourses



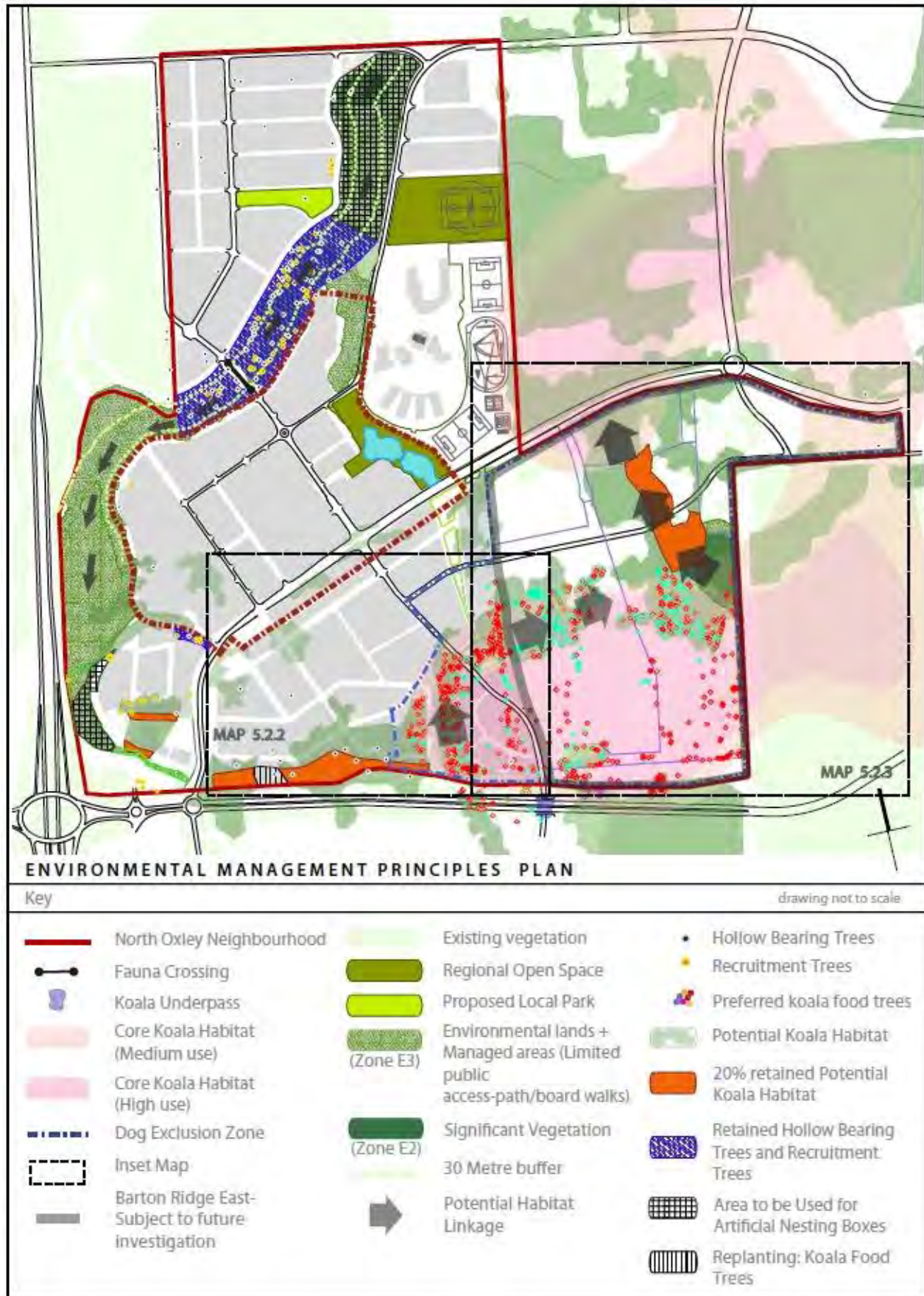


Figure 4.5-14: North Oxley - Environmental Management Principles Plan

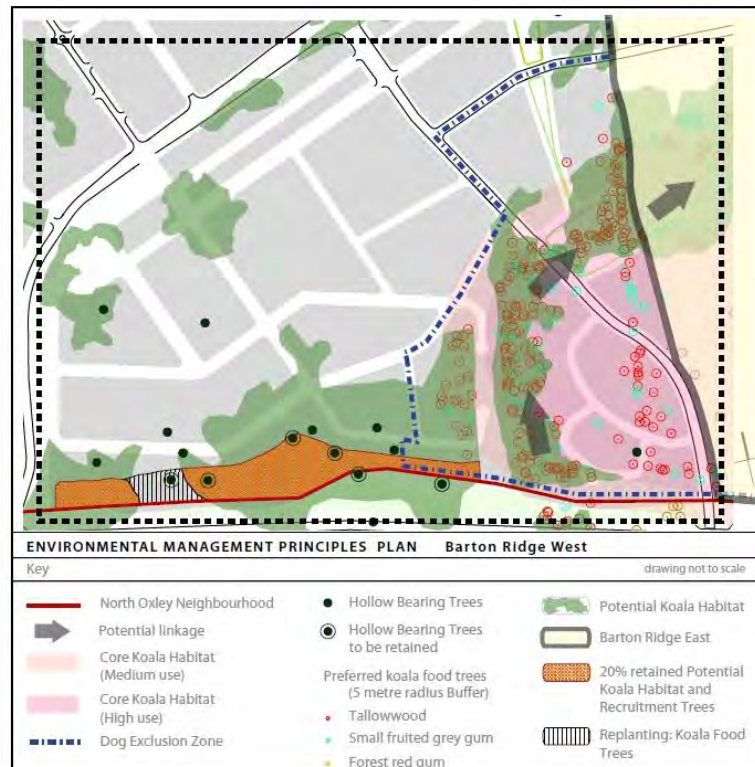


Figure 4.5-15: North Oxley - Barton Ridge West Environmental Management Principles Plan

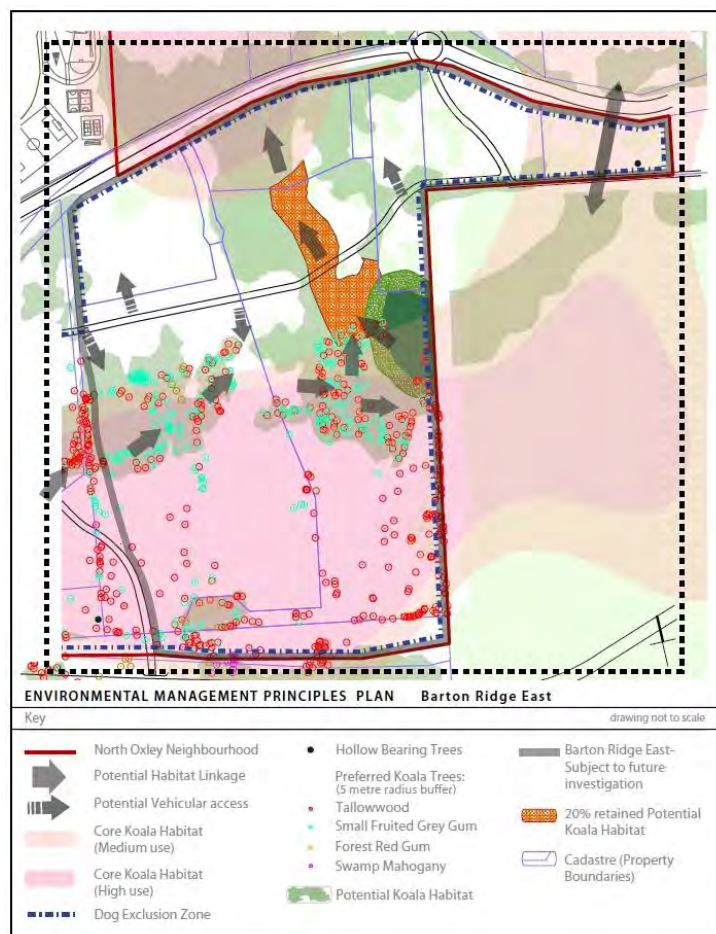


Figure 4.5-16: North Oxley - Barton Ridge East Environmental Management Principles Plan



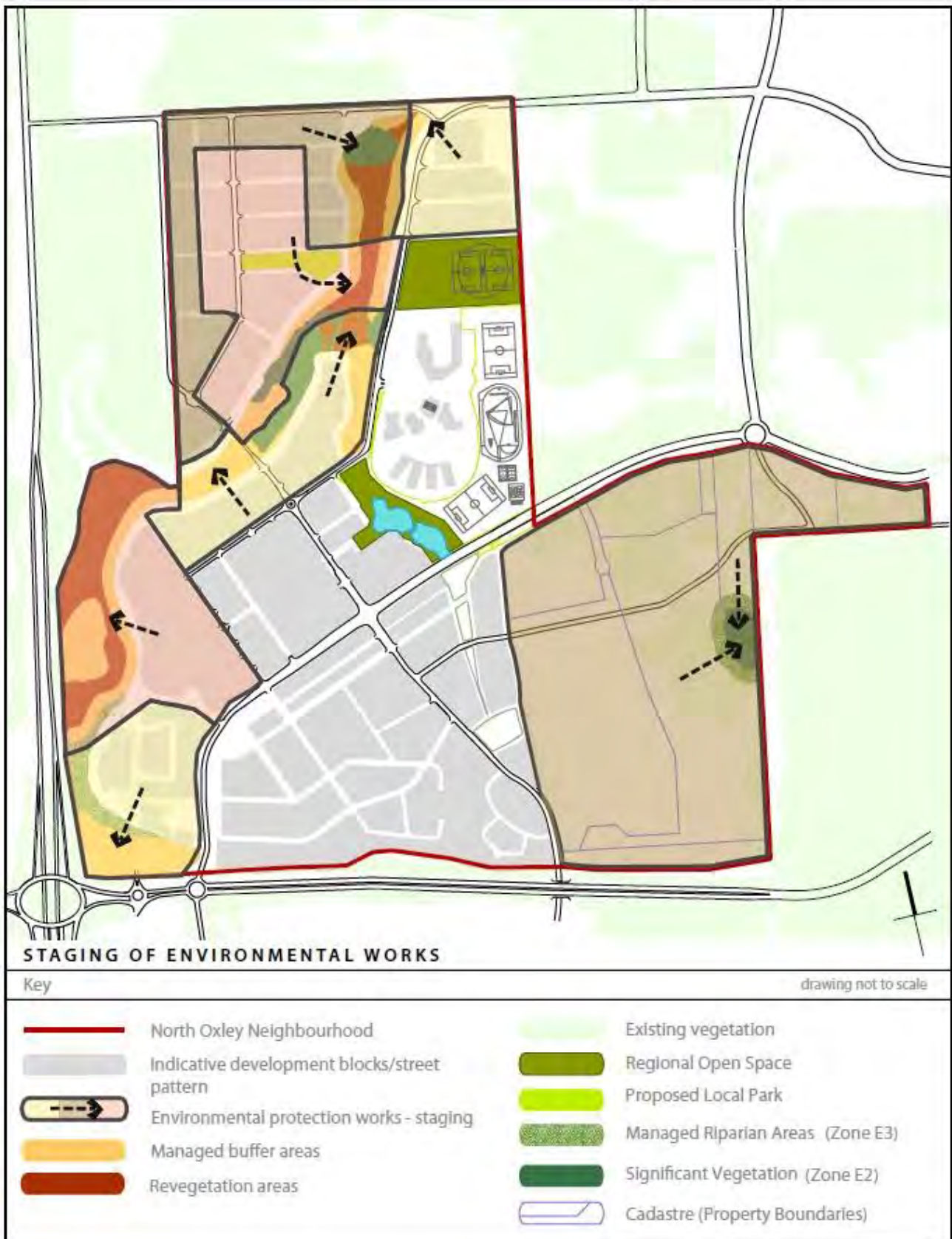


Figure 4.5-17: North Oxley - Environmental Management Works Plan

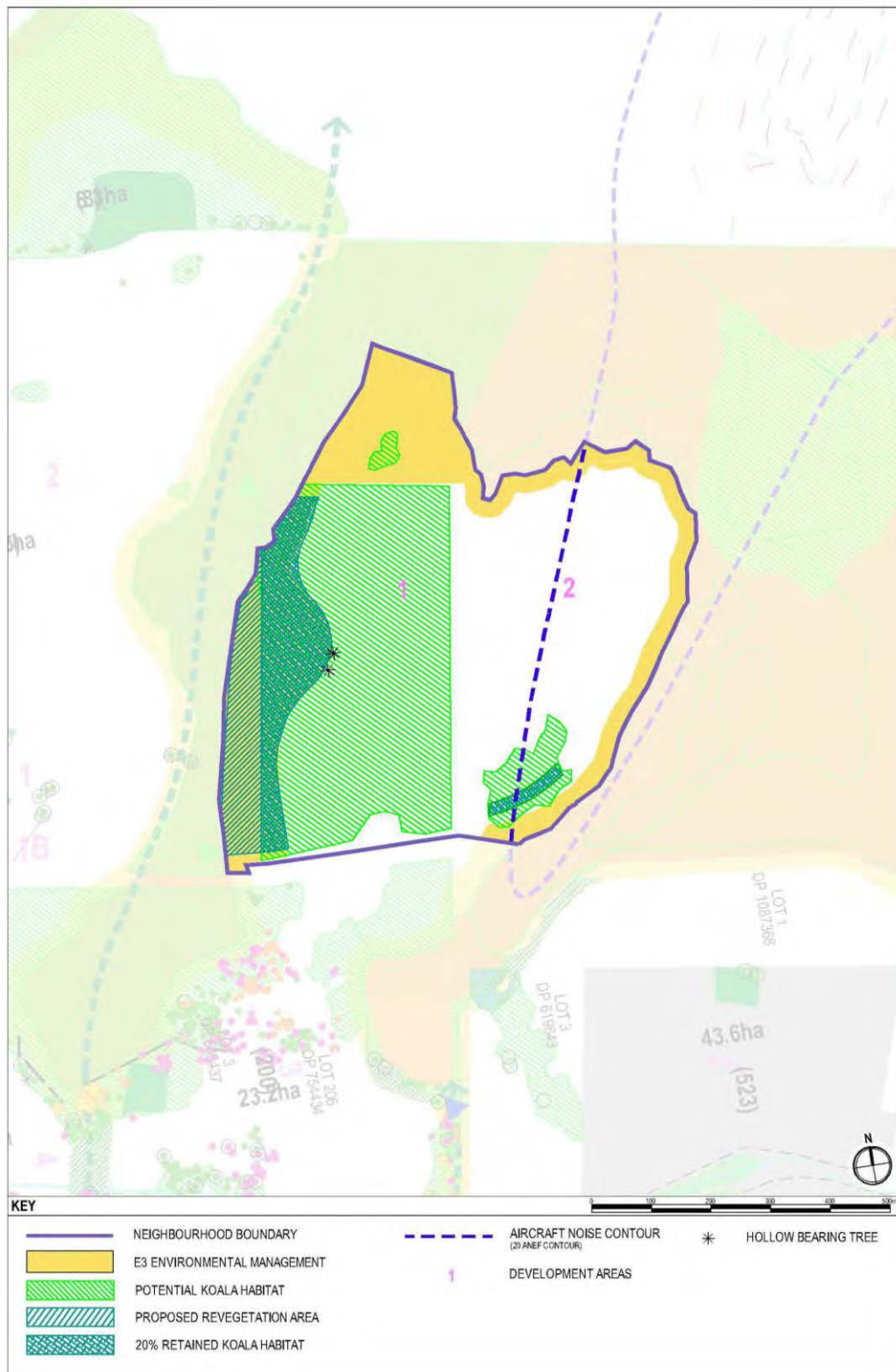


Figure 4.5-18: Partridge Creek Industrial - Environmental Management Principles Plan



Figure 4.5-19: Partridge Creek Industrial - Environmental Management Works Plan



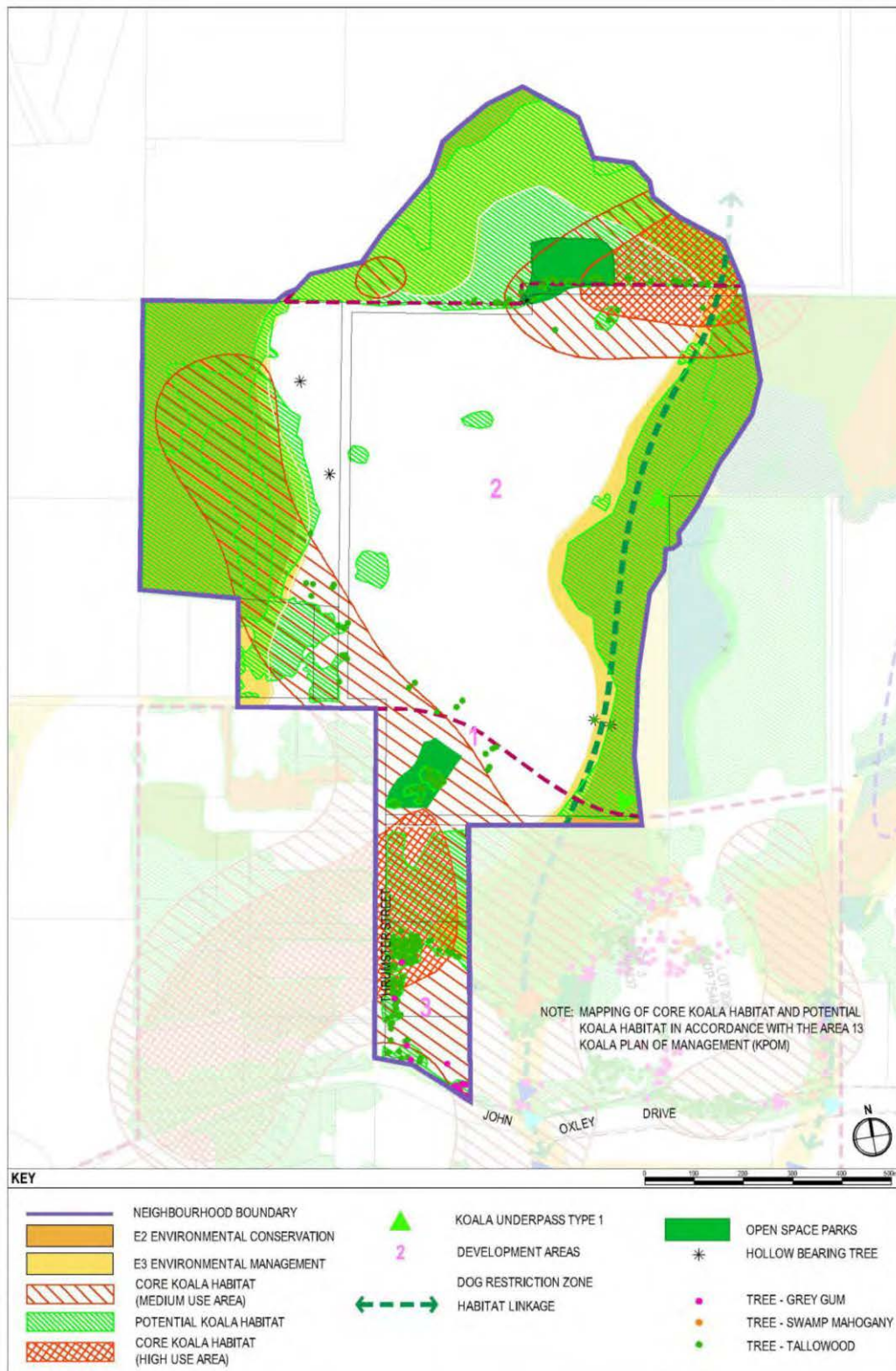


Figure 4.5-20: Partridge Creek Residential - Environmental Management Principles Plan

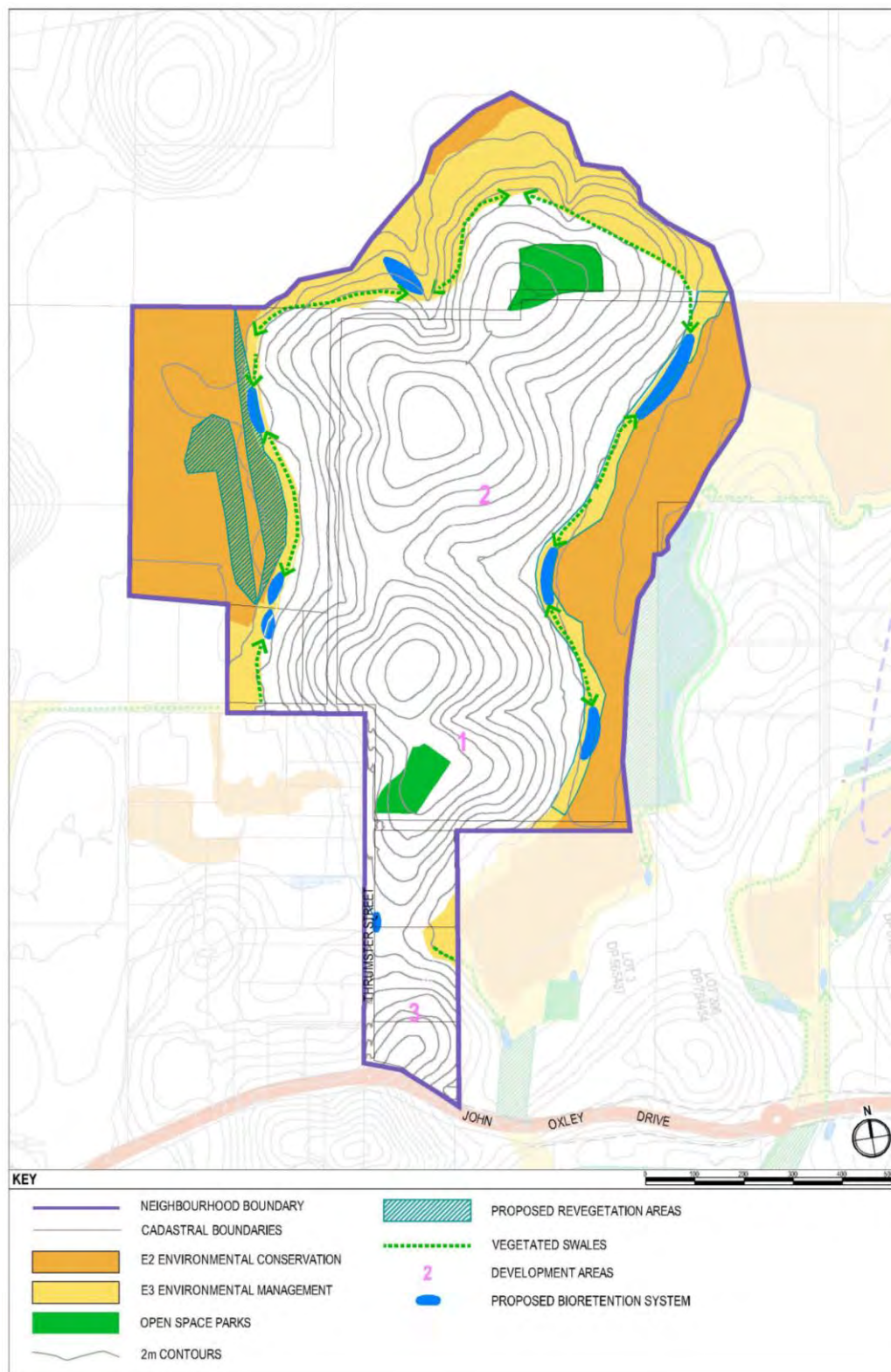


Figure 4.5-21: Partridge Creek Residential - Environmental Management Works Plan



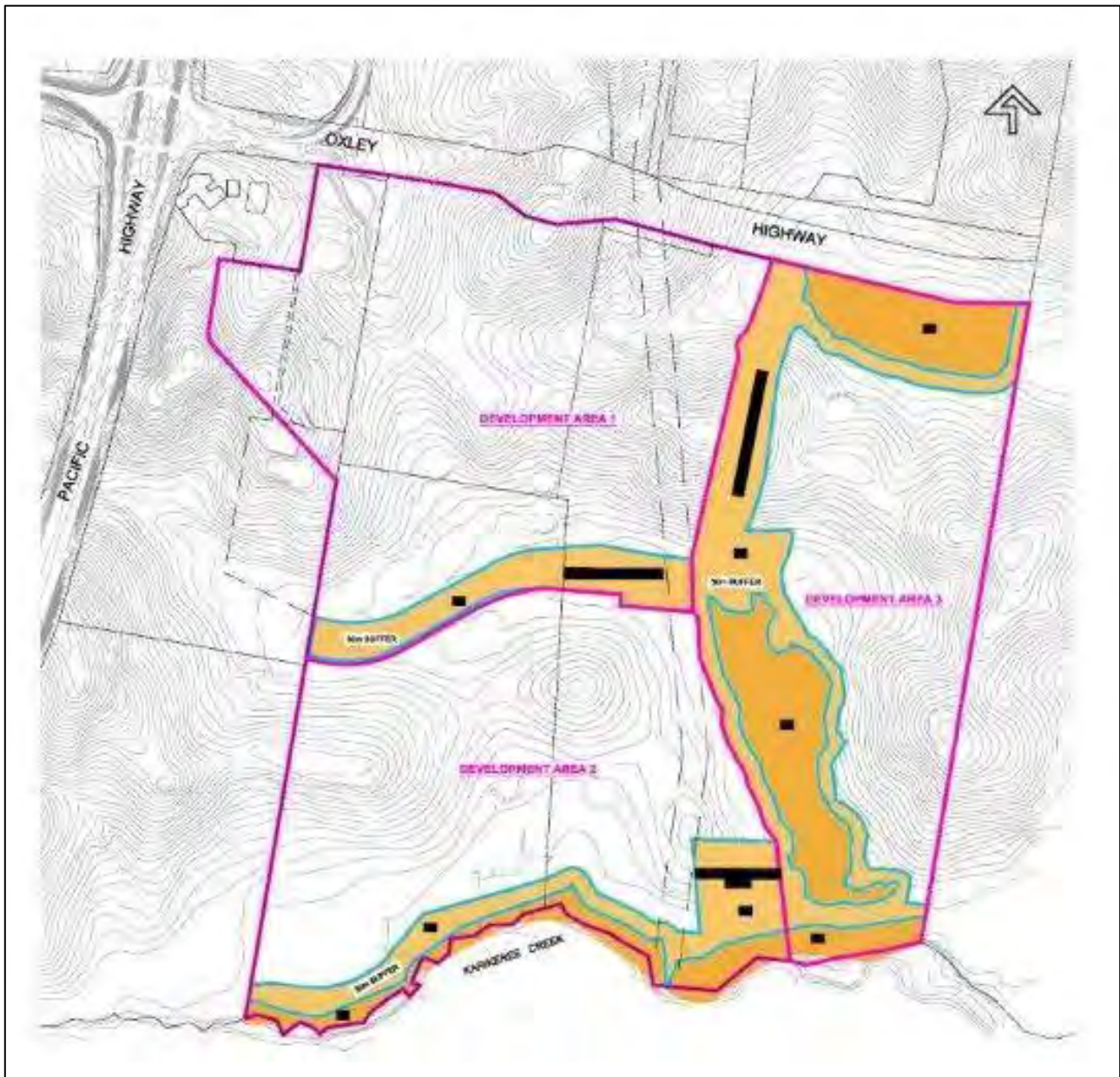


Figure 4.5-22: South Oxley - Environmental Management Principles Plan





Figure 4.5-23: Thrumster Town Centre Environmental Management Principles Plan



Figure 4.5-24: Thrumster Town Centre Environmental Management Works Plan





Figure 4.5-25: West Lindfield Environmental Management Principles Plan

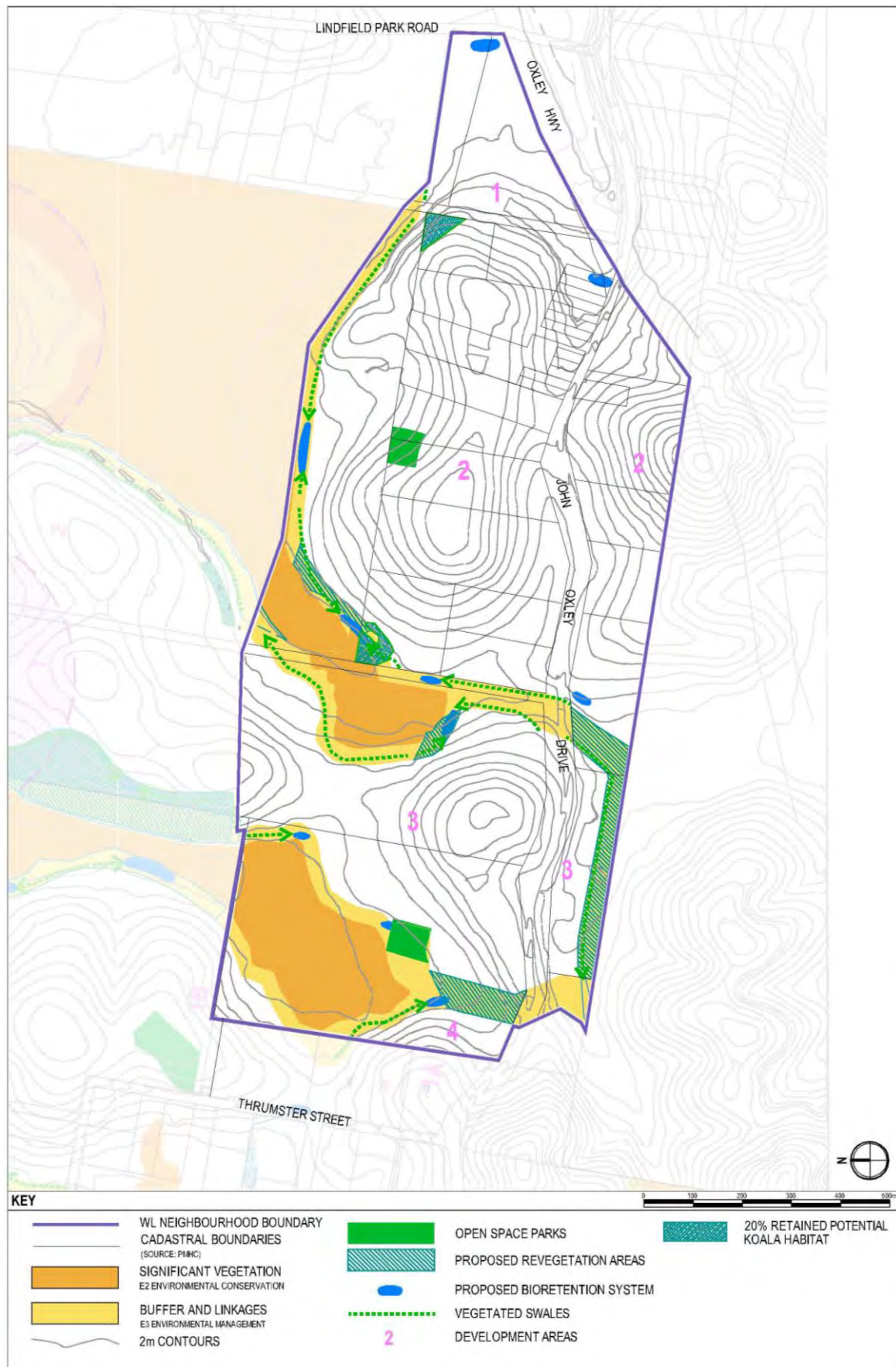


Figure 4.5-26: West Lindfield Environmental Management Works Plan

## Hollow bearing trees

### 4.5.3.3 Objective

Refer to 2.3.3.8

## Development Provisions

### General

- a) Vegetation Management Plans confirm the hollow-bearing tree locations shown in the relevant neighbourhood maps and provide detailed guidance on their retention or possible removal.

## Koala habitat

### 4.5.3.4 Objective (in addition to 2.3.3.7)

- To assist the effective implementation of the *Area 13 Urban Investigation Area Koala Plan of Management*.

## Development Provisions

### General

- a) Vegetation Management Plans are to provide necessary guidance to achieve the aims and objectives set out in Part 2 of the *Area 13 Urban Investigation Area Koala Plan of Management* as amended from time to time. This will primarily be achieved through the actions and measures set out in Parts 3 to 8 of the Koala Plan of Management. Key aspects of the Koala Plan of Management are shown on **Figure 4.5-27**.
- b) No lot is to be created within an area shown as “Dog Restriction Area” in **Figure 4.5-27** unless there is to be a restriction prohibiting the keeping of domestic dogs attached to the title of the land.
- c) Development applications for subdivision of land in the Dog Restriction Area are to provide details of signage and information boards to advise prospective purchasers or tenants of the restriction on the keeping of dogs.
- d) Note: Council has adopted a Local Orders Policy controlling the bringing of dogs into the area.
- e) All restoration works required by the Koala Plan of Management are to be undertaken prior to release of the subdivision certificate.
- f) Where E3 Environmental Management Zones cannot accommodate Koala feed tree offset plantings, a suitable area is to be identified and be subject to the same conditions as environmental lands as defined in the relevant voluntary planning agreements. Applicant must demonstrate that this additional environmental land is secured and managed in perpetuity to Council’s satisfaction.
- g) A habitat link is to be provided in accordance with **Figure 4.5-27** which comprises a minimum of 20% of preferred Koala feed trees.

### Partridge Creek Industrial

- h) Specifications are to be included in the relevant Vegetation Management Plan for the inclusion of Koala feed tree species within the nearby revegetation area associated with the environmental zone shown at **Figure 4.5-18**.

### Partridge Creek Residential

- i) Where development provides for a connection to the Partridge Creek Industrial Neighbourhood, a ‘type 1’ Koala underpass within the E3 Environmental Management Zone is to be provided generally in the location shown on **Figure 4.5-27**.
- j) Development provides suitable signage within the northern area to advise of the importance of the area for the Koala and that domestic dogs are prohibited from entering this area

### South Oxley

- k) Type 4 Koala Crossings are to be included in the design for the East West link roads across the habitat corridor between Development Areas 1 and 2. Refer to Road Hierarchy in **Figure 4.5-53**.



## Koala habitat

- l) Where additional offset plantings are required they are to be located around the South East corner of Development Area 2 and along the Karikeree Creek Corridor.

### West Lindfield

- m) The Development Application for urban development adjoining the western north-south buffer / habitat link will provide for a 'type 2' Koala underpass within the north-south buffer / habitat links as shown on **Figure 4.5-25**.
- n) The initial Development Application for urban development within Area 4 provides for a 'type 2' Koala underpass within the north-south buffer / habitat link as shown on **Figure 4.5-25**.
- o) The initial Development Application for urban development within Area 3 provides for a 'type 2' Koala underpass within the eastern and western north-south buffer / habitat links as shown on **Figure 4.5-25**.
- p) Where development south of John Oxley Drive provides for a connection to either Area 3 (east) or to the west, the Development Application will provide for a 'type 2' Koala underpass within the E3 Environmental Management Zone as shown on **Figure 4.5-25**.
- q) Where development south of John Oxley Drive provides for connection to Area 3, the Development Application will provide for a 'type 2' Koala underpass within the E3 Environmental Management Zone as shown on **Figure 4.5-25**.

### 4.5.3.5 Core Koala Habitat

#### General

- a) Dwellings must be located so as to retain preferred Koala feed trees identified on neighbourhood maps.
- b) Residential allotments containing preferred Koala feed trees of a size specified in Part 6 of the Koala Plan of Management must ensure their protection through an effective restriction on the title of the land.
- c) High-density subdivision is not supported in the High-Use Core Koala Habitat identified on **Figure 4.5-27**.
- d) Vegetation Management Plans relating to areas defined as Core Koala Habitat on **Figure 4.5-27** should demonstrate that any landscaping incorporates preferred Koala feed trees.

#### South Oxley

- e) The grassed open area within the mapped Core Koala Habitat of Development Area 2 may be considered for a Neighbourhood Park, where such use can be shown to be compatible with the Koala Plan of Management and not hinder the passage of Koala's across the mapped Core Koala Habitat area. Refer **Figure 4.5-22**.
- f) Modification to the Koala Plan of Management may be considered prior to determining Development Applications affecting the Core Koala Habitat areas in South Oxley Neighbourhood, where current and suitably rigorous SAT assessments of the Potential Koala Habitat and Core Koala Habitat in South Oxley Neighbourhood demonstrate a better outcome for Koala's and Koala Habitat can be achieved in this neighbourhood.

### 4.5.3.6 Potential Koala Habitat

#### General

- a) Any proposed lot that contains potential Koala habitat to be retained in private ownership contains an adequate building envelope outside of the vegetation to be retained and any associated Asset Protection Zone. The building envelope is to be identified in an appropriate restriction on the title of each lot.
- b) The removal of trees within the areas of Potential Koala Habitat are to be compensated by the inclusion of Koala feed tree species within the adjacent Environmental Zone. Specifications are to be included in the relevant Vegetation Management Plan



### Koala habitat

#### North Oxley - Barton Ridge West Development Area

- c) The Vegetation Management Plan is to provide for 20% of the potential Koala habitat within that development area to be retained, generally in the location shown on **Figure 4.5-15**.

#### South Oxley

- d) The Koala Plan of Management provisions for retention of 20% of mapped Potential Koala Habitat for Development Areas 1 and 2 may be consolidated into the South East extent of the Potential Koala Habitat in Development Area 2. Refer to the Environmental Principles Plan at **Figure 4.5-22** and the modified perimeter road alignment in the Road Hierarchy Map **Figure 4.5-63**.

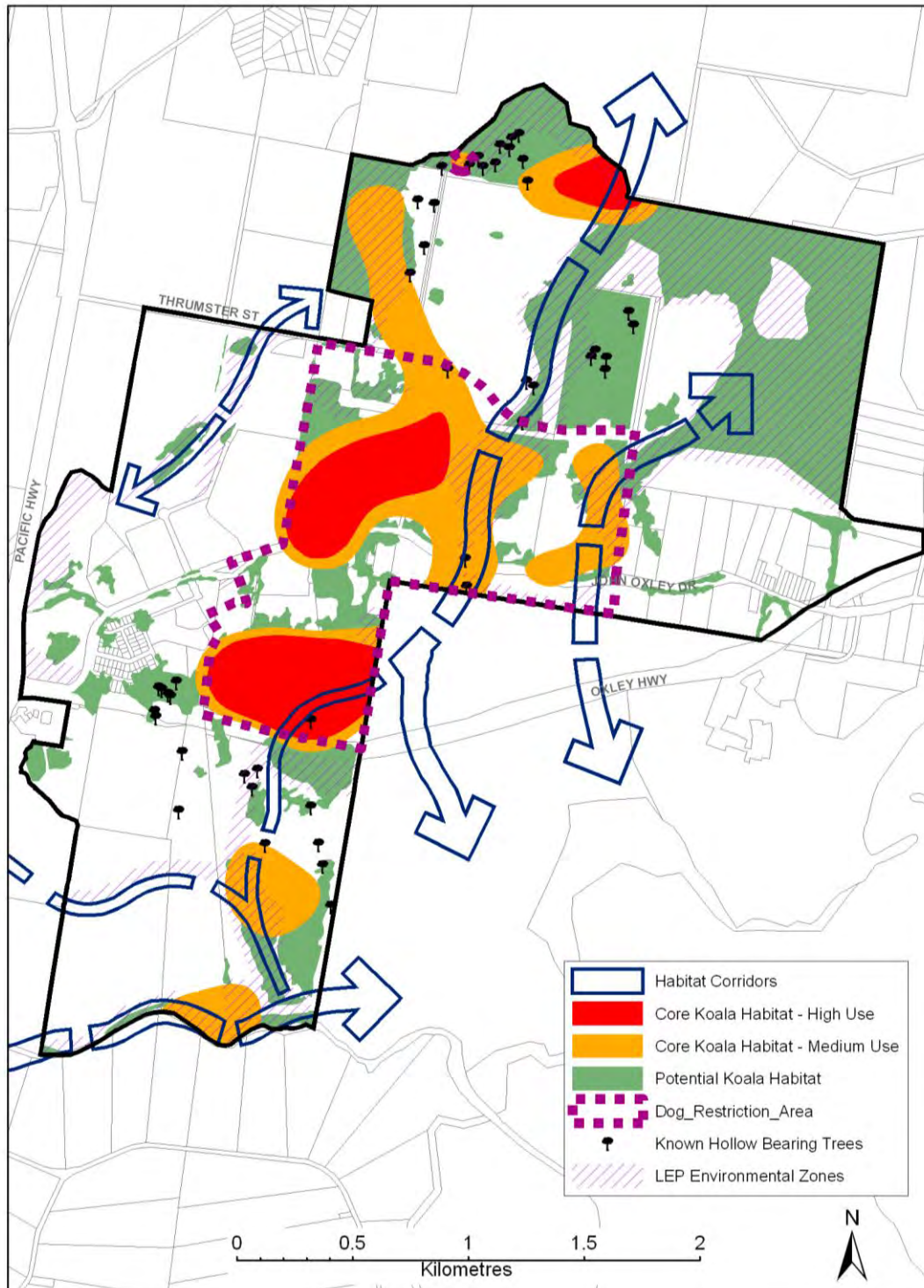


Figure 4.5-27: Koala Habitat

## Stormwater Management

### 4.5.3.7 Objective (in addition to Objectives 3.6.3.17-19)

- To protect and enhance the natural water systems and water quality.
- To ensure no net increase in runoff.
- To ensure that stormwater discharge does not degrade the water quality of surface runoff and underground receiving waters.
- To maximise opportunities for local on-site storage where feasible and appropriate.

## Stormwater Management

- To avoid adverse alteration to water balance and the groundwater system.

### Development Provisions

#### General

- a) Where development is required to prepare a Stormwater Management Strategy, the strategy is to have regard to the relevant neighbourhood Stormwater Management Strategy and the Thrumster Integrated Water Management Plan Stage 3 Final Report (Maunsell 2007) and incorporates the following design solutions:
- Bioretention areas ('rain gardens'), which can be integrated into the residential streetscape along local streets. Rain gardens are to be provided at a density of 50 square metres per hectare and will desirably be between 5 metres x 3 metres and 7 metres x 3 metres in size.
  - Grassed swales along all perimeter roads and divided collector roads to collect and treat road runoff.
  - Conventional stormwater piped trunk drainage system extending from the residential bioretention areas to the 'end-of-line' treatment system.
  - End-of-line bioretention treatment systems (off-line) before discharge of stormwater into natural waterways. End-of-line stormwater treatment systems that incorporate standing water (eg wetlands/ponds) are not preferred. It will be the developer's responsibility to ensure the securing of any off-site facilities to achieve the preferred location of end-of-line stormwater treatment infrastructure.
  - Structural water quality management devices, including gross pollutant and sediment traps, oil/water separators (where required) and litter management devices for the Town Centre, neighbourhood centres and light industrial areas.
  - Residential Bioretention Areas for typical low - medium density residential areas (with approximately 60% impervious area), are to be located within the street reserve (as shown in **Figure 4.5-28** and designed as follows:
    - Desirably be 5 metres x 3 metres to a maximum of 7 metres x 3 metres in size.
    - Maximum ponding depth 300 mm.
    - Maximum ponding time of 24 hours.
    - Filter medium comprising sandy loam with a saturated permeability coefficient between 40 and 180 mm/hr.
    - Minimum filter medium depth of 600 mm.
    - By-pass for flows greater than the design event.



**Figure 4.5-28: Example of typical bioretention system along roadway**

- Grassed Swales (vegetated depressions that are used for the conveyance and treatment of stormwater runoff from impervious areas, as shown in **Figure 4.5-29**) are to be designed as follows:



### Stormwater Management

- Longitudinal grades between 1% and 6%.
- Bed width minimum of 0.8 metres.
- Batter slopes no steeper than 1:4.



**Figure 4.5-29: Example of typical grassed swale along roadway**

- End-of-line bioretention systems are to be designed in accordance with the following:
  - A total bioretention surface area equivalent to 2% of the contributing catchment area.
  - A sub-soil filtration surface area (with underlying sub-soil pipes) equivalent to 0.5% of the total contributing catchment area.
  - A maximum ponding time of 24 hours.
  - Filter medium comprising sandy loam with a saturated permeability coefficient between 40 and 180 mm/h.
  - Minimum filter medium depth of 0.6 metres.
  - A Maximum ponding depth of 0.3 metres.
  - Flood attenuation to reduce the post-development flows to no greater than the 1:100 year average recurrence interval for pre-development flows.



**Figure 4.5-30: Example of sand filter with dual purpose**

- b) Where an alternative water sensitive urban design (WSUD) solution is proposed, it is to:
- demonstrate compliance with the water quality targets, and

## Stormwater Management

- include justification for the alternative method, and
  - demonstrate that the overall number of treatment system is not increased, and
  - include suitably detailed documents, plans and computations of the preferred WSUD strategy.
- c) Where inconsistent, development applications are to demonstrate attainment of the objectives for this section and Objectives 3.6.3.17-19.

### *Additional neighbourhood design considerations*

#### **North Oxley**

- d) Development within Development Areas should generally be consistent with the strategy at **Figure 4.5-32**.

*Note: Preliminary design investigation for North Oxley residential areas has identified the potential need for an additional end-of-line bioretention area. The need for such a structure is to be justified during the detailed design phase.*

#### **Partridge Creek Industrial**

An Indicative Stormwater Management Strategy for the Partridge Creek Industrial Neighbourhood is included at **Figure 4.5-33**.

#### **Partridge Creek Residential**

An Indicative Stormwater Management Strategy for the Partridge Creek Residential Neighbourhood is included at **Figure 4.5-34**.

#### **South Oxley**

An indicative Stormwater Management Strategy for South Oxley is included at **Figure 4.5-35**.

#### **Town Centre**

An indicative Stormwater Management Strategy for the Town Centre is included at **Figure 4.5-36**.

#### *Permeable pavements*

- e) Permeable pavements are to be used in car parking areas to minimise peak stormwater flows.

#### *Grass swales*

- f) Central medians are to be provided to the Main Street and significant neighbourhood avenues (collector roads).
- g) Development is required to incorporate gently sloping grassed or rock lined swales in appropriate locations.

#### *Traditional detention basins*

- h) Ornamental detention basins in the upper catchments surrounding the Town Centre are to be considered in the design of development.
- i) Detention basins are to be designed to serve multiple purposes and provide recreational spaces as well as stormwater control.

#### *Gross Pollutant Traps*

- j) Gross Pollutant Traps should be provided to intercept debris or litter before it enters receiving waters, must be considered having regard to upstream land uses and other proposed treatment facilities.

#### *Greenroofs*

- k) Consideration must be given to the incorporation of greenroofs and other forms of roof garden as part of buildings to assist in the detention and utilisation of rainwater, stormwater filtration, storm flow management and promotion of environmentally sustainable design.

#### **West Lindfield**

An Indicative Stormwater Management Strategy for the West Lindfield Neighbourhood is included at **Figure 4.5-37**.

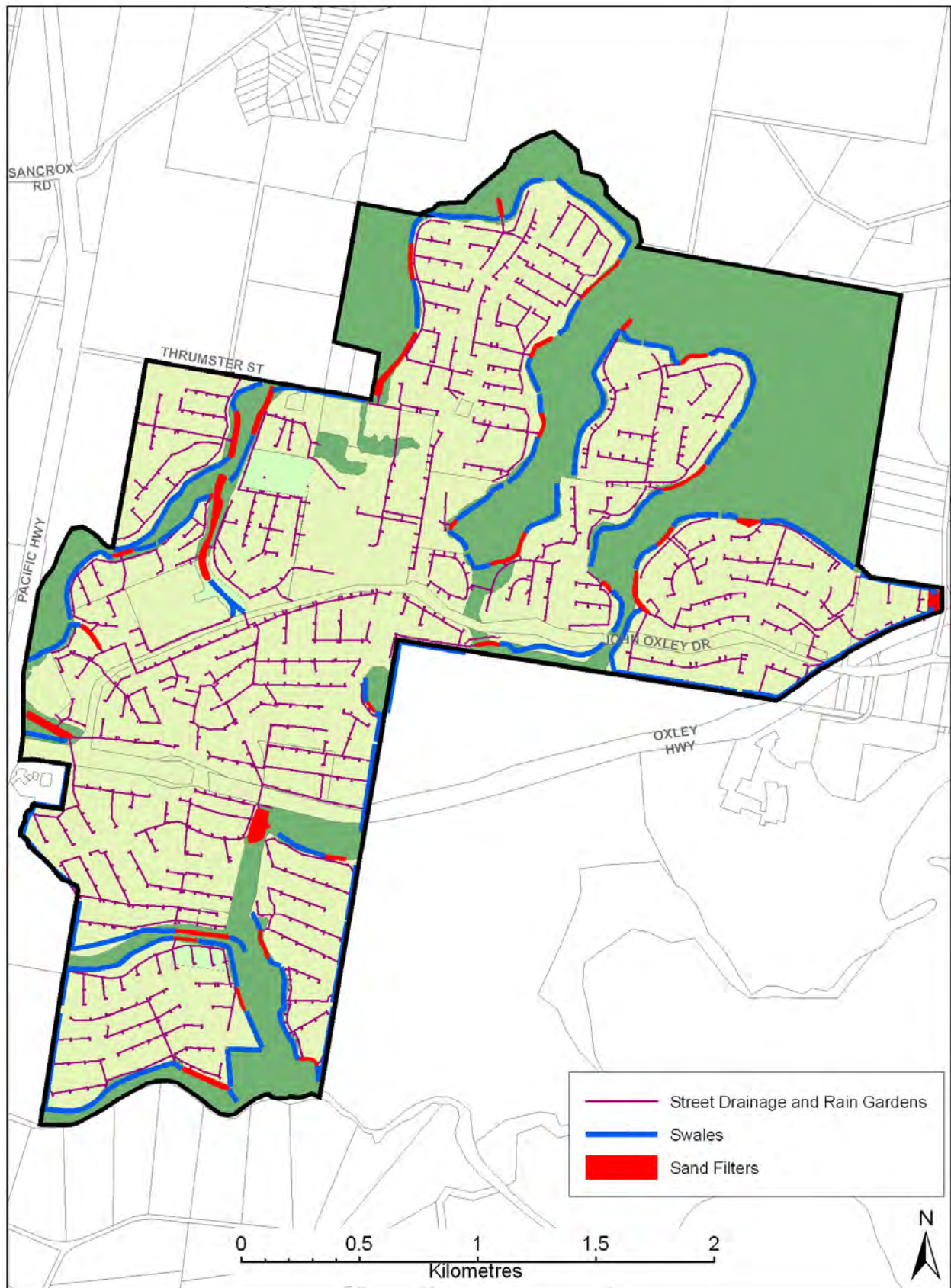


Figure 4.5-31: Stormwater Management





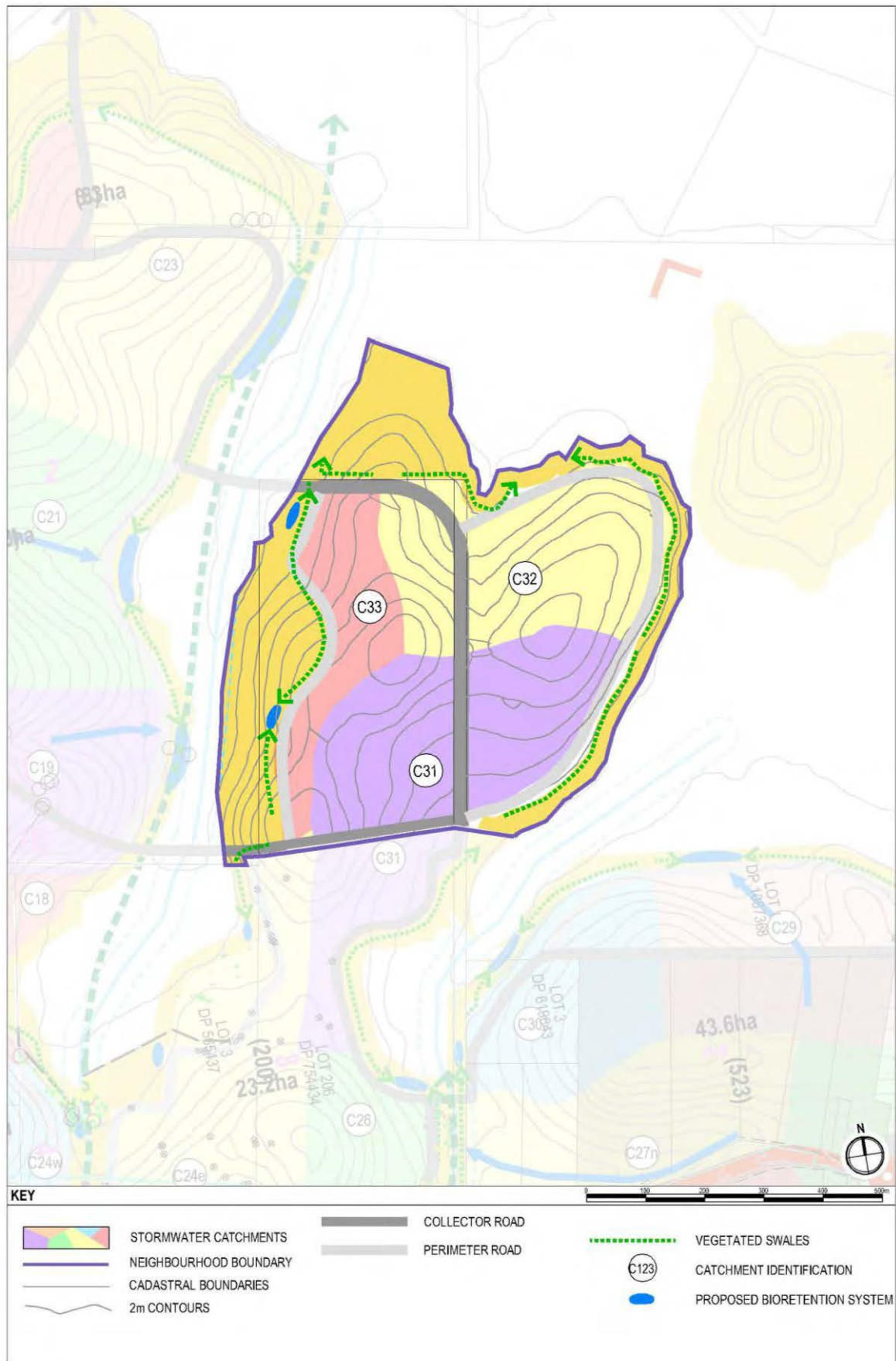


Figure 4.5-33: Partridge Creek Industrial Stormwater Management Plan



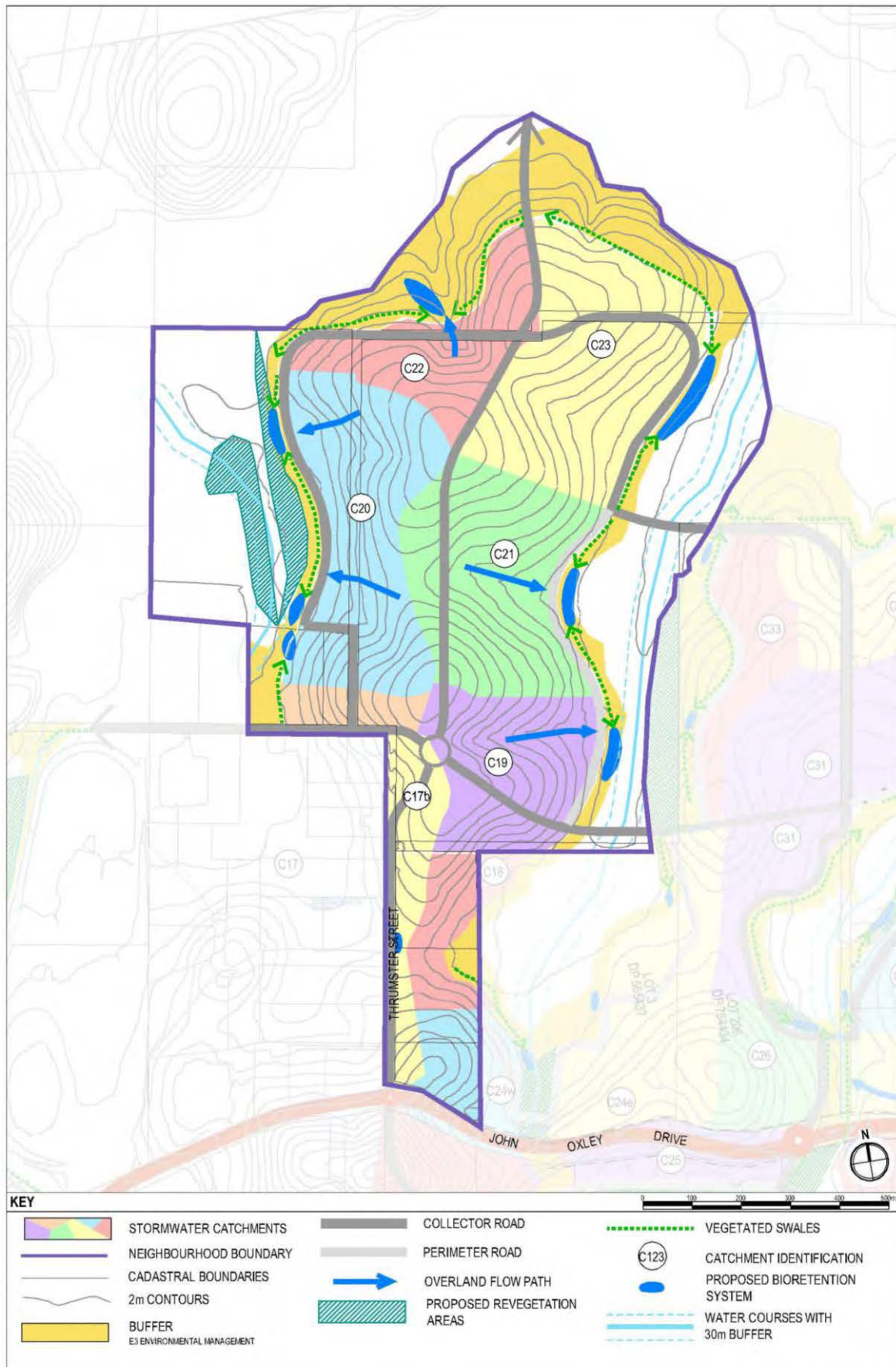


Figure 4.5-34: Partridge Creek Residential Stormwater Management Plan

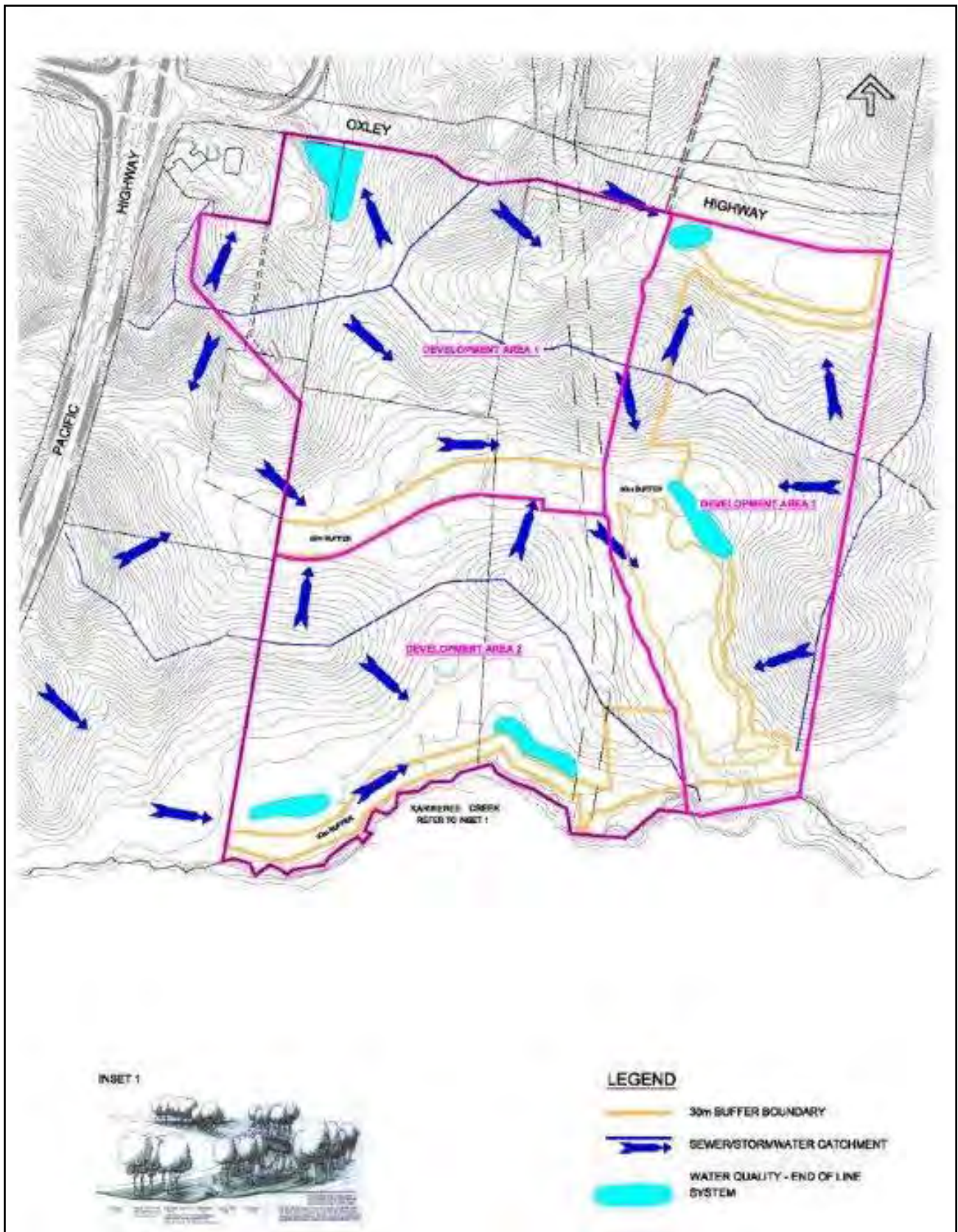


Figure 4.5-35: South Oxley Stormwater Management



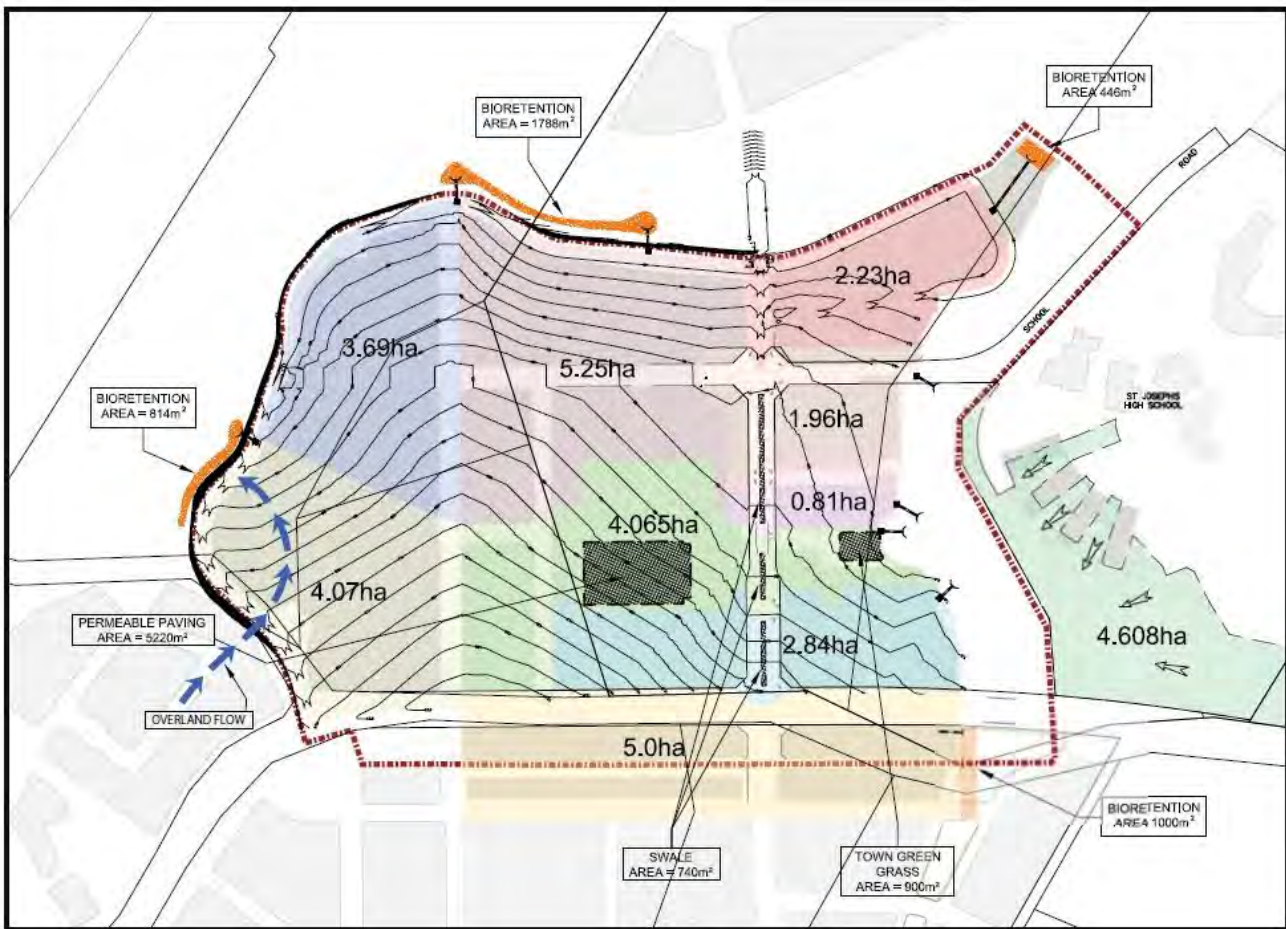


Figure 4.5-36: Thrumster Town Centre Stormwater Management Plan



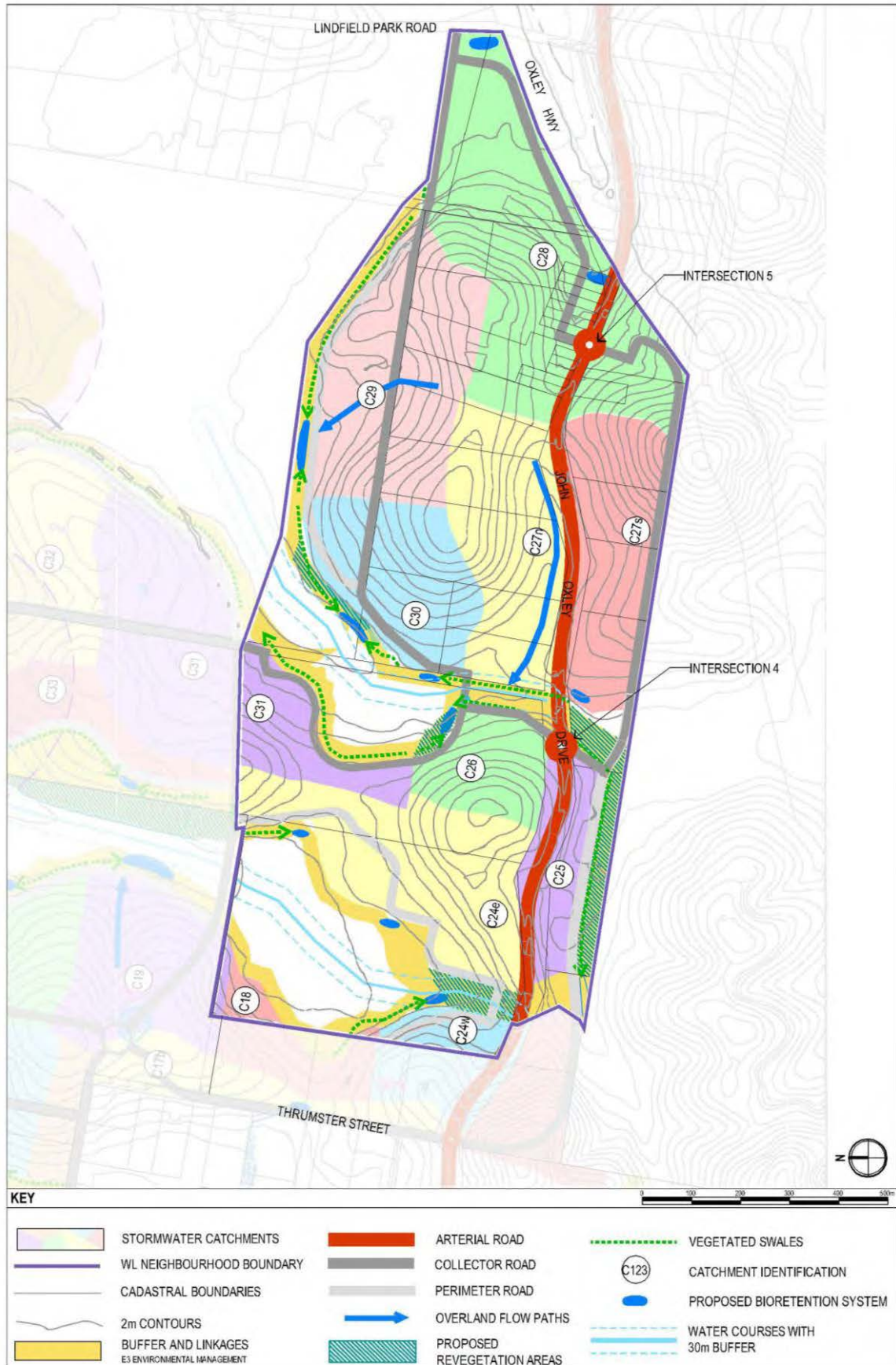


Figure 4.5-37: West Lindfield Stormwater Management Plan

### Water supply - Reclaimed Water and Rainwater Tank Supply

#### 4.5.3.8 Objective (in addition to Objectives 3.6.3.20-23)

- To minimise the use of potable water where appropriate, minimising the water supply demand from the Hastings River.
- To facilitate the efficient and safe use of reclaimed water as an integrated component of the water supply system of the release area.

### Development Provisions

#### General

- a) Development is to incorporate the provision of a dual reticulated supply of water.
- b) Development is designed to ensure:
  - Only reclaimed water to supply all toilet cisterns,
  - Only reclaimed cold water or rainwater to supply washing machines
  - Only reclaimed water to be available for outdoor uses except pool filling.
- c) Gardens, open spaces and recreational areas to be planted with drought tolerant plants and irrigated with reclaimed water.
- d) Commercial developments, public buildings and schools to use reclaimed water or rainwater for toilet flushing and approved outdoor uses.
- e) All public toilets to be supplied with reclaimed water for toilet flushing. Waterless urinals are to be used where practical.
- f) Consent may be granted to development that does not incorporate the provision of dual reticulated supply of water if Council is satisfied:
  - It is for additions or alterations to existing development and it would be unreasonable to require dual reticulation, or
  - It is an area that is not proposed to be serviced by dual reticulation
- g) Rainwater tanks may supply household hot water systems, all laundry cold water and water for pool filling provided that the tank top-up system is not connected to the reclaimed water system.
- h) Rainwater tanks may supply household hot water systems, all laundry cold water and water for pool filling provided that the tank top-up system is not connected to the reclaimed water system.
- i) Potable water top-up to rainwater tanks is permitted. The top-up flow rate should not exceed 9 litres per hour (maximum 210 litres per day) and be set to operate only between 25% and 33% of tank capacity. Automated rainwater tank bypass systems are prohibited.

#### Partridge Creek Industrial

- j) Reclaimed mains are to be constructed along John Oxley Drive in conjunction with water main upgrades and intersection works.
- k) New reclaimed water mains are to be constructed in conjunction with the north-south arterial road.

#### Partridge Creek Residential

- l) Reclaimed mains are to be constructed along Thrumster Street to serve development in Areas 1, 2 and 3A.
- m) Reclaimed mains are to be constructed along John Oxley Drive in conjunction with main upgrades and intersection works (intersection No.3).

#### West Lindfield

- n) Reclaimed mains are to be constructed along John Oxley Drive in conjunction with main upgrades and intersection works.

### Hazards management

The proper management of hazards is an important issue to ensure that future residents are not subject to hazards from a range of past and present human activities, as well from natural hazards. The objectives and development controls relating to hazards management issues apply to specific land affected by the various

## Port Macquarie-Hastings Development Control Plan 2013

hazards across Thrumster including bushfire hazard management, road and aircraft noise, contamination and flood prone land. This section is to be read in conjunction with Chapter 2.4 as it provides additional local guidance.

### Airspace protection

#### 4.5.3.9 Objective (in addition to Objectives 2.4.3.1-3)

- To restrict the height of development within the vicinity of the airport in accordance with the Obstacle Limitation Surfaces plan.

### Development Provisions

#### General

- a) Development does not result in any structure exceeding the obstacle clearance limitations shown on the Obstacle Limitation Surfaces identified in the Port Macquarie Airport Master Plan current at time of assessment.

### Bushfire hazard management

#### 4.5.3.10 Objective (in addition to Objective 2.4.3.4)

- To ensure appropriate protection of people and property through the provision of adequate separation of development and the bushfire hazard.

### Development Provisions

#### General

- a) Development is to satisfy the requirements of the Planning for Bushfire Protection Guidelines.
- b) Council may allow up to 15 metres of the 30 metre buffer width within the Environmental Management Zone to be managed as an Outer Protection Area where the following requirements are met.
  - The 15 metres is provided on the hazard side of a perimeter road.
  - The canopy cover is to be an average of at least 20% to a maximum of 30%.
  - Where existing trees are to be removed to reduce the canopy to 30%, Koala feed trees are to be retained as far as possible where not affected by Airspace Protection provisions.

*NOTE: Development applications are to have regard to the planned works to environmental areas in the assessment of bush fire risk and proposed Asset Protection Zones.*

#### North Oxley

- c) Development applications are to have regard to the Bushfire Management principles shown on **Figure 4.5-39**.
- d) New lots created requiring management of bushland within areas identified as Managed Woodland Area on **Figure 4.5-39** within Barton Ridge West and Barton Ridge East must be subject to a restriction on title for the purposes of bushfire hazard management.

#### Partridge Creek Industrial

- e) **Figure 4.5-40** illustrates the bushfire prone vegetation within the Partridge Creek Industrial Neighbourhood.

#### Partridge Creek Residential

- f) **Figure 4.5-41** illustrates the bushfire prone vegetation within the Partridge Creek Residential Neighbourhood.

#### South Oxley

- g) **Figure 4.5-42** illustrates the bushfire prone vegetation within the South Oxley Neighbourhood.

#### Town Centre

- h) **Figure 4.5-43** illustrates the indicative bushfire management plan. Development applications are to



### Bushfire hazard management

have regard to the planned works to environmental areas in the assessment of bush fire risk and proposed Asset Protection Zones.

#### West Lindfield

- i) Figure 4.5-44 illustrates the bushfire prone vegetation within and adjacent to the West Lindfield Neighbourhood.

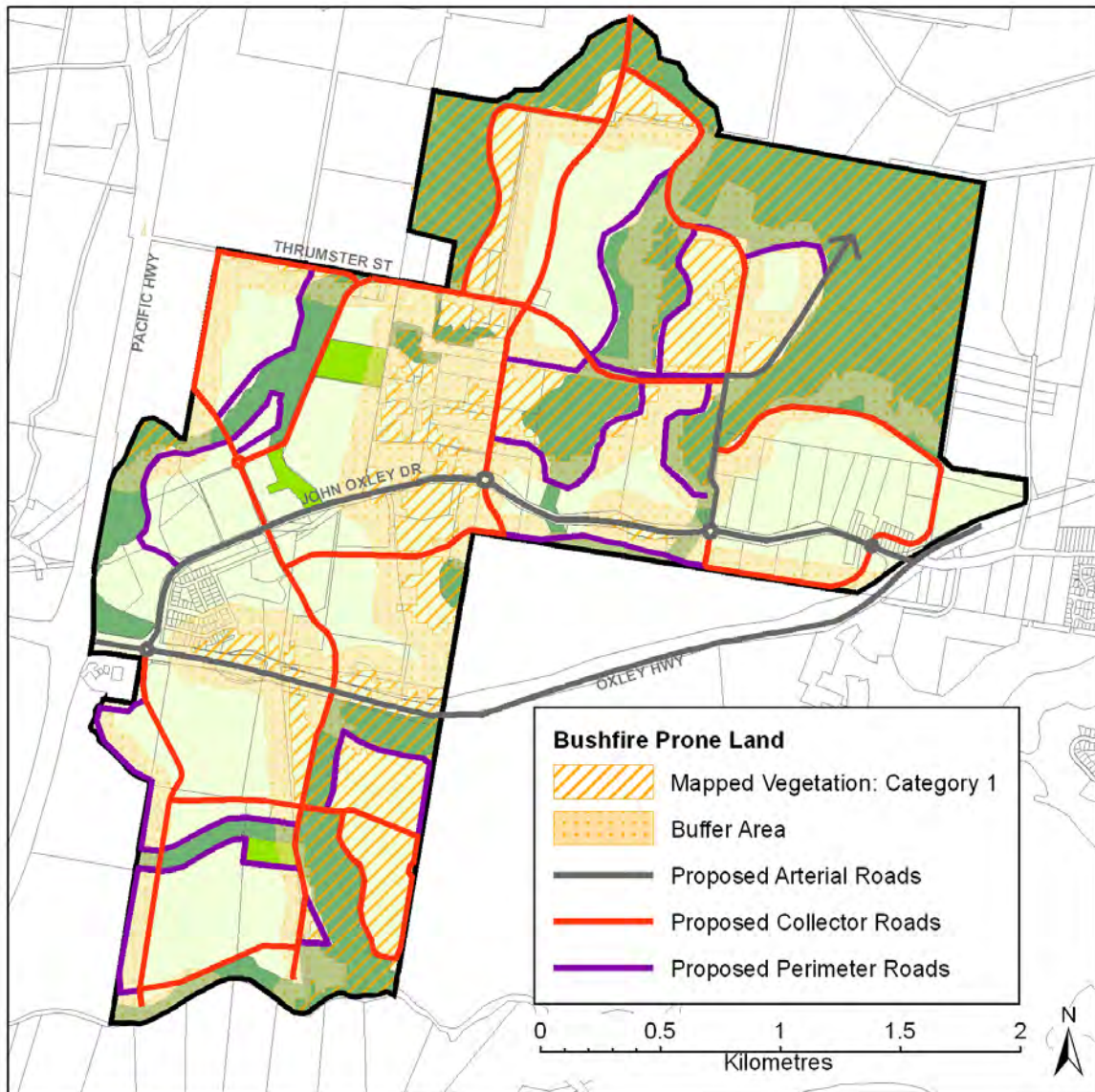
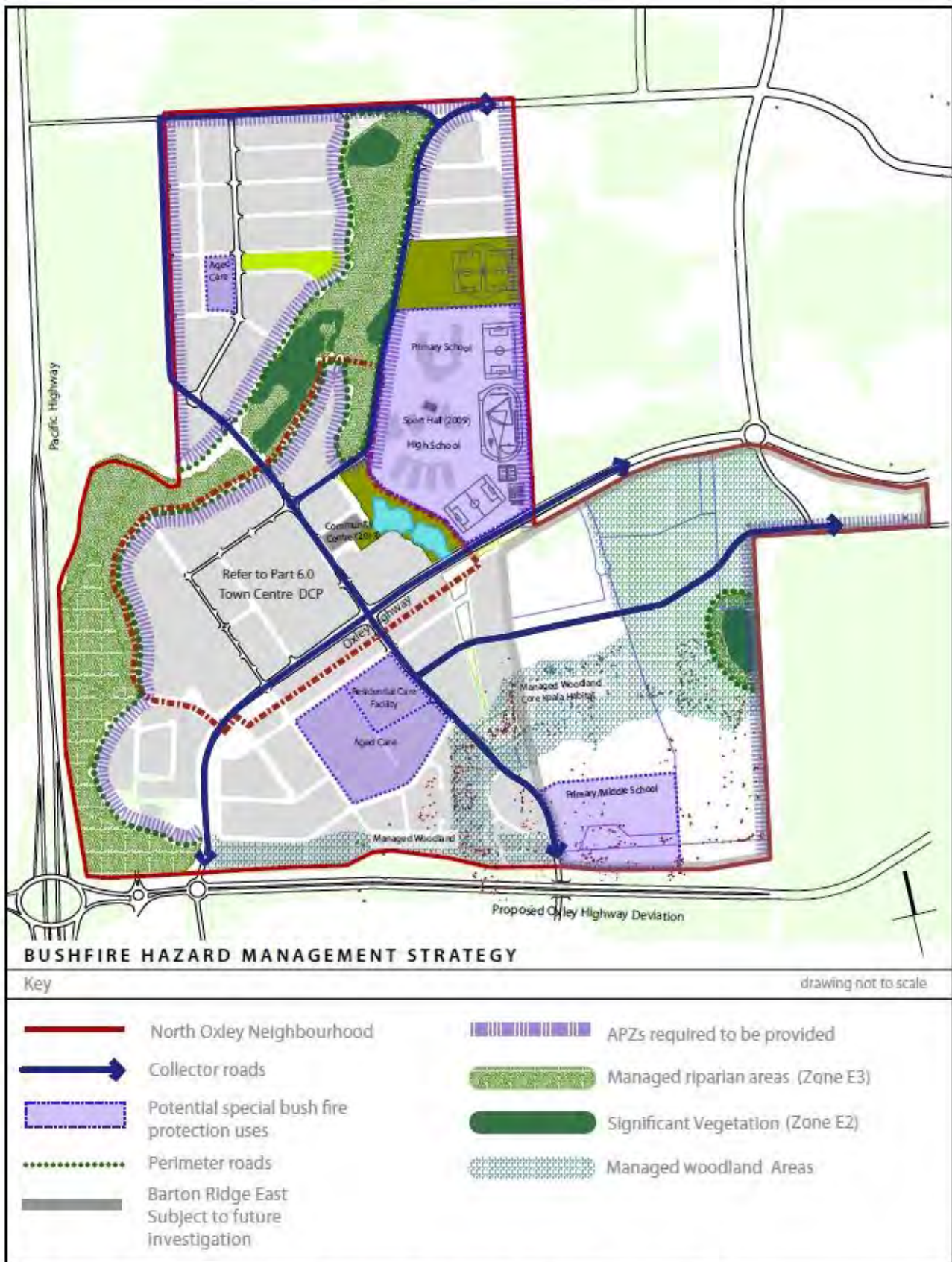


Figure 4.5-38: Bushfire Prone Land



**NOTE:** The extent and location of managed woodland in Barton Ridge East is to be determined following more detailed investigation.

Figure 4.5-39: North Oxley Bushfire Management Plan



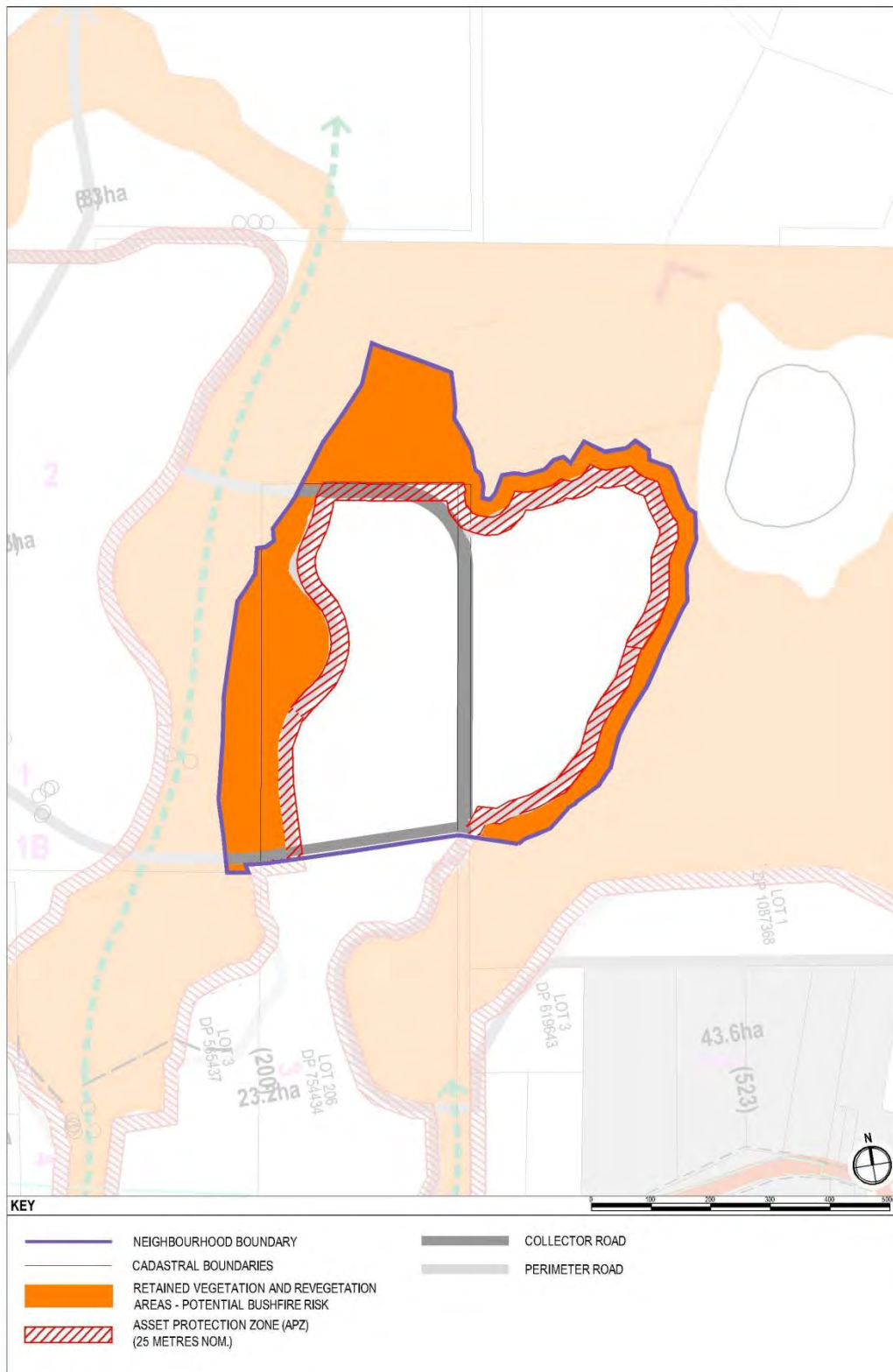


Figure 4.5-40: Partridge Creek Industrial Bushfire Management Plan



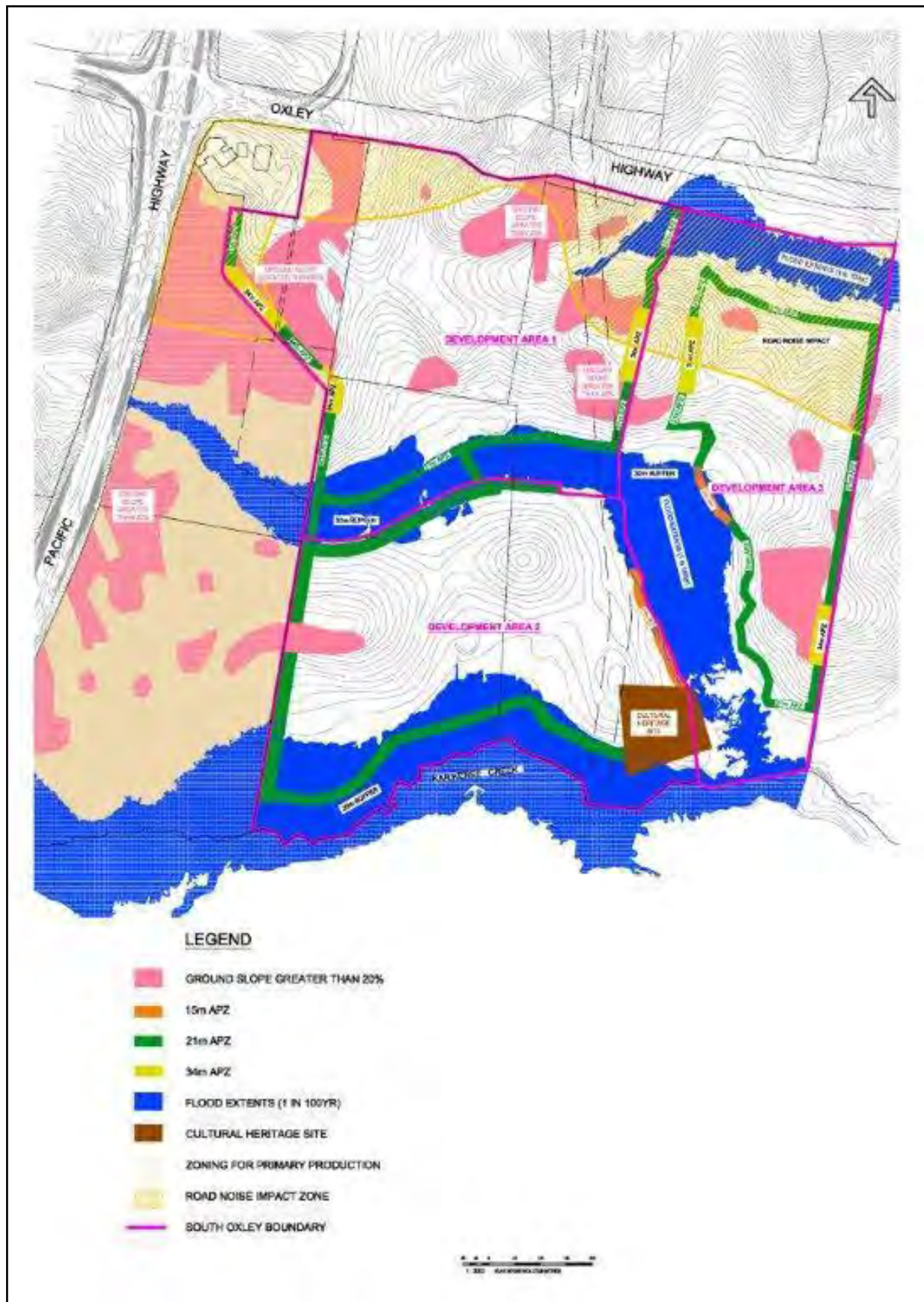


Figure 4.5-42: South Oxley Bushfire Management Plan





Figure 4.5-43: Thrumster Town Centre Bushfire Management Plan

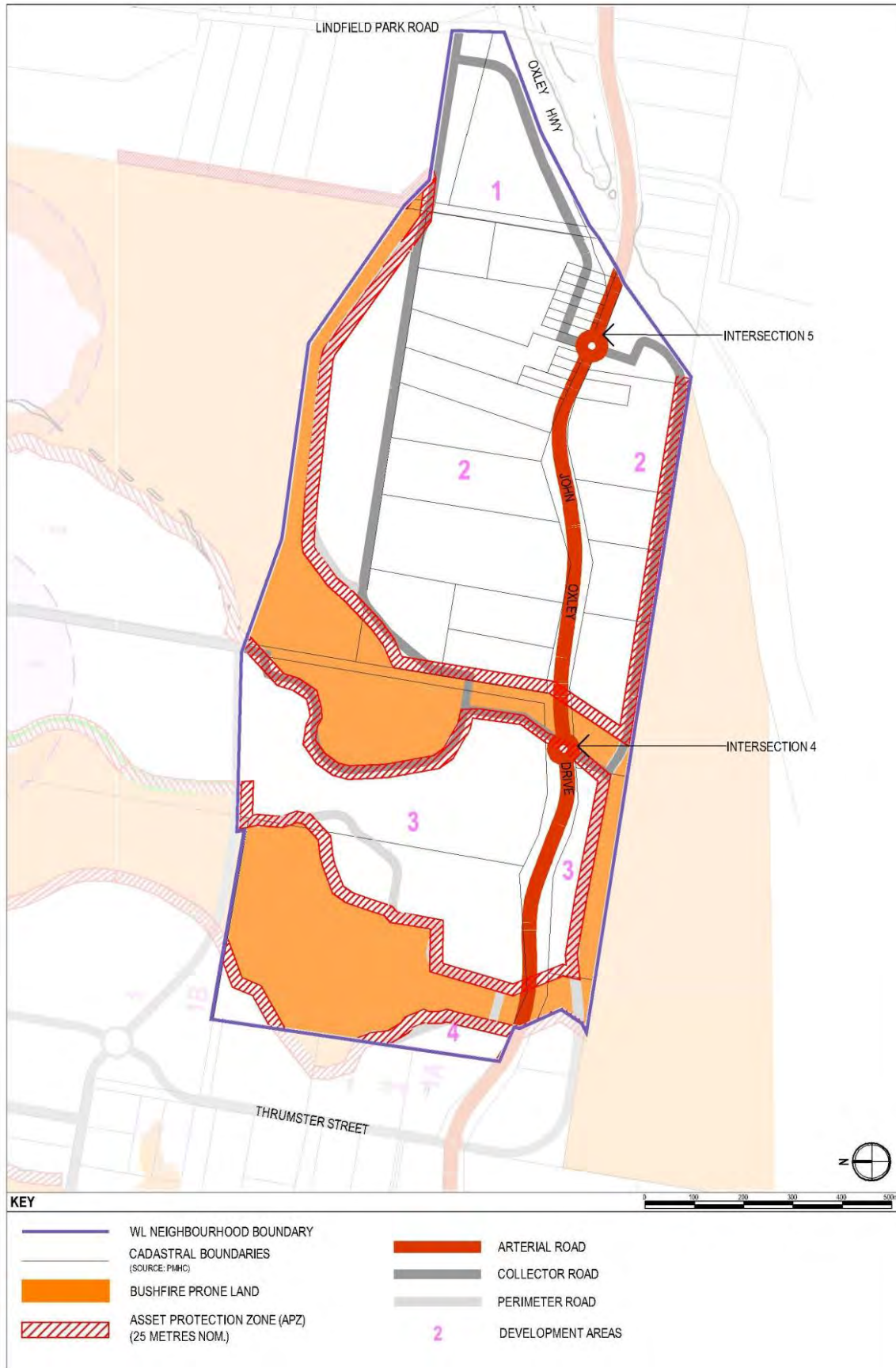


Figure 4.5-44: West Lindfield Bushfire Management Plan



## Flooding

### 4.5.3.11 Objective

Refer to Objective 2.4.3.5

## Development Provisions

### General

- a) Submission of survey accurate data is required with the development application showing site layout in relation to flood boundaries and allowed encroachments shown on **Figure 4.5-45** to demonstrate maintenance of minimum floodway dimensions.
- b) Design of development and filling is to have regard to the need for overland flow paths and address issues of flood water velocities and potential for scouring. Details of fill and batter slopes and gradients to be provided with the application for Construction Certificate. The extent of batter slopes may be required at Development Application stage if there is the potential to impact on any significant vegetation communities or hollow bearing trees.

### North Oxley

- c) The first Development Application for residential development in Sovereign Views, Gateway and racecourse Development Areas, are to be accompanied by a Flood Evacuation Plan for referral to the Emergency Management Committee under the *State Emergency and Rescue Management Act 1989*. Such plan is to be to Council satisfaction prior to issue of development consent.

### Partridge Creek Industrial

- d) Overland flowpaths are to be provided generally as shown on **Figure 4.5-45** and are to be designed as public reserve or road to a standard acceptable to Council.
- e) All arterial and collector roads, as shown on **Figure 4.5-60**, are to be constructed above the Probable Maximum Flood event to ensure appropriate evacuation routes.

### Partridge Creek Residential

- f) Overland flowpaths are to be provided generally as shown on **Figure 4.5-34** and are to be designed as public reserve or road to a standard acceptable to Council.
- g) All arterial and collector roads, as shown on **Figure 4.5-61**, are to be constructed 650mm above the 1:100 flood event to ensure that all residential lands are provided with appropriate evacuation routes.

### South Oxley

- h) Overland flowpaths are to be provided generally as shown on **Figure 4.5-35** and are to be designed as public reserve or road to a standard acceptable to Council.
- i) The Central Neighbourhood/Collector road, as shown on **Figure 4.5-63** traversing north-south across Development Areas 1 and 3, is to be constructed above the Probable Maximum Flood event to ensure that all residential lands are provided with appropriate evacuation routes.
- j) Flood channelization of Gleeson's Creek is to take into account the Karikeree Tributary 1 report by Cardno Willing (October 2005) and planned to enhance local habitat linkages.
- k) Recreational infrastructure such as bike and pedestrian pathways or local park infrastructure can be incorporated in these areas.

### West Lindfield

- l) Overland flowpaths are to be provided generally as shown on **Figure 4.5-37** and are to be designed as public reserve or road to a standard acceptable to Council.
- m) All arterial and collector roads, as shown on **Figure 4.5-65**, are to be constructed above the Probable Maximum Flood event to ensure that all residential lands are provided with appropriate evacuation routes.

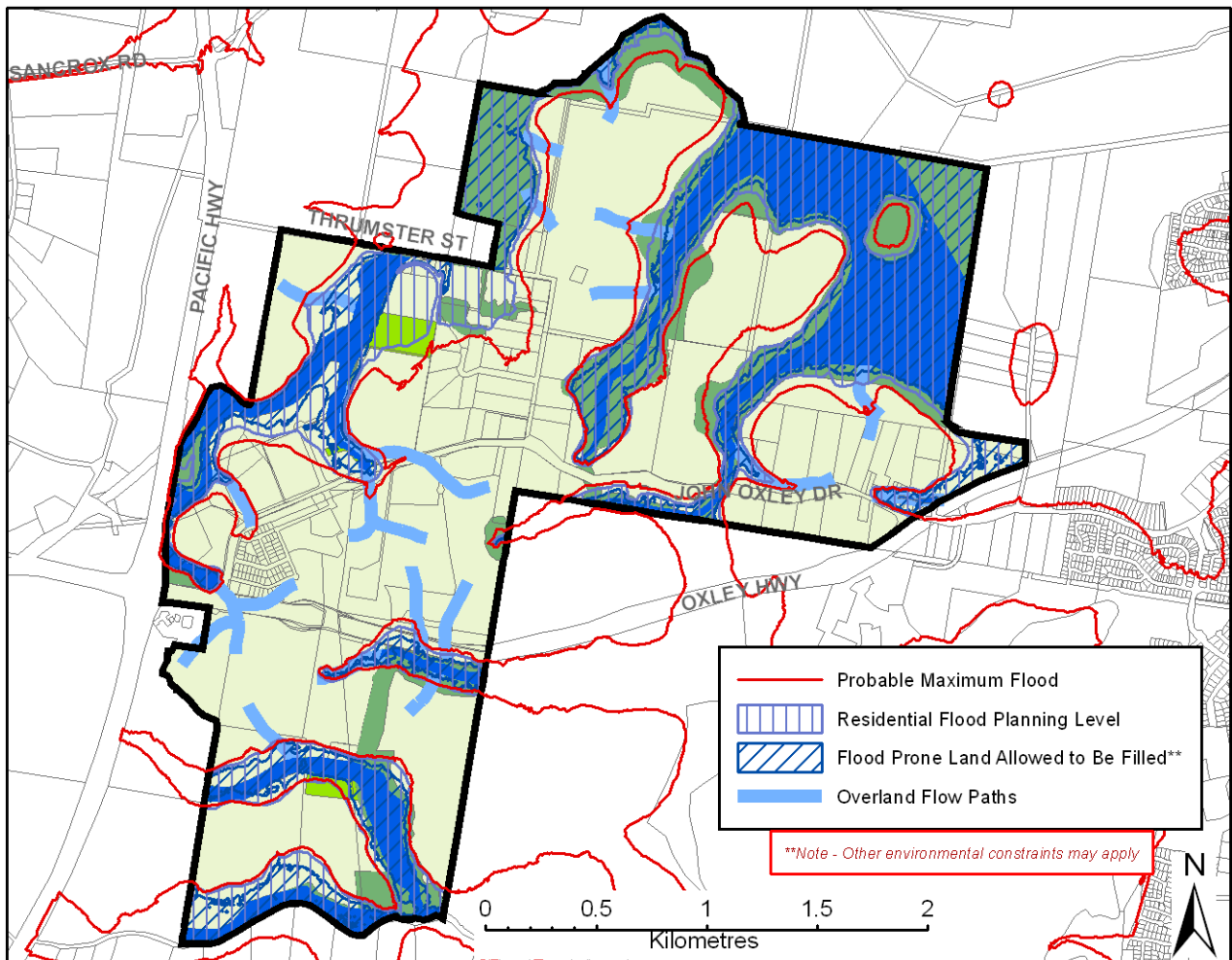


Figure 4.5-45: Flooding

### Noise - Industrial

#### 4.5.3.12 Objective

- Development is to contribute to the equitable management of noise by preventing exposure of residential dwellings to excessive noise and minimising the risk of noise complaints being made about industrial activities.

### Development Provisions

#### General

- a) Where in an industrial zone, proposed land uses on premises within 100 metres of a residential zone
  - operate only between 7am and 6pm, Monday to Saturday
  - are designed to limit operational activities to within the building or areas on the side of the building away from the residential zone
- b) Where in a residential zone and development is proposed within 100 metres of an industrial zone:
  - subdivision design responds to the potential for noise from the industrial zone by maximising the distance between future dwellings and the industrial area
  - dwelling design locates noise sensitive areas away from the industrial area
- c) Where alternative solutions are proposed, development applications must demonstrate that project-specific noise levels have been determined consistent with the methodology set out in the NSW Industrial Noise Policy 2000 and satisfy the acceptable noise level for the relevant amenity criterion.

### Noise - Road (guidance in achieving compliance with s7.9 of the Local Environmental Plan)

#### 4.5.3.13 Objective

- To achieve an acceptable residential noise environment while maintaining well-designed and attractive residential streetscapes.
- Ensure that consideration is given to the future traffic volumes on the Pacific Highway, John Oxley Drive and new Oxley Highway.

### Development Provisions

#### General

- a) Development avoids or minimises the number of new dwellings within the area identified in the Local Environmental Plan Acoustic Controls Map.
- b) Note: Where noise mitigation measures are constructed at subdivision, council will consider amending the Acoustic Controls Map where supported by a revised noise impact assessment prepared by a suitably qualified person.
- c) Development Applications for subdivision relating to land identified as potentially affected by road noise on the Local Environmental Plan Acoustic Controls Map are to be accompanied by acoustic reports that demonstrate that proposed lots and future dwellings will comply with the Environmental Protection Authority's NSW Road Noise Policy.
- d) Where a proposed subdivision adjoins an arterial road, subdivision design incorporates noise mitigation measures on private land along the road boundary.
- e) The final design of noise control solutions must consider non-acoustic aspects such as aesthetics, urban planning and urban design, long term maintenance cost and solar access. Landscaped noise mounds or a combination of noise mound and acoustic barrier are preferred noise mitigation measures rather than acoustic barriers alone.
- f) Construction plans for any proposed acoustic barrier are to be endorsed by an acoustic engineer. The materials proposed for use are to be guaranteed to provide a minimum of ten years of life and are to be maintained by the developer for normal wear and tear.
- g) Where development adjoins a Core Koala habitat area, noise barriers are to incorporate any wildlife exclusion fencing required under the Koala habitat provisions of this plan or the Local Environmental

### Noise - Road (guidance in achieving compliance with s7.9 of the Local Environmental Plan)

Plan.

- h) Where residential lots cannot be designed to achieve an internal noise level less than the recommended maximum specified in *AS 2107-2000 Acoustics - Recommended design sound levels and reverberation times for building interiors*, residential dwellings are constructed in accordance with the relevant construction category specified in *AS 3671- 1989 Acoustics - Road traffic noise intrusion - Building siting and construction* to achieve the required noise level reduction.
- i) Where the acoustic reports required above identify the need for future dwellings to incorporate building design and construction requirements to achieve required internal noise levels, an appropriate restriction on the title of the lot is to be created ensuring compliance with the requirements.

#### North Oxley

- j) Cross sections shown in **Figure 4.5-46** to **Figure 4.5-50** provide indicative solutions to achieving the development criteria.

#### North Oxley - gateway site - development guidelines

- k) The following guidelines should be applied when designing development on the Gateway Site:
  - Development of the Gateway Site should incorporate noise barriers as indicated in the indicative cross section illustrated in **Figure 4.5-51** and confirm the barrier achieves the reduced noise levels shown in **Figure 4.5-52**.
  - Mitigation measures for building development on the Gateway Site are to include:
    - Minimising the size and number of windows facing the noise source;
    - Locating noise insensitive areas towards the noise source, for example in a residential dwelling the kitchen, storage areas and laundry;
    - Using construction techniques that focus on ceiling gaps around windows, doors, ceiling spaces etc.;
    - Using thick glass or double glazing;
    - Using solid core doors and appropriate door seals;
    - Replacing a conventional roof design with eaves with a flat roof with parapets (in non-residential);
    - Considering site layout where the building structure could be used to shield outdoors areas.

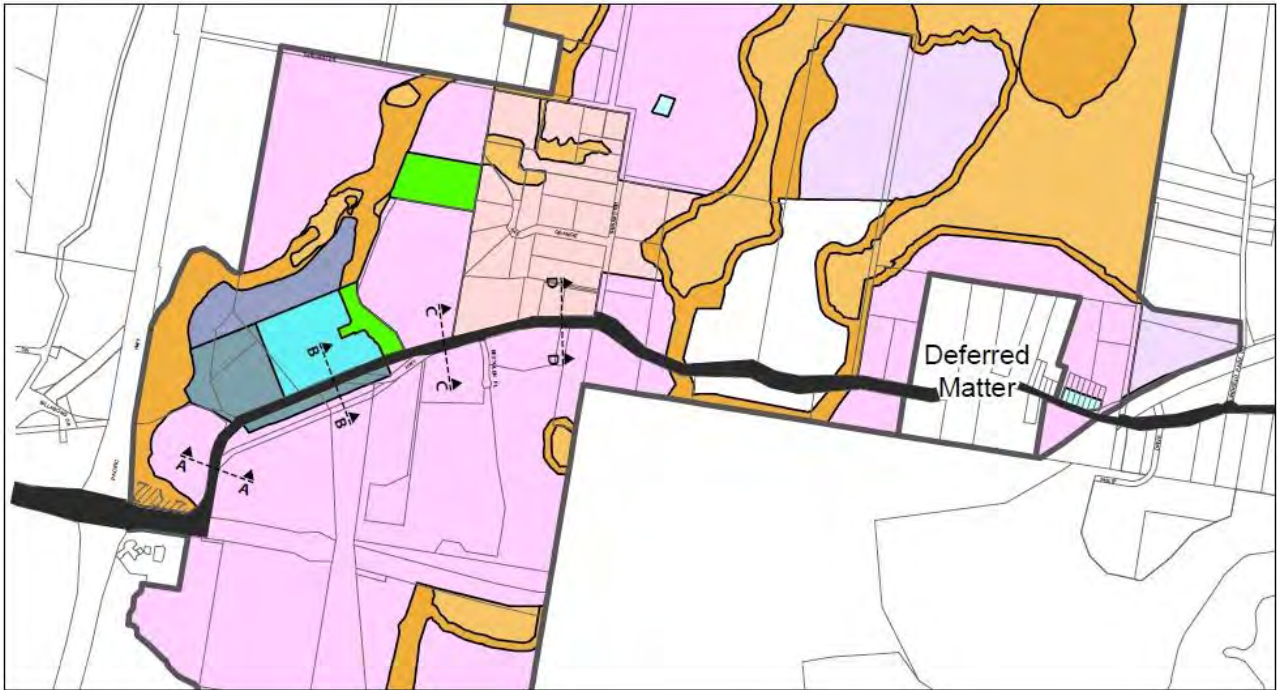


Figure 4.5-46: North Oxley Cross sections

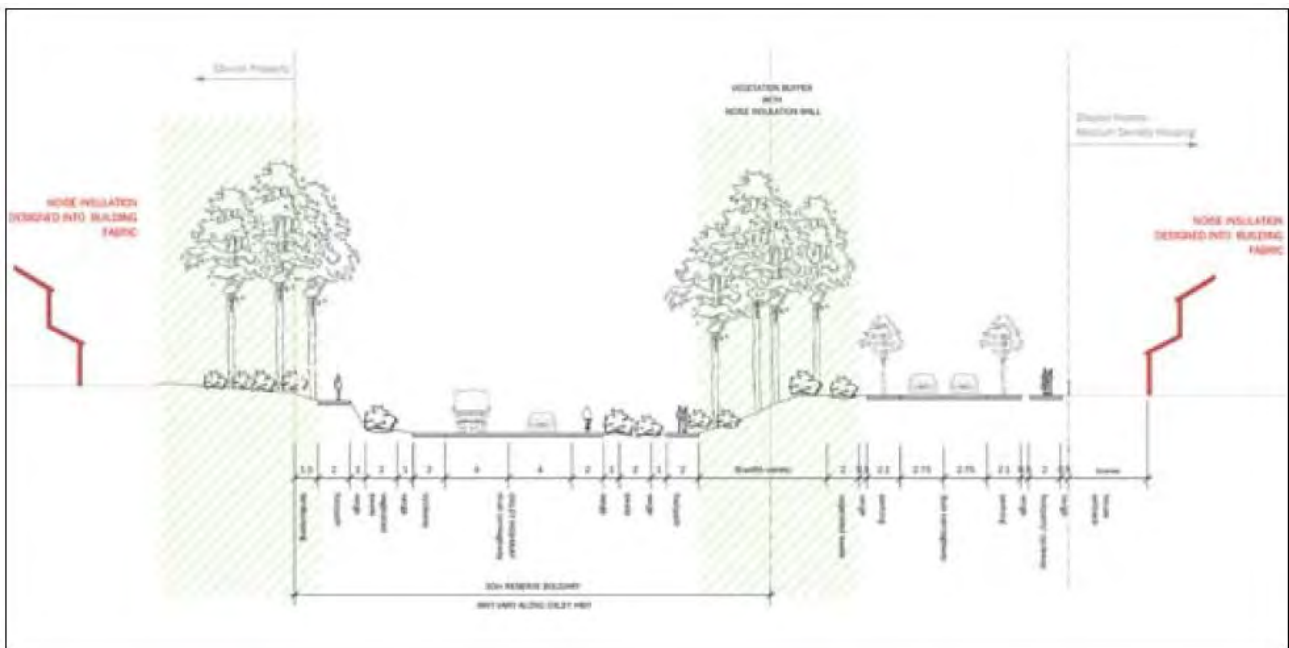


Figure 4.5-47: North Oxley Cross Section AA



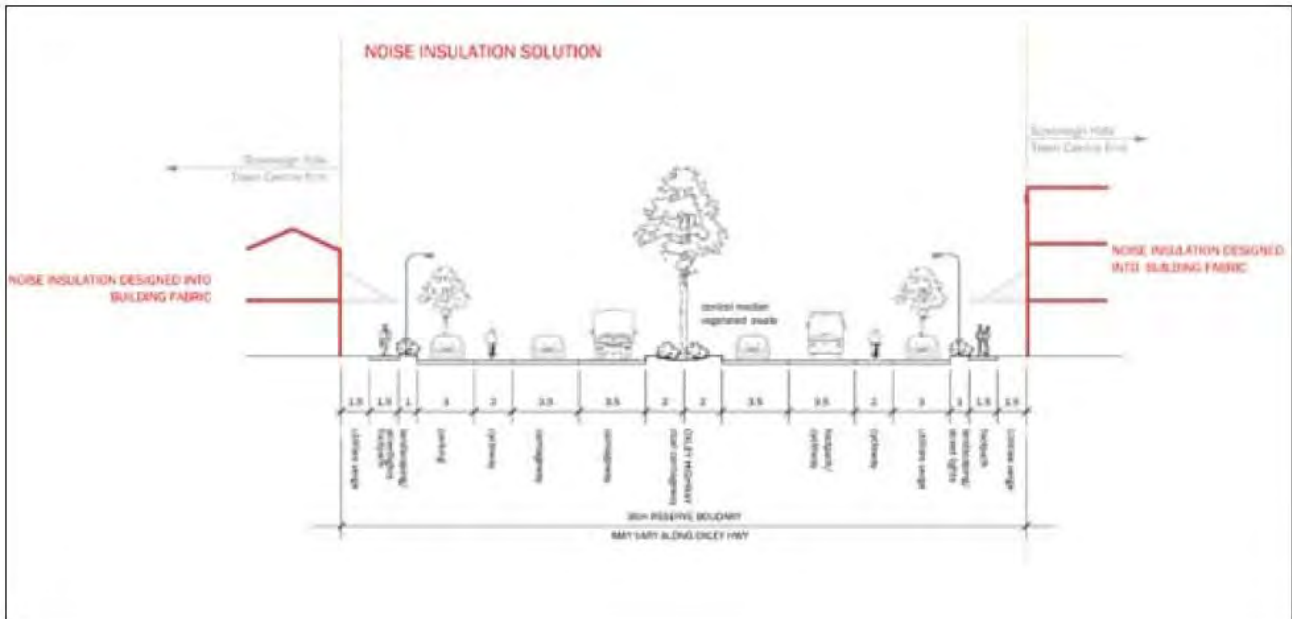


Figure 4.5-48: North Oxley Cross Section BB

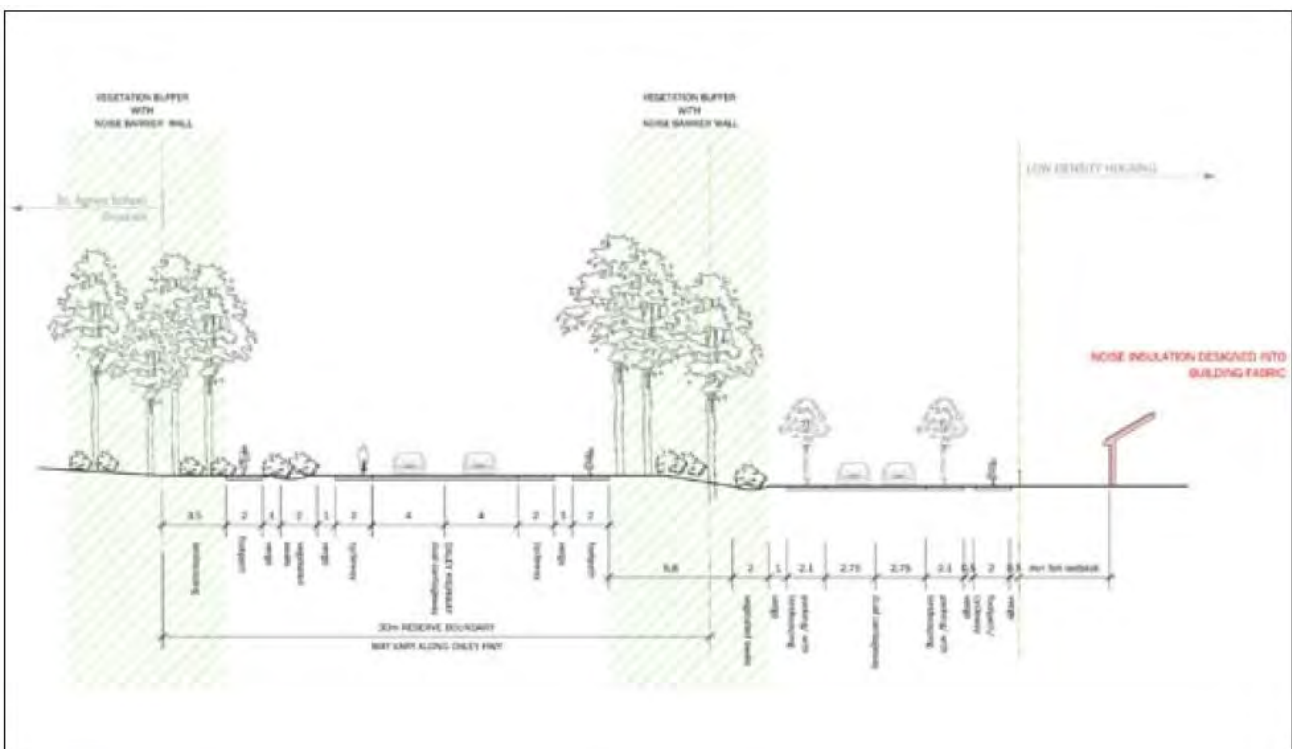


Figure 4.5-49: North Oxley Cross Section CC

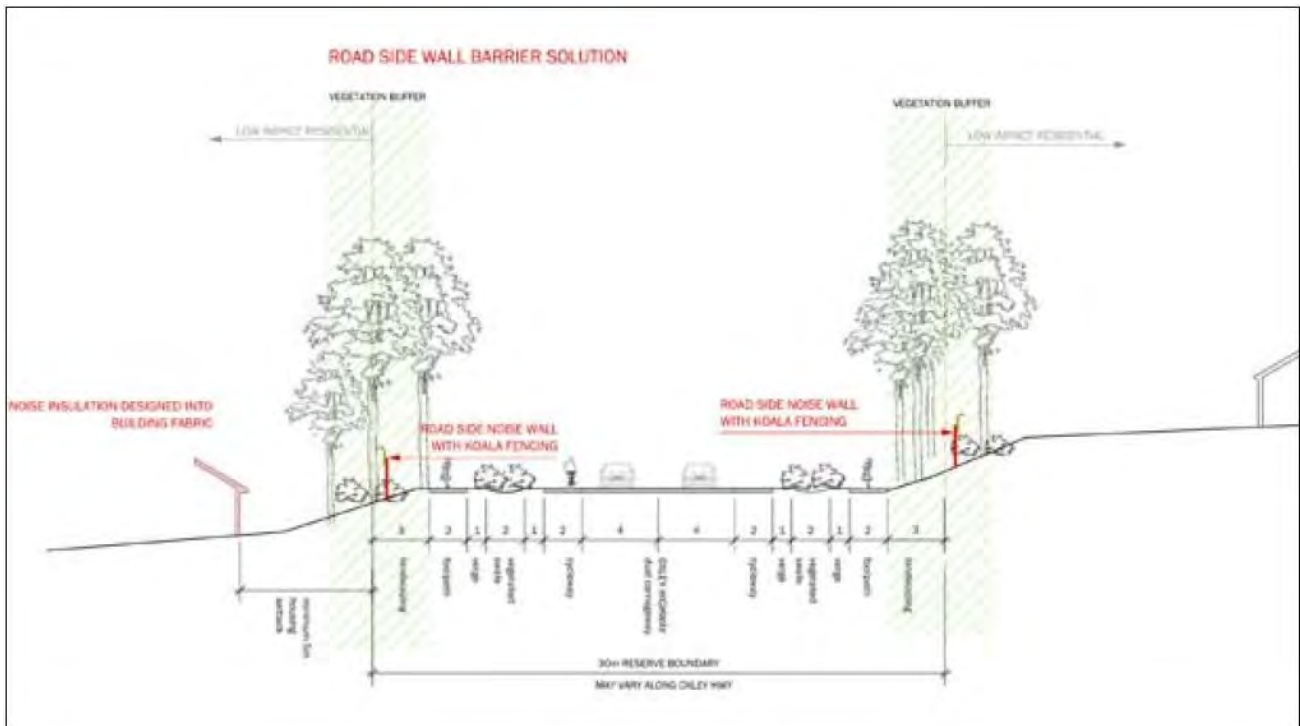


Figure 4.5-50: North Oxley Cross Section DD

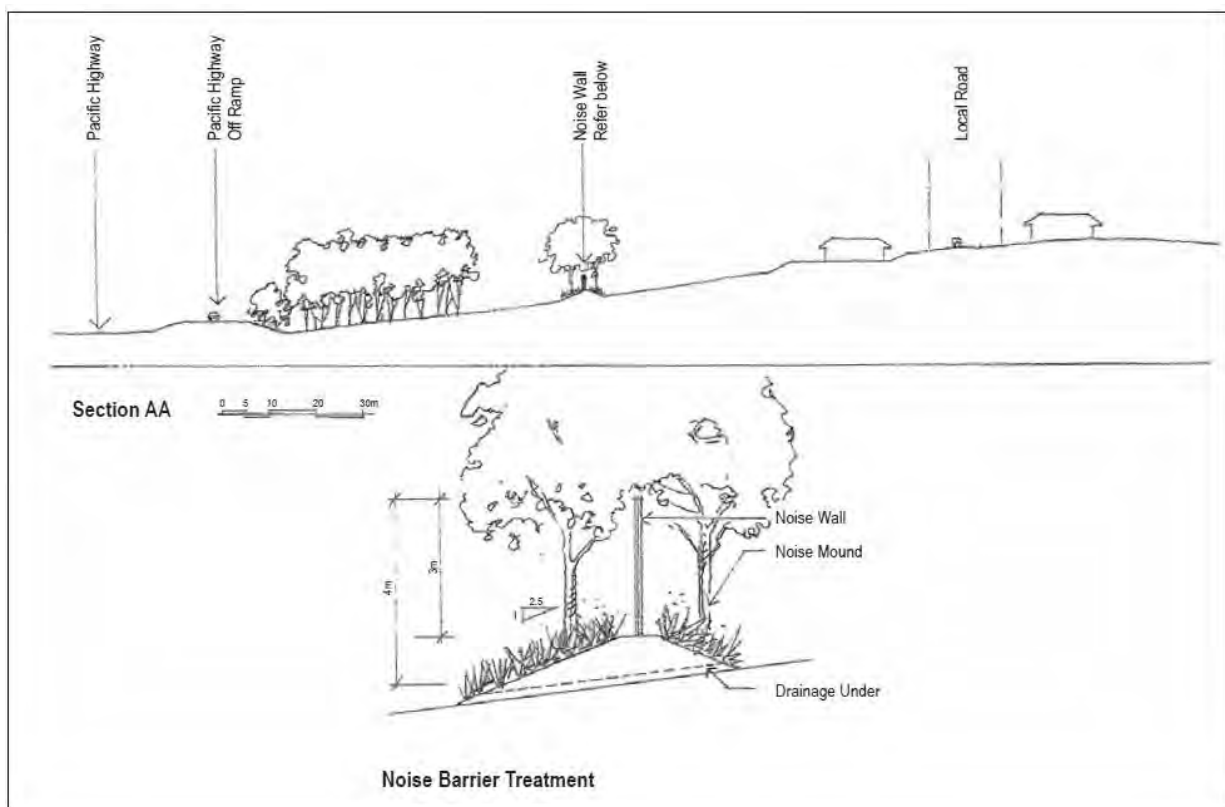


Figure 4.5-51: North Oxley Gateway Site - indicative noise barrier treatment

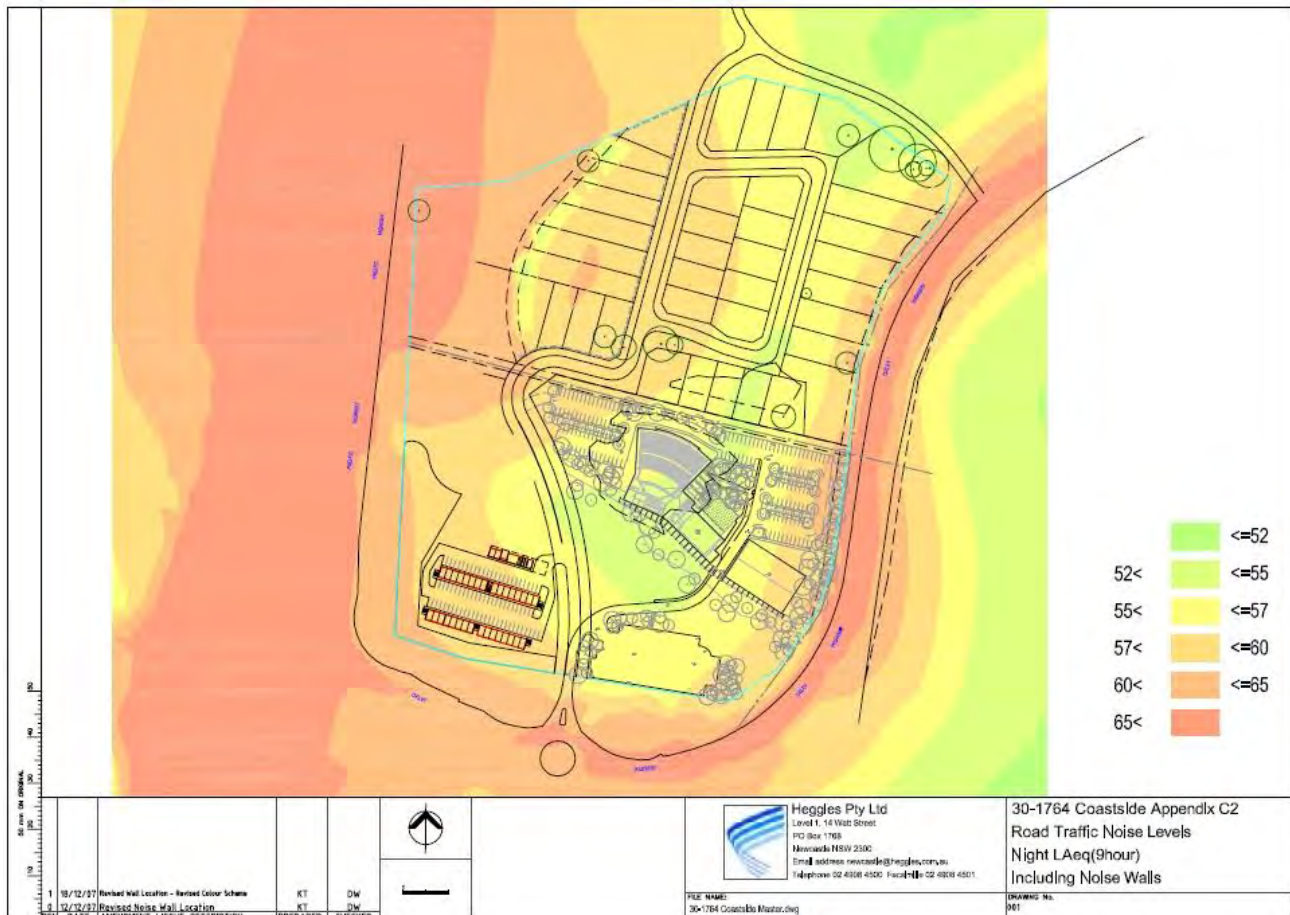


Figure 4.5-52: North Oxley Gateway Site - Noise Levels with barrier treatment

## Visual Impacts

### 4.5.3.14 Objective

- To minimise the potential visual impact of development on views from the Oxley Highway

## Development Provisions

### West Lindfield

- a) The Development Application for industrial development which includes the southern collector road (adjacent the Oxley Highway) is to include the following visual screen plantings on its southern edge, generally at 5 – 10 metre centres, as shown on the West Lindfield Urban Development Plan:
- Eucalyptus tereticornis* (Forest Red Gum);
  - Eucalyptus microcorys* (Tallowwood); and
  - Eucalyptus propinqua* (Grey Gum).

## Transport networks

### Intersections

#### 4.5.3.15 Objective (in addition to Objectives 2.5.3.1-2)

- To provide guidelines for the development of land to enable the effective, efficient and timely provision of transport infrastructure.
- To maintain the Oxley Highway and John Oxley Drive as denied access roads.
- To generally facilitate the planned intersections and underpasses identified at **Figure 4.5-53**.

### Development Provisions

#### General

- a) Vehicular access to and from John Oxley Drive is limited to those shown on **Figure 4.5-53**. Existing vehicular access ways may be retained until redevelopment of the affected property occurs or alternative access is available. Note that the Thrumster Pottery Site is landlocked and relies on an existing access. Development of the site may be permitted subject to an upgraded access to the satisfaction of RTA and Council.

#### North Oxley

- b) Access to the land on the northern side of the Oxley Highway (known as the Gateway Site) will initially be from the existing roundabout that provides access to the Service Centre. After construction of Intersection 1, the roundabout will be removed, and access will be left in and left out only. Total development will be limited to a maximum of 100 peak hour movements per day. Alternative access must be provided if this is to be exceeded.

#### Partridge Creek Industrial

- c) Development within Areas 1 and 2 is not to occur until suitable vehicular access is available via a north-south collector road from John Oxley Drive, or from a connection with the Partridge Creek Residential Neighbourhood from Thrumster Street.
- d) Construction of a north-south collector road will also require the completion of intersection no.4.

#### Partridge Creek Residential

- e) The Development Application for Partridge Creek Residential and Partridge Creek Gateway precincts will require a Traffic Impact Assessment to determine the timing of future upgrades of the existing intersection of Thrumster Street and John Oxley Drive.

#### South Oxley

- f) Development of South Oxley is not to occur until after construction of Intersection 1, or via an access road that provides for the future underpass.
- g) Future development of South Oxley is to generally accommodate the intersections as shown on **Figure 4.5-63**.

#### Area 1

- h) Access is to be provided from the existing roundabout at the Western extent of the Oxley Highway (Gateway Link) leading South East centrally through development Area 1.
- i) Construction of the extension of Carlie Jane Drive South under the Oxley Highway overpass into Development Area 1 is to occur when development reaches 75% of the potential lot yield for Area 1.

#### Area 2

- j) Access to Development Area 2 is to be from Carlie Jane Drive and across Tarokoe Habitat Corridor to connect Areas 1 and 3.

#### Area 3

- k) Access to Area 3 by continuation of the central Collector Road from Area 1 across Gleeson's Creek.
- l) Construction of the crossing for Gleeson's Creek is to occur with the first residential land releases in Area 2.
- m) A second egress from Area 3 for emergency purposes is to be identified as part of the development application for this Area.

### Intersections

#### Town Centre

- n) All development within the Town Centre Business Zones, fronting John Oxley Drive, is to gain vehicular access from a rear access lane or street.

#### West Lindfield

- o) Full development of West Lindfield will generally not occur until after construction of the new Intersection 4 and or Intersection 5. Council will consider an interim access for a limited number of lots via Lindfield Park Road, subject to the agreement, and any requirements of, the RTA. Any required works will be at the cost of the developer.
- p) Future development of West Lindfield is to generally accommodate the intersections as shown on **Figure 4.5-65**.
- q) Access is to be provided from either Area 3 to the east or through the adjoining Partridge Creek Residential Neighbourhood to the west, via Thrumster Street.
- r) Should access be available from Lindfield Park Road only, residential development is limited to 200 residential lots
- s) Further development can be undertaken with the construction of intersection no.5.
- t) Access is provided from intersection no.4 or from Area 1 if intersection no.5 is constructed.
- u) Permanent access south of John Oxley Drive is provided from either intersection no.4 or no.5.



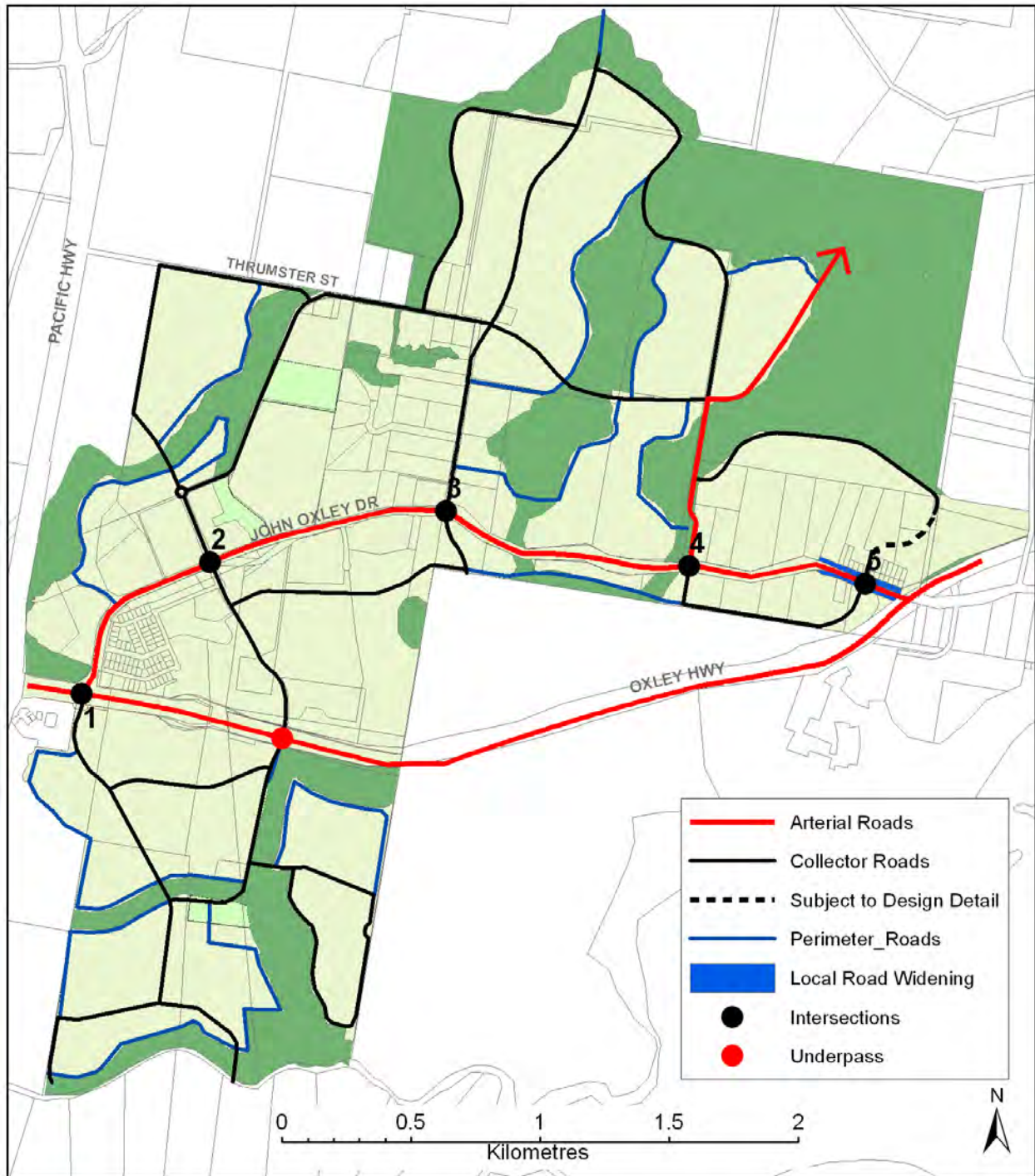


Figure 4.5-53: Road Hierarchy and intersections

### Parking and servicing

#### 4.5.3.16 Objective (in addition to Objectives 2.5.3.3-6)

- Parking demand is facilitated by providing:
  - public parking in accessible and central locations, including on street parking to accommodate the needs of visitors, shoppers and some employees;

### Development Provisions

#### Town Centre

- a) Short stay parking can be provided in publicly accessed car parks within reasonable proximity of the development.
- b) To reinforce a high quality public domain, servicing functions are to be generally achieved from the rear or centre of development blocks.
- c) Some limited servicing is allowed to occur directly off the street network.

### Pedestrians and cycleways

#### 4.5.3.17 Objective

- To provide a clear pedestrian and cycle way system that links residential areas; open spaces, schools, social and cultural facilities; and the Town Centre and neighbourhoods and safety for all users.
- To provide a local cycleway network using predominately on street systems, linking to the regional network.
- Ensure the road network accommodates the potential for safe cycleways.

### Development Provisions

#### General

- a) Development is to provide for pedestrian and cycle ways generally in accordance with the relevant neighbourhood maps following this section.
- b) Development for the subdivision of land or major residential development is to provide footpaths on both sides of all Collector and Arterial Roads.
- c) Off-road shareways and on-road cycleways are to be provided in accordance with the indicative cross sections in **Figure 4.5-66** to **Figure 4.5-69**.
- d) Development is to otherwise provide footpaths in accordance with Council's Aus-Spec design specification.
- e) Underpasses are to be provided in the locations shown on **Figure 4.5-54**, designed for the passage of pedestrians, cyclists and Koalas.

#### North Oxley

- f) Provide cycleways generally in accordance with **Figure 4.5-55**.

#### Town Centre

- g) Provide cycleways generally in accordance with **Figure 4.5-56** which are in areas of high amenity, alongside creeklines and through environmental areas.

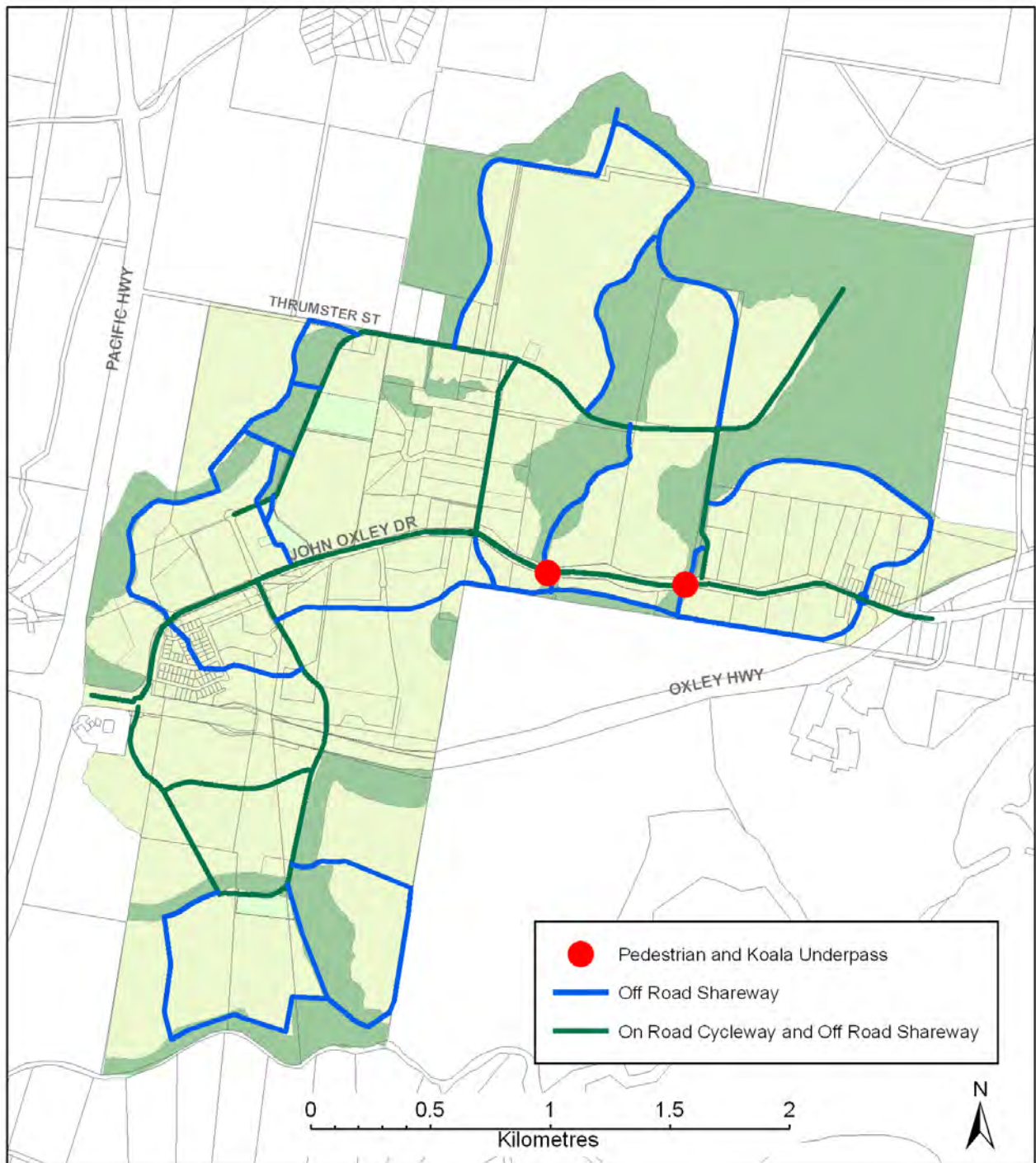


Figure 4.5-54: Cycleways



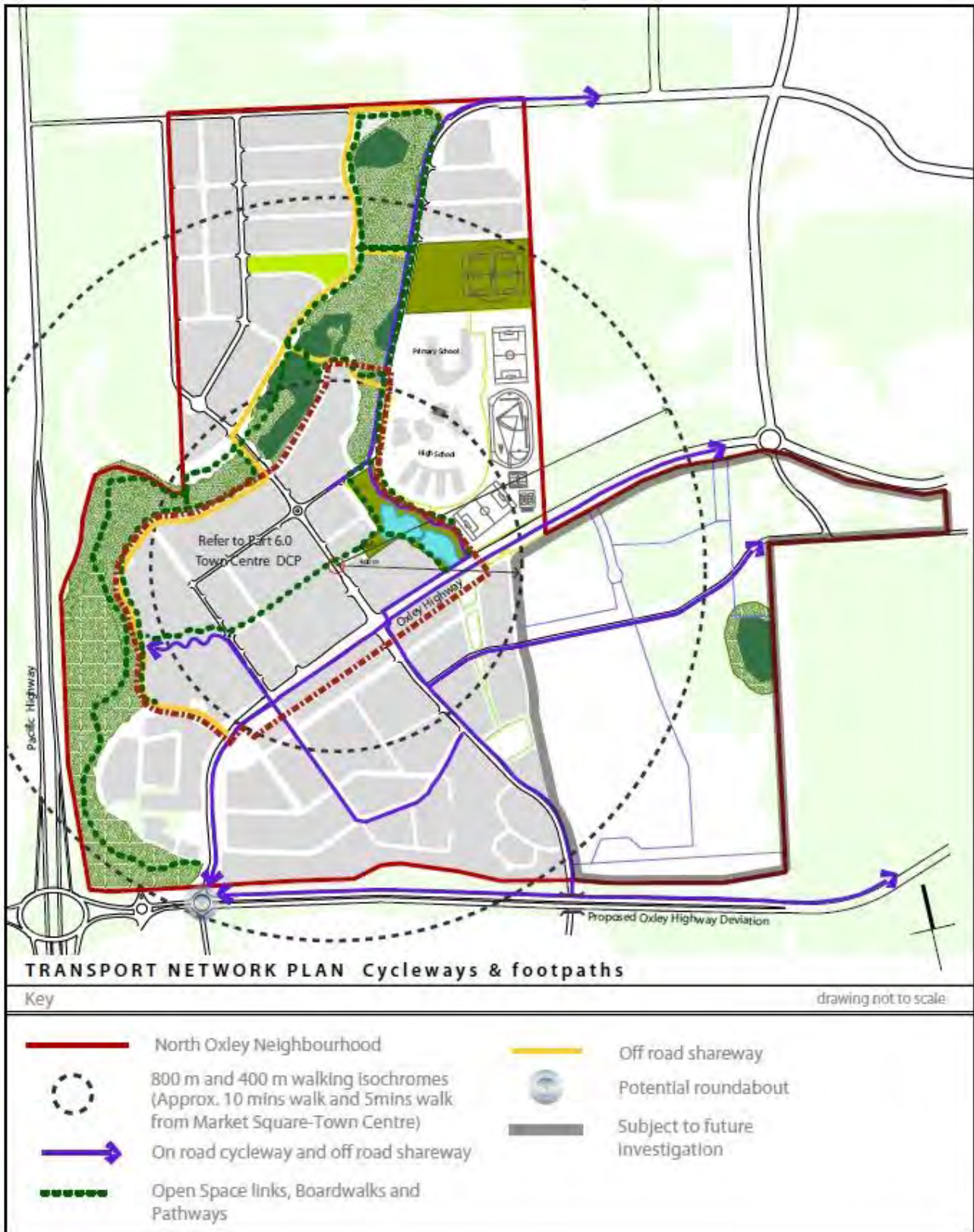


Figure 4.5-55: North Oxley Cycleways and footpaths



Figure 4.5-56: Town Centre indicative cycleway and footpath network



## Public transport

### 4.5.3.18 Objective

- To ensure development design provides for an effective public transport system to link within and outside of Thrumster.

## Development Provisions

### General

- a) The design of roads identified for bus routes must comply with the AUSTRROADS standards, including design of bus bays and stops.
- b) Development is to provide the bus stops, including bus bays, and shelters, generally in the locations shown on **Figure 4.5-57** and the relevant neighbourhood maps and not more than 600 metres apart.

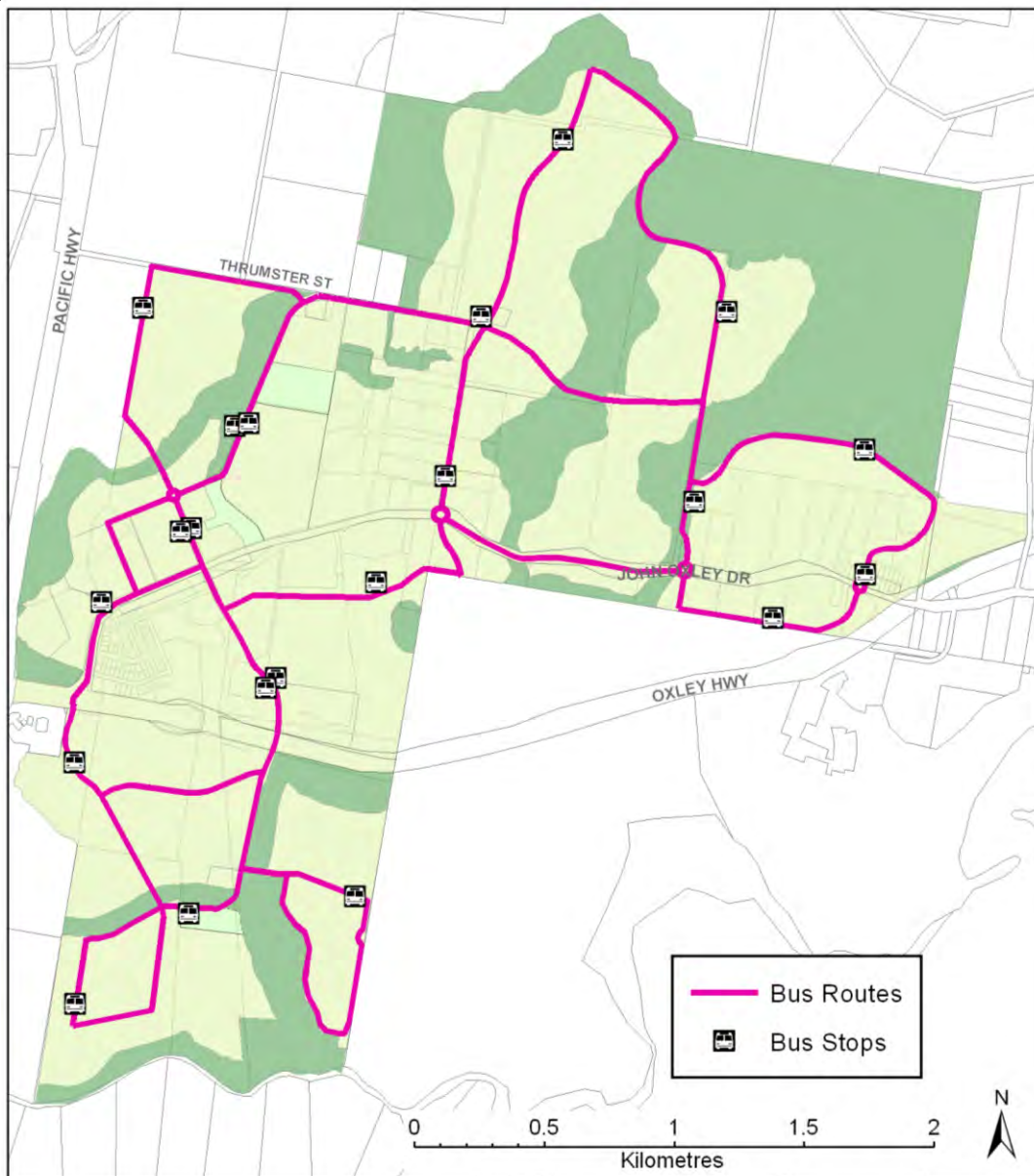


Figure 4.5-57: Bus routes

### Roads and fauna management corridors

#### 4.5.3.19 Objective

- To ensure the road network is designed to minimise impacts on fauna movement.

#### Development Provisions

##### General

- Within Core Koala Habitat Areas (**Figure 4.5-27**), road design standards or approved vehicle calming devices must be incorporated into all subdivision designs such that motor vehicles are restricted to a maximum speed of 40 km/h along minor residential streets.
- All collector roads within Koala Habitat Areas (Core and Potential) are to incorporate design measures to reduce traffic speeds to 50 km/h.
- Where new roads cross the wider sections of the main habitat linkages (shown as Type 1), Koala underpasses are to be provided on both sides of the creek line.
- Where new roads crossover the main habitat linkages in other locations (Type 2), a Koala underpass is to be provided on at least one side of the creek line.
- Where new roads cross the secondary habitat linkages (Type 3), road design is to incorporate either fauna underpasses, or features to facilitate fauna crossing the road safely.
- Where new roads cross the habitat linkage in South Oxley (Type 4), road design is to incorporate features to assist Koalas to cross the road safely eg lighting and vehicle slow points.
- The vehicular underpass associated with the Oxley Highway (Type 5), is to incorporate features to facilitate the safe passage of Koalas.
- Wildlife exclusion fencing is to be installed to direct wildlife away from the road for Types 1 and 2. The lower half of the fence must be clad with galvanised tin sheeting (or other approved material) on the outside face. Approved devices must be installed at fence- ends to discourage Koalas from crossing the roads.
- An additional Koala Underpass must be provided under the Oxley Highway in a suitable location in the section shown on **Figure 4.5-58**.
- Koala underpasses are to comprise a minimum of 1.2 metres x 1.0 metre Reinforced Concrete Box Culverts.
- Detailed design for fencing, underpasses and traffic speed measures must be prepared in consultation with a suitably qualified or accredited Koala specialist. General design principles are to be submitted with the development application, and detailed design with the Construction Certificate application. The design is to be certified by the Koala specialist, and is also to be certified upon completion of construction, prior to release of the Subdivision Certificate.

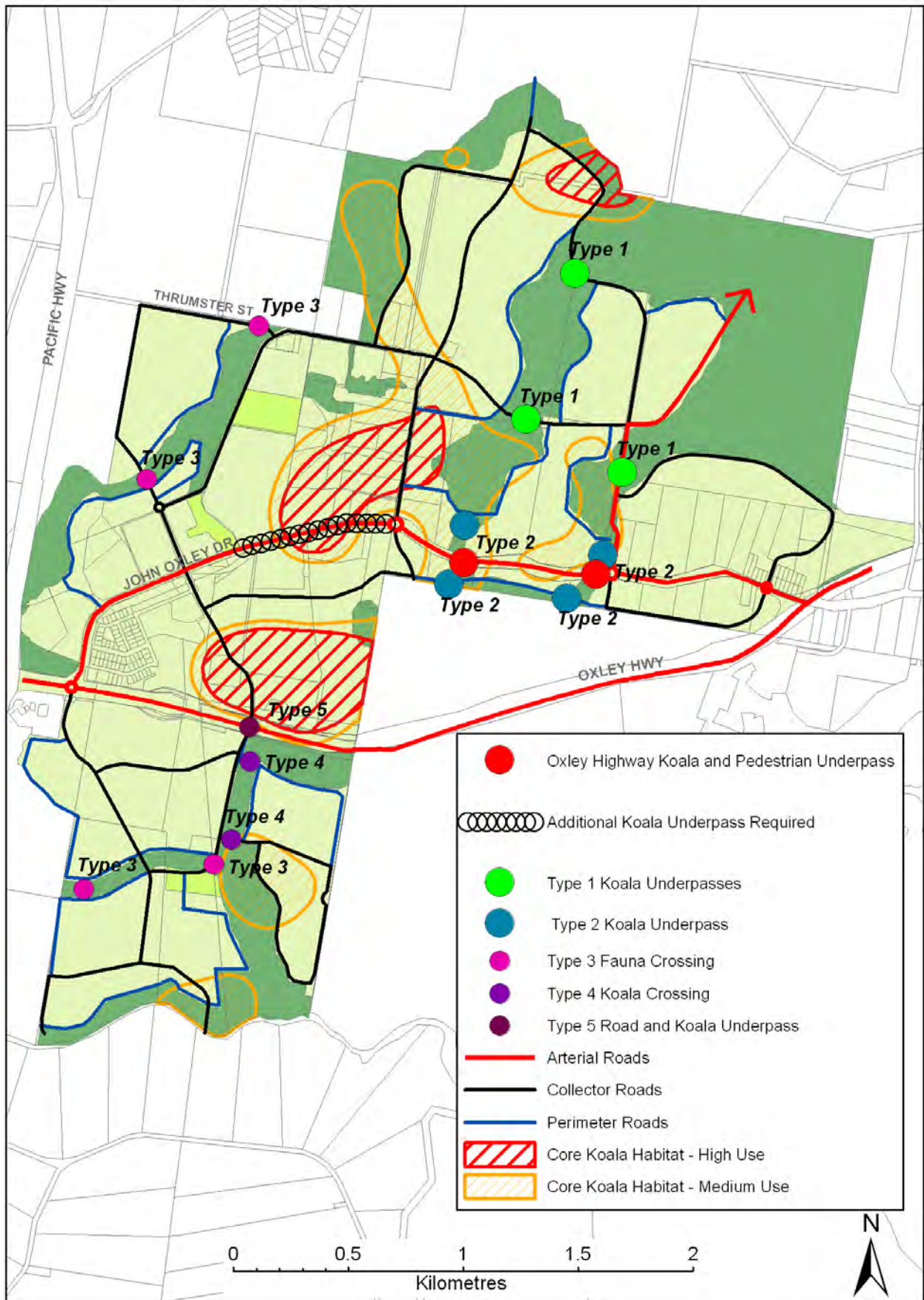


Figure 4.5-58: Roads and fauna management corridors



## Road hierarchy

### 4.5.3.20 Objective

Refer to 2.5.3.1

## Development Provisions

### General

- a) Development is to establish a street network, and hierarchy consistent with the relevant neighbourhood map.

### North Oxley

- b) Development is to accommodate the provision of a street network generally in accordance with **Figure 4.5-60**.
- c) The local road at the western edge of Sovereign Views Development Area may be required to be placed inside the Development Area if consent cannot be obtained to clear the land under the Native Vegetation Act 2003 (NSW).
- d) Collector Roads identified as Type 1 (Neighbourhood Avenue - Type 1) on Figure 4.5-60 are to be designed to provide:
- e) 3.5 metre wide traffic lanes to accommodate bus services
- f) 2.5 metre wide parking lane each side of the carriageway to allow for future upgrades
- g) off-road cycle facilities
- h) 4 metre wide footpaths to both sides of the road.
- i) The Collector Roads (Neighbourhood Avenue) -Type 2 identified on **Figure 4.5-60** are to be designed to provide:
- 3.5 metre wide traffic lanes to accommodate bus services
  - 2.1 metre wide tree planting/parking lane on either side of the carriageway
  - a minimum 1.5 metre footpath on both sides of the carriageway.

### South Oxley

#### Development Area 1

- j) The timing of construction of the Carlie Jane Drive link from South Oxley under the Oxley Highway Gateway to the Thrumster Town Centre is to be determined by a Traffic Impact Assessment to accompany the Development Application for Development Area 1.
- k) Note: It is anticipated that once 75% of allotments in Development Area 1 are released, the Carlie Jane Drive link will need to be constructed to Collector Road/Neighbourhood Avenue standard.

#### Development Area 2

- l) The construction of the roads crossing the North extent of Tarrokoe Habitat Corridor is to include the Fauna Crossing as depicted in **Figure 4.5-63**.

#### Development Area 3

- m) The construction of the Collector Road / Neighbourhood Avenue South across Gleeson's Creek is to occur with the first residential land release in Development Area 3 and is to include the Fauna Crossing as depicted in **Figure 4.5-63**.

### Town Centre

- n) Establish a street network and hierarchy consistent with the objectives and **Figure 4.5-64**.
- o) The street network should be based upon a traditional orthogonal grid system of streets and blocks, adjusted to suit the circumstances of the site and the nature of the development proposed.
- p) Define John Oxley Drive and the Main Street as the two primary roads that establish the primary structure of the Town Centre.
- q) Establish Main Street as the hub of the neighbourhood connector system.
- r) To the north, Main Street is to connect with Collector Roads leading to the first residential release of Sovereign Views and to the Partridge Creek Neighbourhood, via the road serving the new Catholic Regional Campus.
- s) Collector Roads identified as Type 1 on **Figure 4.5-64** is to be designed to:

### Road hierarchy

- have 3.5 metre wide traffic lanes to accommodate bus services (3.25 metre acceptable),
  - provide a 2.5 metre wide parking lane each side of the carriageway to allow for future upgrades,
  - provide off-road cycle facilities, and
  - provide 4 metre wide footpaths to both sides of the road.
- t) The Collector Road -Type 2 identified on **Figure 4.5-64** as an extension to Main Street (north) is to be designed to provide:
- 3.5m wide traffic lanes to accommodate bus services,
  - a 2.1m wide tree planting/parking lane on either side of the carriageway,
  - a 2.5m shared path to one side of the carriageway and a minimum 1.5m wide footpath on the other side.
- u) All other Collector Roads are not required to have dedicated cycle facilities and be designed to provide:
- 3.5m wide traffic lanes to accommodate bus services,
  - a 2.1m wide parking lane on either side of the carriageway, and
  - a minimum 1.5m footpath on both sides of the carriageway.
- v) Local Streets are to be single carriageway and designed to provide:
- 2.7m or 3.0m wide traffic lanes,
  - a 2.1m wide tree planting/ parking lane to one or both sides of the carriageway,
  - a 2.75m wide footpath and 2.75m verge on the other side, if treeplanting/parking lanes are provided to both sides of the carriageway, or
  - a 3.0m wide and 3.0m wide verge (of which 1.5m is footpath) on the other side if treeplanting/parking lane is provided to one side of the carriageway,
- w) Located along riparian corridors, bushland and parks, this road type allows for one lane of parking. Traffic calming measures may be introduced to increase amenity and safety.
- x) **Figure 4.5-69** provides indicative street profile for Bushland/Riparian Edge Street.
- y) The width of the shared path will depend on the expected pedestrian and cyclist activity on each street. The minimum width will be 2.15m, widening to up to 3.0m for high use areas.

#### Partridge Creek Residential

- z) The collector roads will provide access within the neighbourhood and effective links with the adjoining neighbourhoods.

#### Partridge Creek Industrial

- aa) Development is to be designed to prohibit direct access for residential development to the future arterial road that provides access to the Light Industrial area in the Partridge Creek Industrial Neighbourhood.



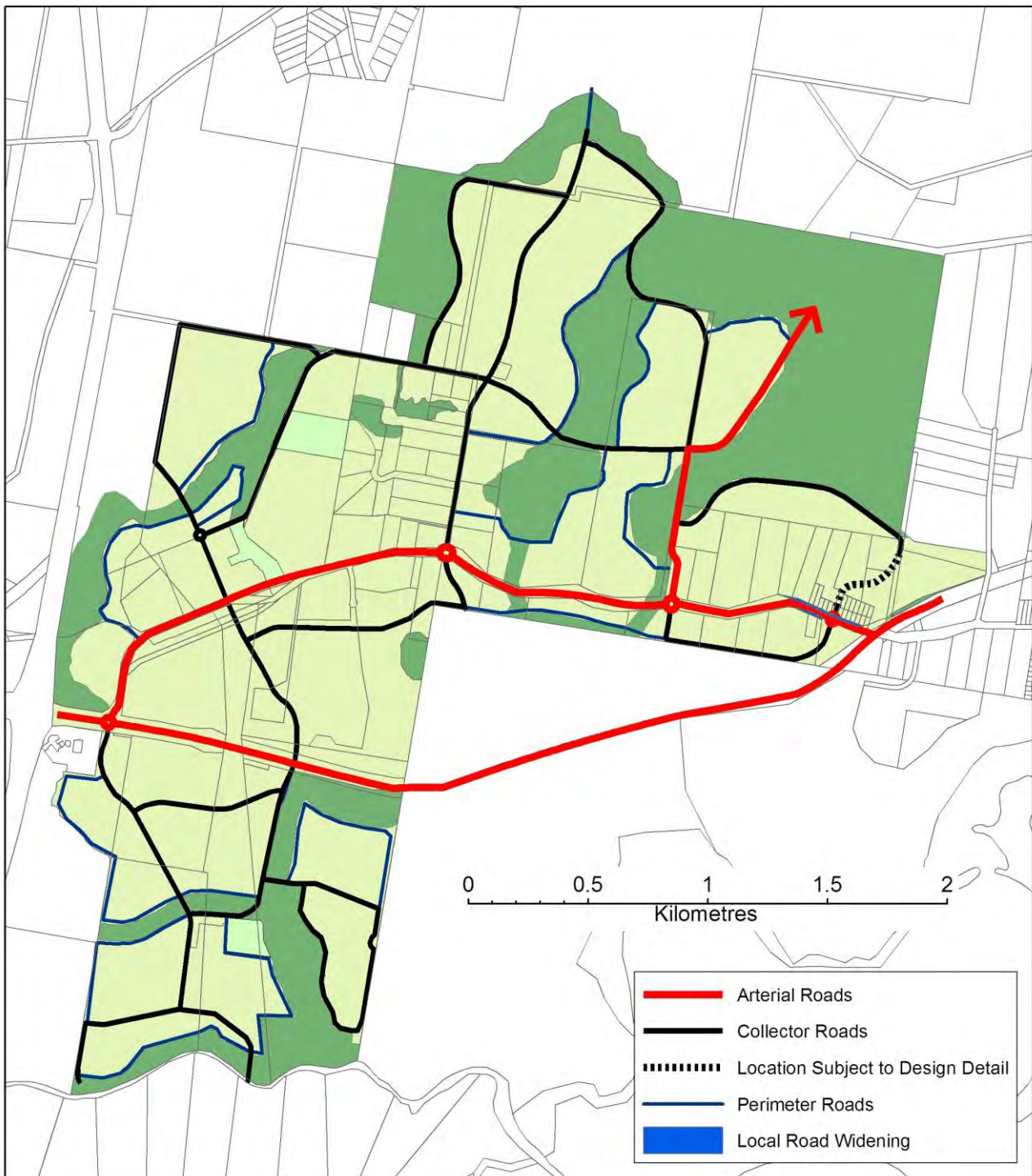


Figure 4.5-59 Road Hierarchy and Intersections

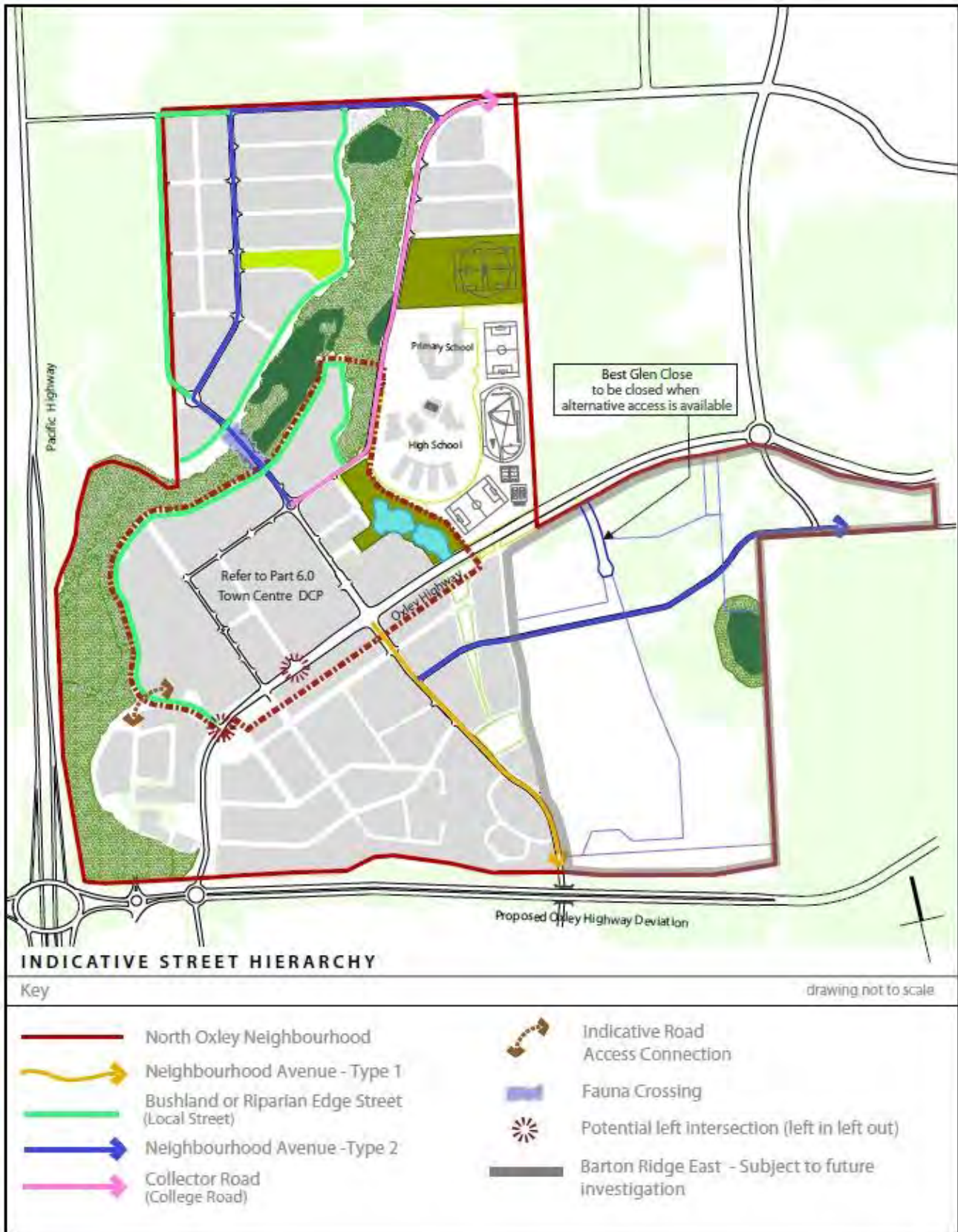


Figure 4.5-60: North Oxley Road Hierarchy



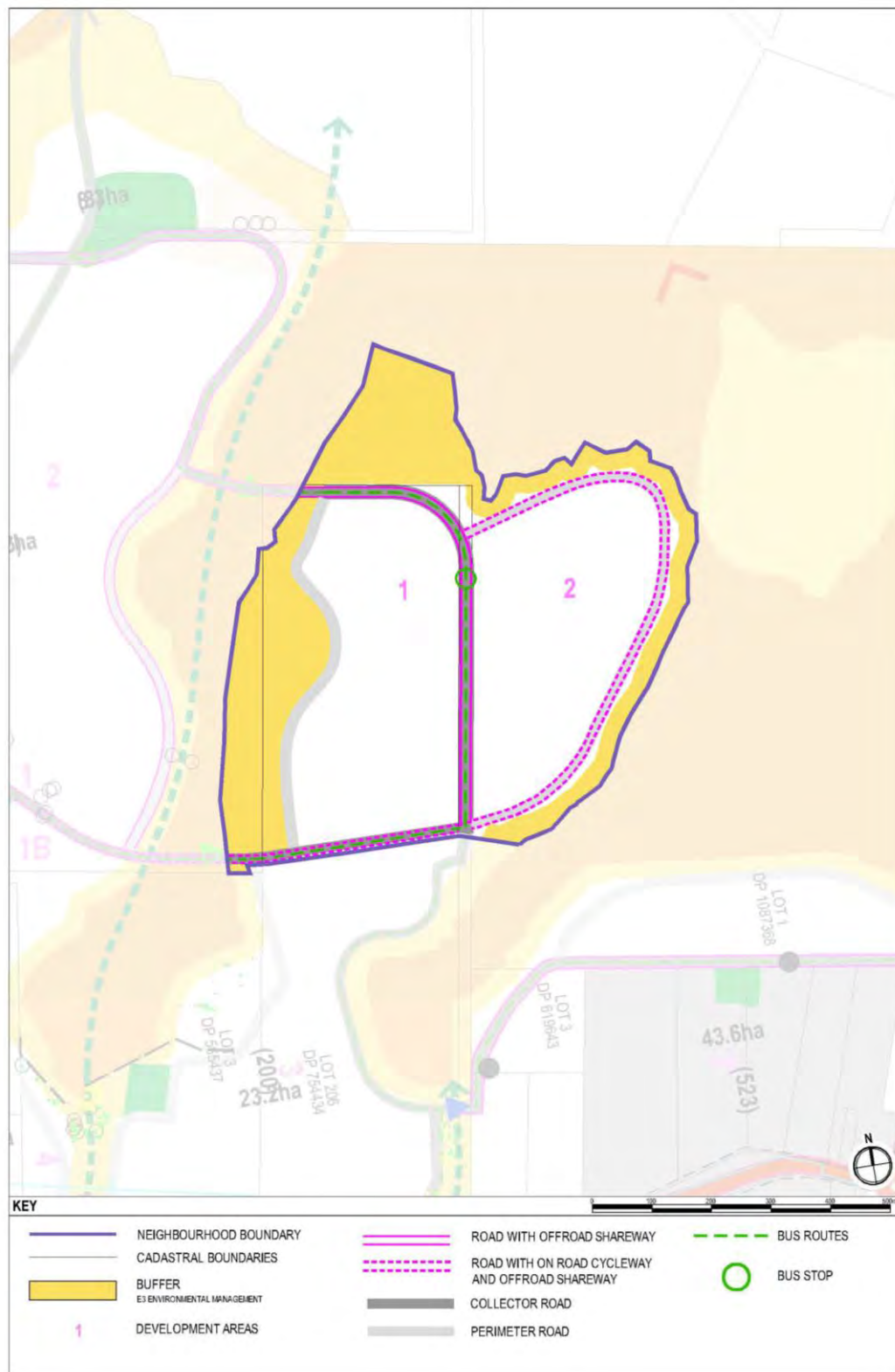


Figure 4.5-61: Partridge Creek Residential Road Hierarchy

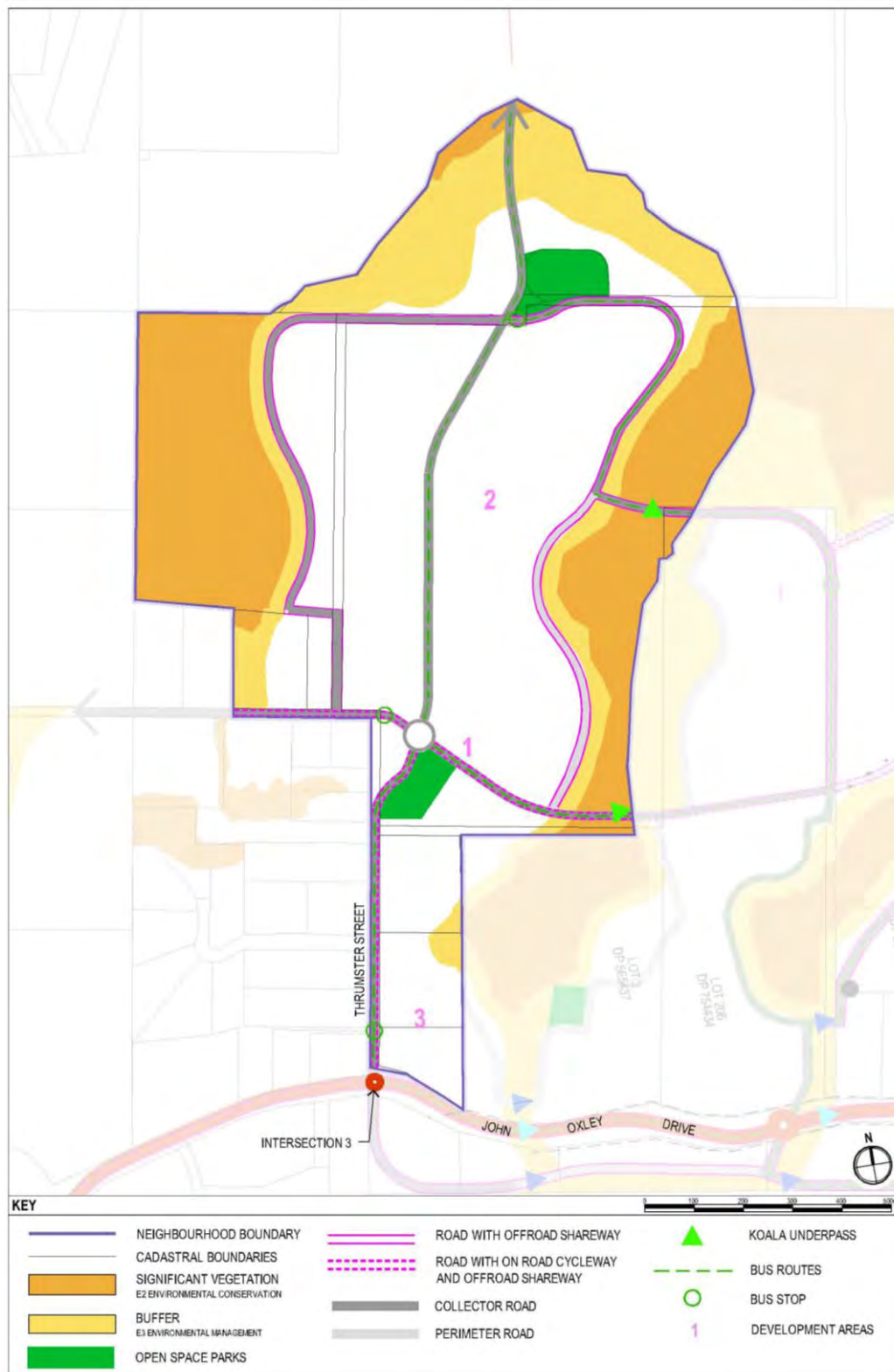


Figure 4.5-62: Partridge Creek Residential Road Hierarchy

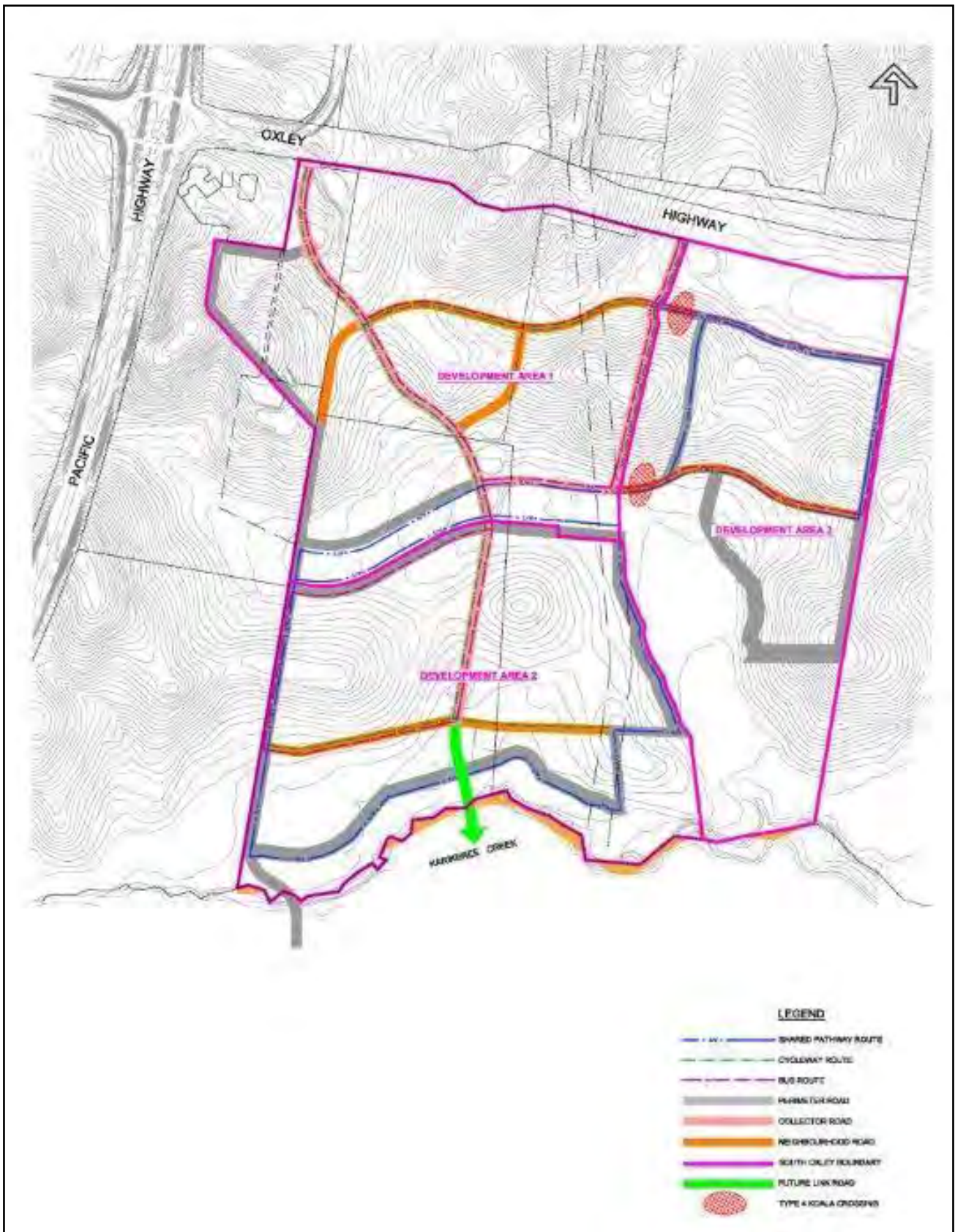


Figure 4.5-63: South Oxley Road Hierarchy



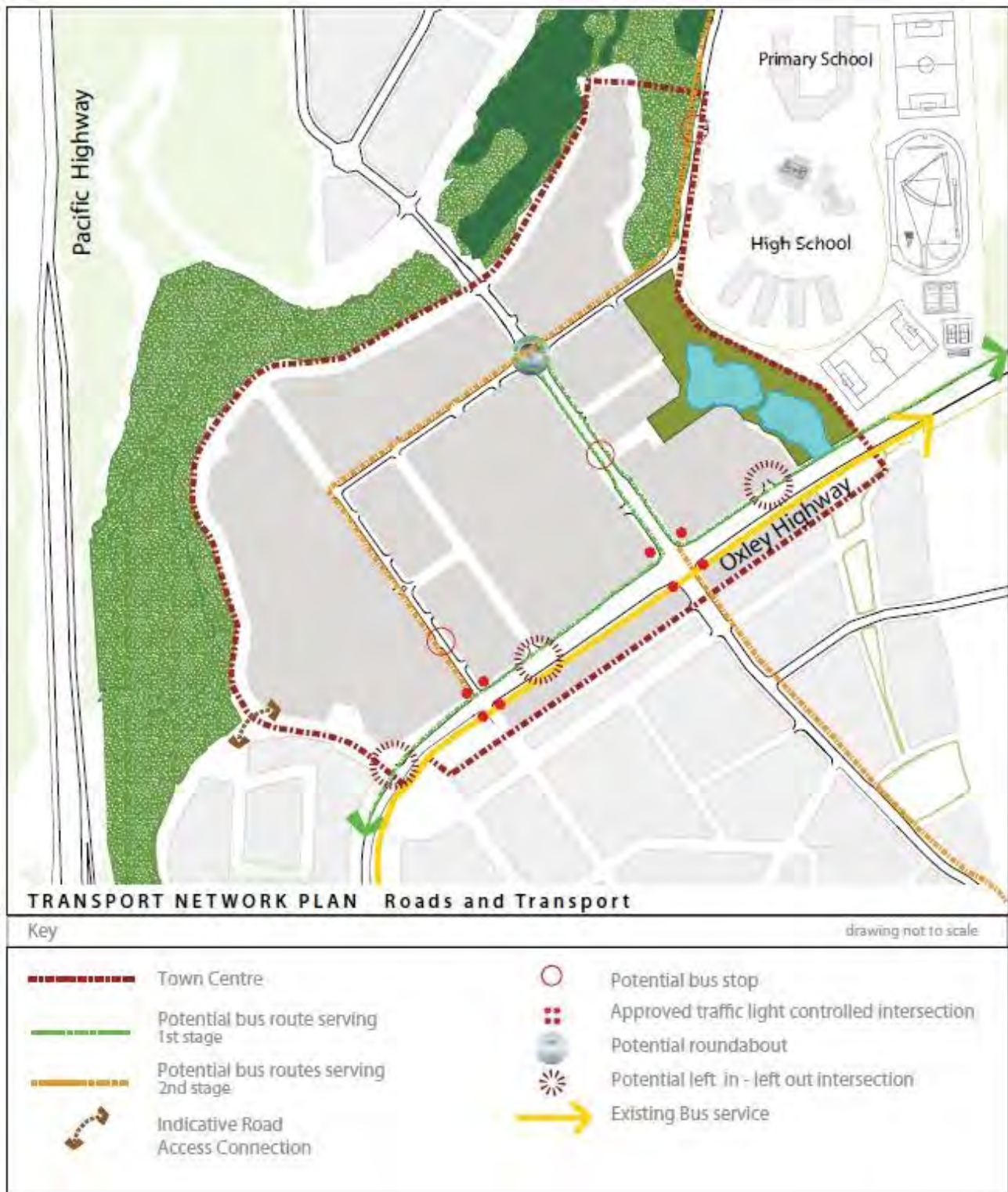


Figure 4.5-64: Thrumster Town Centre Road Hierarchy

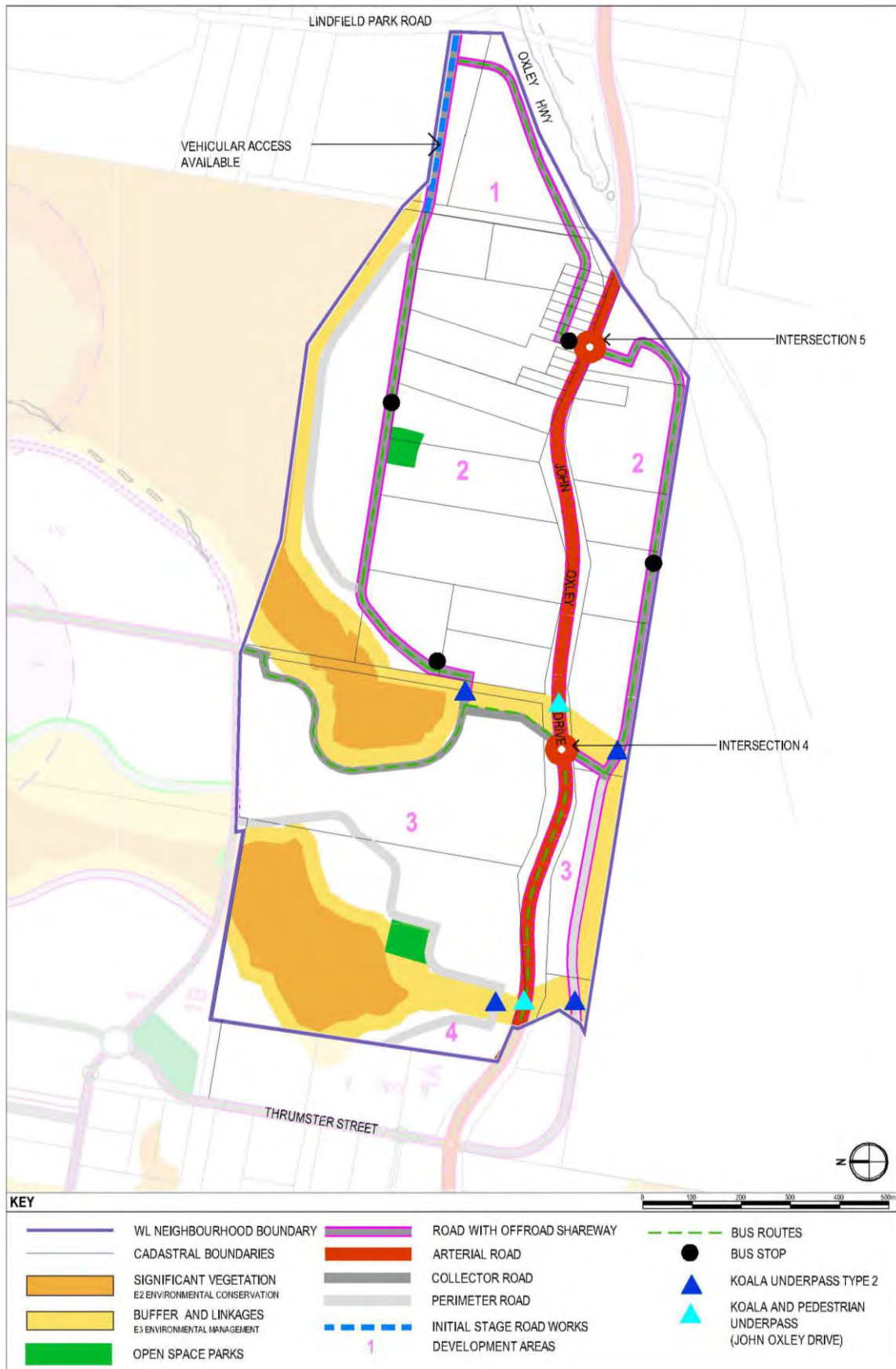


Figure 4.5-65: West Lindfield Road Hierarchy

## Street types

### 4.5.3.21 Objective

- To enhance visual amenity through good urban (road) design.

## Development Provisions

### General

- The road design for each road type is to be generally in accordance with the following:
  - Collector Roads (Neighbourhood Avenues) – **Figure 4.5-66, Figure 4.5-67, or Figure 4.5-68.**
  - Perimeter Roads (Bushland or Riparian Edge) – **Figure 4.5-69.**
  - Collector Roads that are Perimeter Roads – **Figure 4.5-69** modified to accommodate increased widths for Neighbourhood Avenues.
- Landscaping of road reserves is to have regard to the need for the collection of domestic waste from residential properties. In this regard developments will need to take into the consideration requirement and number of waste receptacles to be collected and the type of development proposed in relation to landscaped areas and the need to efficiently and effectively collect waste.

### West Lindfield

- Areas 2 and 3 are to include perimeter roads generally adjoining Environmental Management areas, adjacent to the power lines infrastructure, as required by Essential Energy and generally as shown on **Figure 4.5-65.**

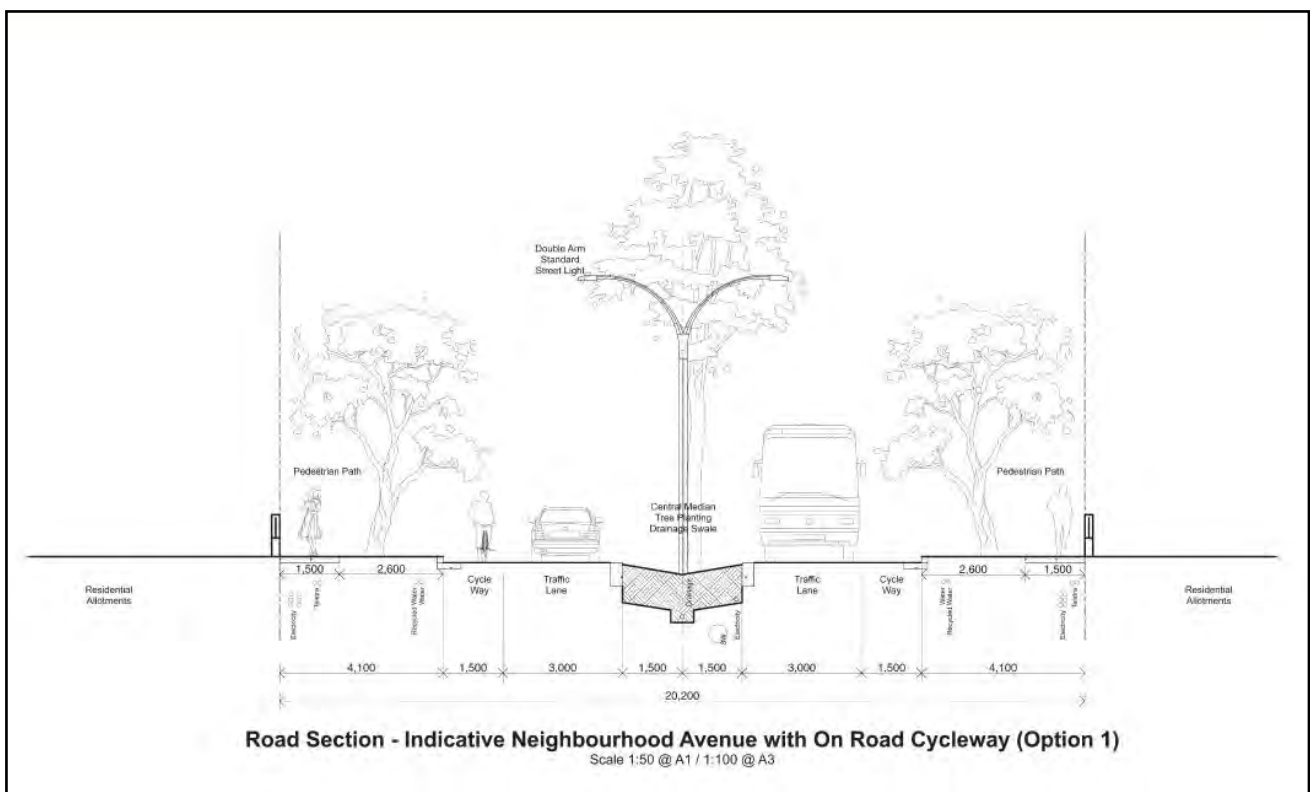


Figure 4.5-66: Indicative Neighbourhood Avenue Option 1



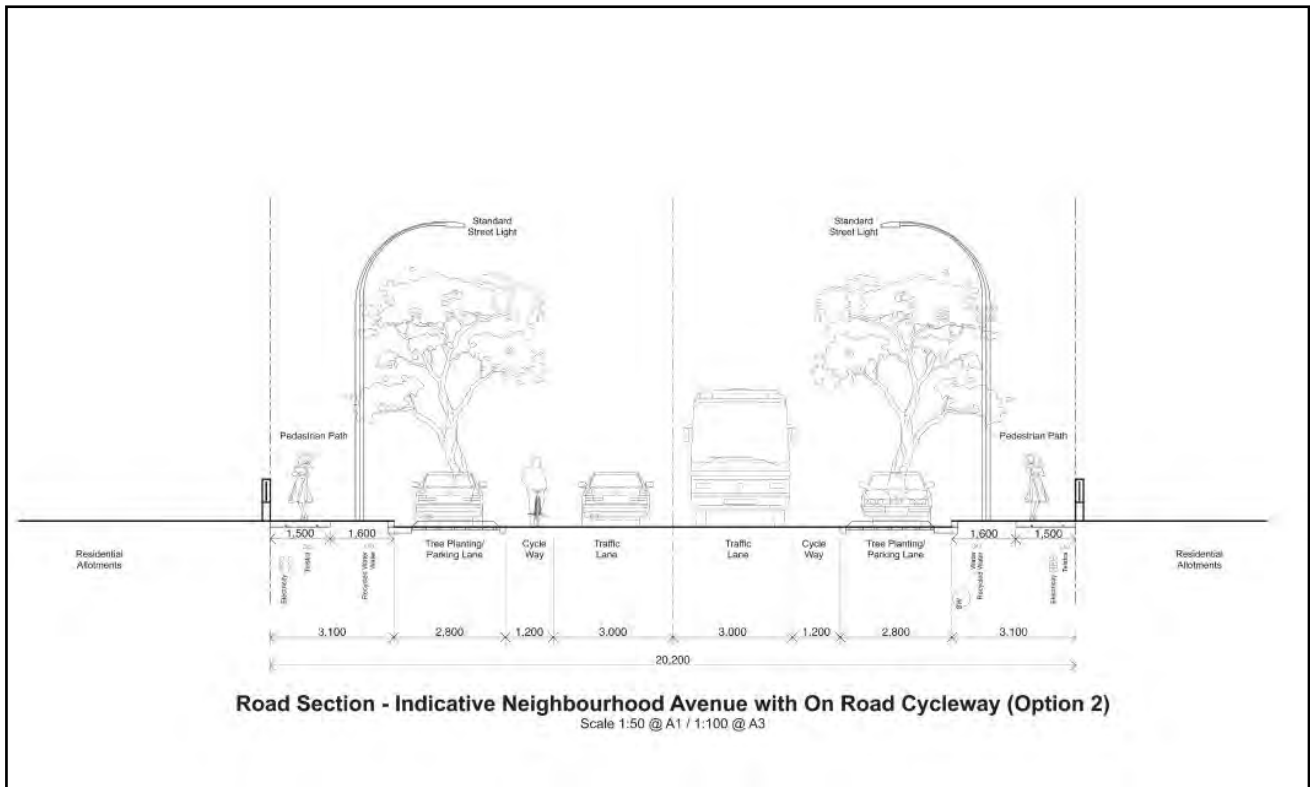


Figure 4.5-67: Indicative Neighbourhood Avenue Option 2

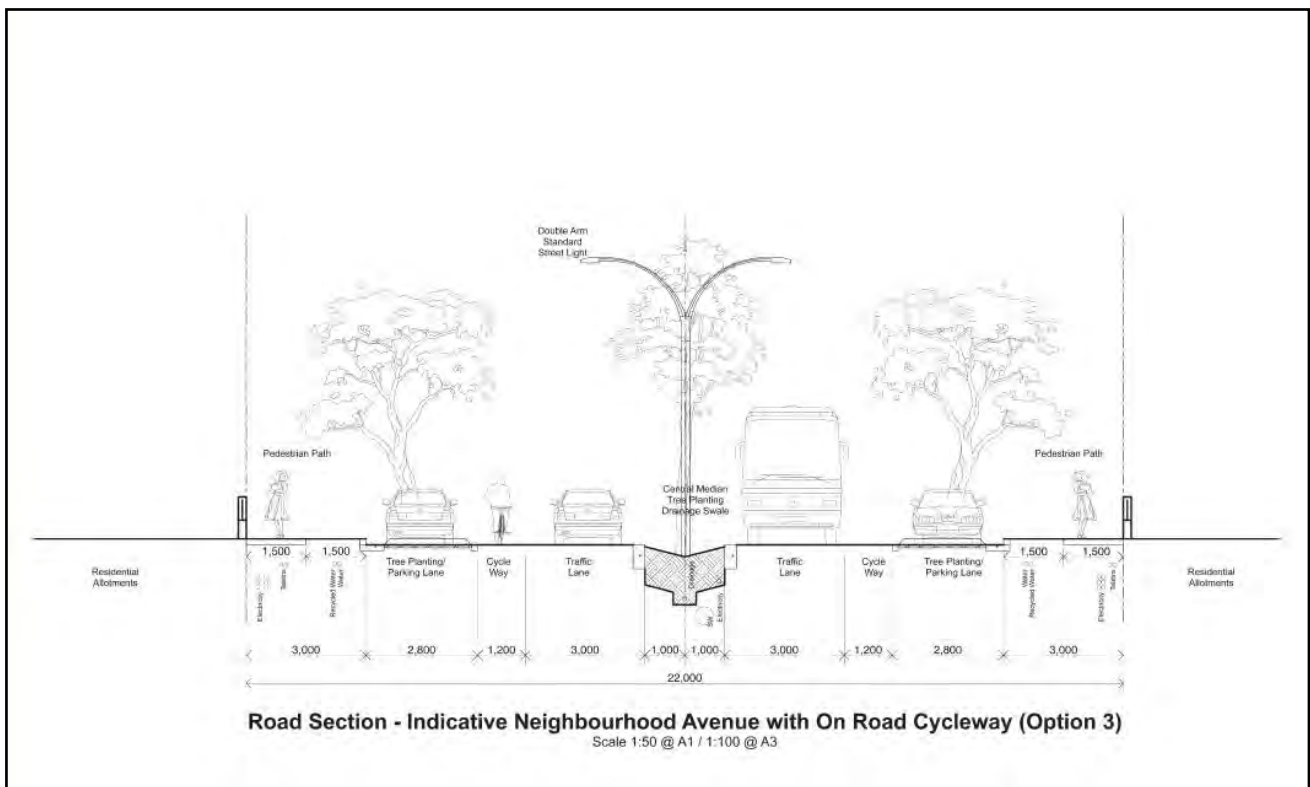


Figure 4.5-68: Indicative Neighbourhood Avenue Option 3

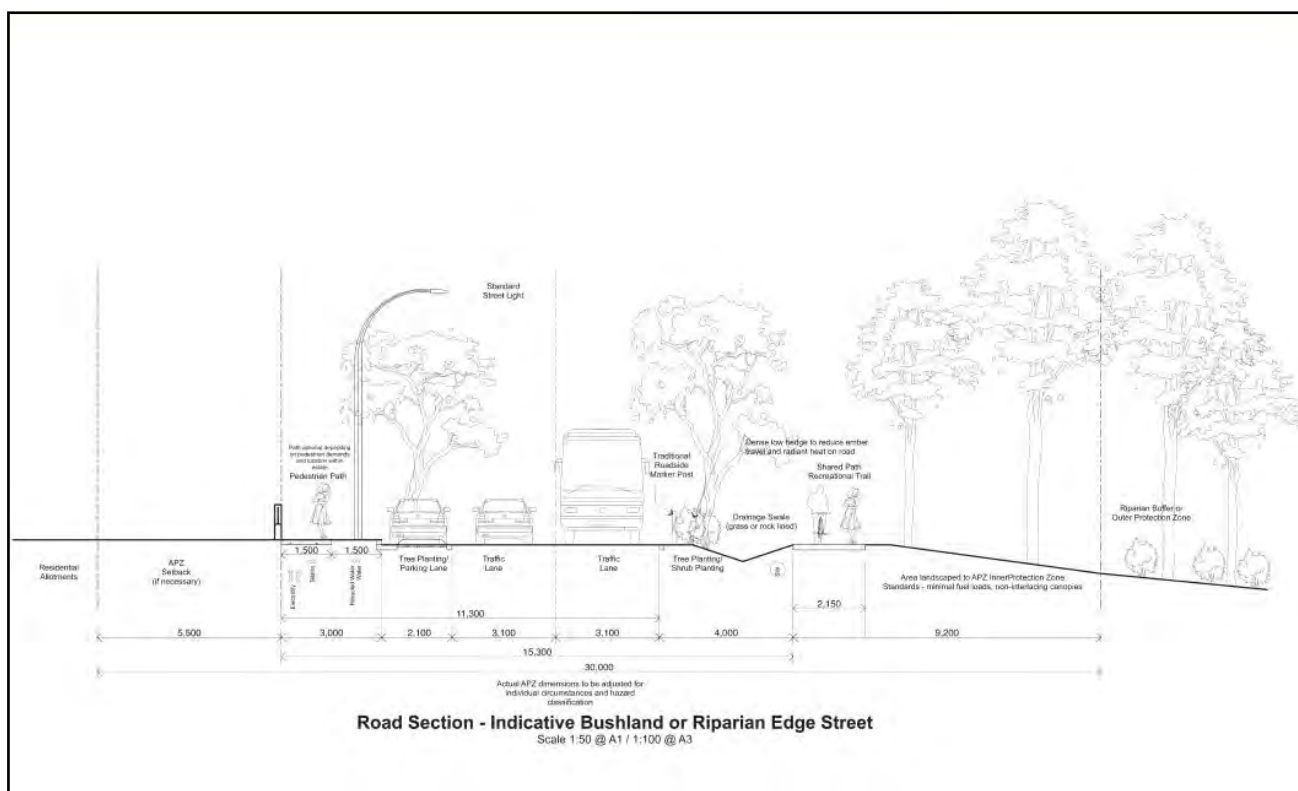


Figure 4.5-69: Indicative Bushland or Riparian Edge Street

## 4.5.4 Urban structure and service provision

### Development Sequencing Plans

#### 4.5.4.1 Objective

- To provide the indicative staging of Development Areas, having regard to the provision and availability of essential services and infrastructure

a) Development proposals have regard to the following neighbourhood development and infrastructure sequencing plans. Refer to **Figure 4.5-70** and **Figure 4.5-71**.

#### North Oxley

Infrastructure	Scope of proposed works
Water mains	<p>The existing 525 mm (Barton Ridge) and 300 mm (John Oxley Drive) trunk water mains pass through North Oxley.</p> <p>The 300 mm trunk main will be used to gain water supply for development within the neighbourhood.</p> <p>Sections of the 300 mm main must be replaced when the Town Centre works are undertaken.</p> <p>Sections of Council's 525 mm main may also require replacement.</p> <p>Development is to provide adequate land area for a future 600 mm main adjacent to the 525 mm main.</p> <p>Initially the area will be served by the Mill Hill Reservoir (height limit RL 25-28) then supplemented by the existing Sancrox Reservoir (height limit RL 35) as development progresses.</p> <p>No development should occur above the 35 metre contour until the new Sancrox Reservoir is built in accordance with Council's Servicing Strategy, or the developer funds alternative arrangements.</p>
Sewer mains	<p>The sewer main will serve Thrumster, with an interim pumping arrangement prior to ultimately connecting to the new STP to the north.</p> <p>Council has not scheduled the provision of sewer to Barton Ridge (west) within the first</p>



## Port Macquarie-Hastings Development Control Plan 2013

### Development Sequencing Plans

	stage of sewer infrastructure provision, and the developer will need to make interim arrangements if development is proposed prior to Council's servicing plan.
Reclaimed water	A reclaimed water pipe network will be constructed for all development. Connection to a new reclaimed water reservoir will be dependent on Council's servicing plan.
Stormwater	All development areas will generally be serviced by the catchment based end of line sand filter systems which will be constructed by the developer as part of any development within the catchment.

#### North Oxley - Barton Ridge East

- a) An Indicative Neighbourhood Design Framework for the Development Area - Barton Ridge East must be lodged with Council prior to determination of development applications within that area, other than for infrastructure indicated in this Development Control Plan.
- b) The Indicative Neighbourhood Design Framework must demonstrate, through appropriate analysis of flora, fauna, topographical features, hazard management and infrastructure provision, that the urban development of the area is:
  - consistent with the purpose of this chapter and the vision for North Oxley,
  - consistent with the Environmental Management Principles shown at **Figure 4.5-16**, and
  - can comply with all statutory requirements.

#### Partridge Creek Industrial

Infrastructure	Location	Scope of proposed works
Intersections	North-south collector road and John Oxley Drive - new intersection No. 4	Intersection to be constructed by adjacent development as part of the initial development stage. Consideration to be given to the inclusion of this intersection in the Thrumster Local Roads Contribution with the next review of Council's Section 94 Contributions Plan for Roads.
	Internal intersections	Intersections within the neighbourhood for local roads are required to be constructed by development as it occurs.
Roads	North-south collector	To be constructed by Council in accordance with Council's Section 94 contribution plan for Major Roads.
	East-west collector roads	To be constructed by adjacent development at the time of development or by Council in accordance with its Servicing Strategy. Consideration to be given to the inclusion of this road in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
	Perimeter roads	To be constructed by adjacent development at the time of development or by Council in accordance with its Servicing Strategy. Consideration to be given to the inclusion of this road in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
Water Supply	Existing 300mm water main - John Oxley Drive	Where adjacent development, road or intersection construction impacts upon this water main, the developer will be required to upgrade that portion of the main to 450mm.
	North-south collector road	New mains to be constructed by Council in conjunction with the north-south collector road and in accordance with Council's Servicing Strategy.
Sewer	Thrumster SPS No.3	The adjacent development will be required to construct the 'Thrumster SPS No.3', including associated rising and gravity mains.

## Port Macquarie-Hastings Development Control Plan 2013

### Development Sequencing Plans

Reclaimed water	All areas	A reclaimed water pipe network is to be constructed in conjunction with all development. Connection to Council's reservoir is to be in accordance with Council's Development Servicing Plan.
Storm water	All areas	All development areas are to be serviced by catchment based end of line bio-filtration system constructed by the developer as part of any development.

### Partridge Creek Residential

Infrastructure	Location	Scope of works
Intersections	Thrumster Street and John Oxley Drive – new intersection no.3	The existing Thrumster Street and John Oxley Drive intersection currently provides for both turning and deceleration lanes. This intersection is adequate to support the initial stages of development for the Partridge Creek Residential Neighbourhood. The first Development Application for either the Partridge Creek Residential Precinct or the Partridge Creek Village is to include a Traffic Impact Assessment to determine the timing of any future upgrade to this existing intersection. Consideration is to be given to the inclusion of this intersection in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
	Internal Intersections	Intersections within the neighbourhood for local roads are required to be constructed by development as it occurs.
Roads	Thrumster Street	The first Development Application for either the Partridge Creek Residential Precinct or the Partridge Creek Village are to include a Traffic Impact Assessment to determine the future form of Thrumster Street and the timing of any future upgrade works and at what stage of development the upgrading of Thrumster Street will be required. Consideration to be given to the inclusion of the upgrade works in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
	East-west road links	To be constructed by adjacent development at the time of development. Consideration to be given to the inclusion of this road in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads
	Perimeter roads	To be constructed by adjacent development at the time of development. Consideration to be given to the inclusion of this road in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads
Water Supply	Existing 300mm water main – John Oxley Drive	Where adjacent development, road or intersection construction impacts upon this water main, the developer will be required to upgrade that portion of the main to 450mm.
	Thrumster St	Initial development of the Partridge Creek Residential Neighbourhood will be required to upgrade the existing 100mm water main in Thrumster Street.
Sewer	Thrumster SPS No.2	The adjacent development will be required to construct the 'Thrumster SPS No.2', including associated rising and gravity mains.

### South Oxley

- c) Development sequencing for South Oxley Neighbourhood is anticipated to proceed from the North

## Development Sequencing Plans

West corner as Development Area 1.

- d) Two locations within development Area 1 are to be sub-stages pending:
- completion of infrastructure relocations eg the TransGrid line along the East edge of Development Area 1 and Area 3
  - completion of soil investigations and remediation to residential standard the former waste water disposal area of the Highway Service Centre in the West of Development Area 1 .
  - The sequence proposes to then develop the Northern section of Development Area 2.
- e) The Southern part of Development Area 2 is constrained by Core Koala Habitat mapping and Potential Koala Habitat mapping over the residential zoned land.
- f) Options for development of the Development of the Southern half of Development Area 2 is likely to be deferred pending more detailed investigation of the mapped Koala habitat areas.
- g) Development Area 3 could readily proceed from completion of Development Area 1 by extension of all services and infrastructure Southward across Gleeson's Creek.

### Town Centre

- h) See table for North Oxley. Refer to **Figure 4.5-60**.
- i) Development of the Town Centre is staged as follows:

Development Precinct	Proposed uses
1 Town Centre Core	Development of Welcome Centre, first commercial building, convenience retail space, early dedication and landscaping of public open space comprising Sovereign Green and Sovereign Lakes.
2 Mid Town	Development of commercial premises to support and complement the Town Centre Core uses.
3 John Oxley Drive	Development of commercial premises to support and complement The Town Centre Core uses. Provision of upgraded infrastructure and landscaping.
4 West End and Northern Edge	Development of precincts together with associated rehabilitation works to the riparian lands will progress in the latter stages and subject to Voluntary Planning Agreements and detailed precinct controls.

### West Lindfield

Infrastructure	Location	Scope of works
Intersections	Lindfield Park Road and new collector road	Intersection to be constructed by adjacent development as part of the initial development stage. Consideration to be given to the inclusion of this intersection in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
	Local access to Development Area 2.	Intersection to be constructed by adjacent development as part of the initial development stage.
	John Oxley Drive - new intersection no.5	Intersection to be constructed by adjacent development as part of the initial development stage. Consideration to be given to the inclusion of this intersection in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
	North-south collector road and John Oxley Drive - new intersection no.4.	Intersection to be constructed by adjacent development as part of the initial development stage. Consideration to be given to the inclusion of this intersection in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads.
Roads	John Oxley Drive	To be upgraded by Council in accordance with Council's Section 94 contribution plan for Major Roads.

## Port Macquarie-Hastings Development Control Plan 2013

### Development Sequencing Plans

	North-south collector	To be constructed by Council in accordance with Council's Section 94 contribution plan for Major Roads.
	East-west collector roads	To be constructed by adjacent development at the time of development or by Council in accordance with its Servicing Strategy. Consideration to be given to the inclusion of this road in the Area 13 Local Roads Contribution with the next review of Council's Section 94 Contribution Plan for Roads
Water supply	Existing 300mm water main - John Oxley Drive	Where adjacent development, road or intersection construction impacts upon this water main, the developer will be required to upgrade that portion of the main to 450mm.
Sewer	Lindfield Park Road	<p>The adjacent development will be required to construct the 'Thrumster SPS No.4', including associated rising and gravity mains. This includes an interim rising main connection to the existing 'SPS No.54'.</p> <p>Further development within the catchment will be required to provide rising and gravity mains within their property as development proceeds.</p> <p>When the load on 'Thrumster SPS No.4' reaches 200 equivalent tenements, a rising main and construction of 'Thrumster SPS No.3' and rising main to existing gravity main in Thrumster Street will be required prior to further development proceeding.</p> <p>Pump Stations 'Thrumster SPS No.4' and 'Thrumster SPS No.3' and associated rising mains should be included in the sewer Section 64 Development Servicing Plan.</p>
Reclaimed water	All areas	<p>A reclaimed water pipe network is to be constructed in conjunction with all development.</p> <p>Connection to Council's reservoir should be in accordance with Council's Development Servicing Plan.</p>
Stormwater	All areas	All development areas are to be serviced by catchment based end of line bio-filtration system constructed by the developer as part of any development.





Figure 4.5-70: North Oxley Infrastructure Strategy





Figure 4.5-71: North Oxley Development Sequencing Plan



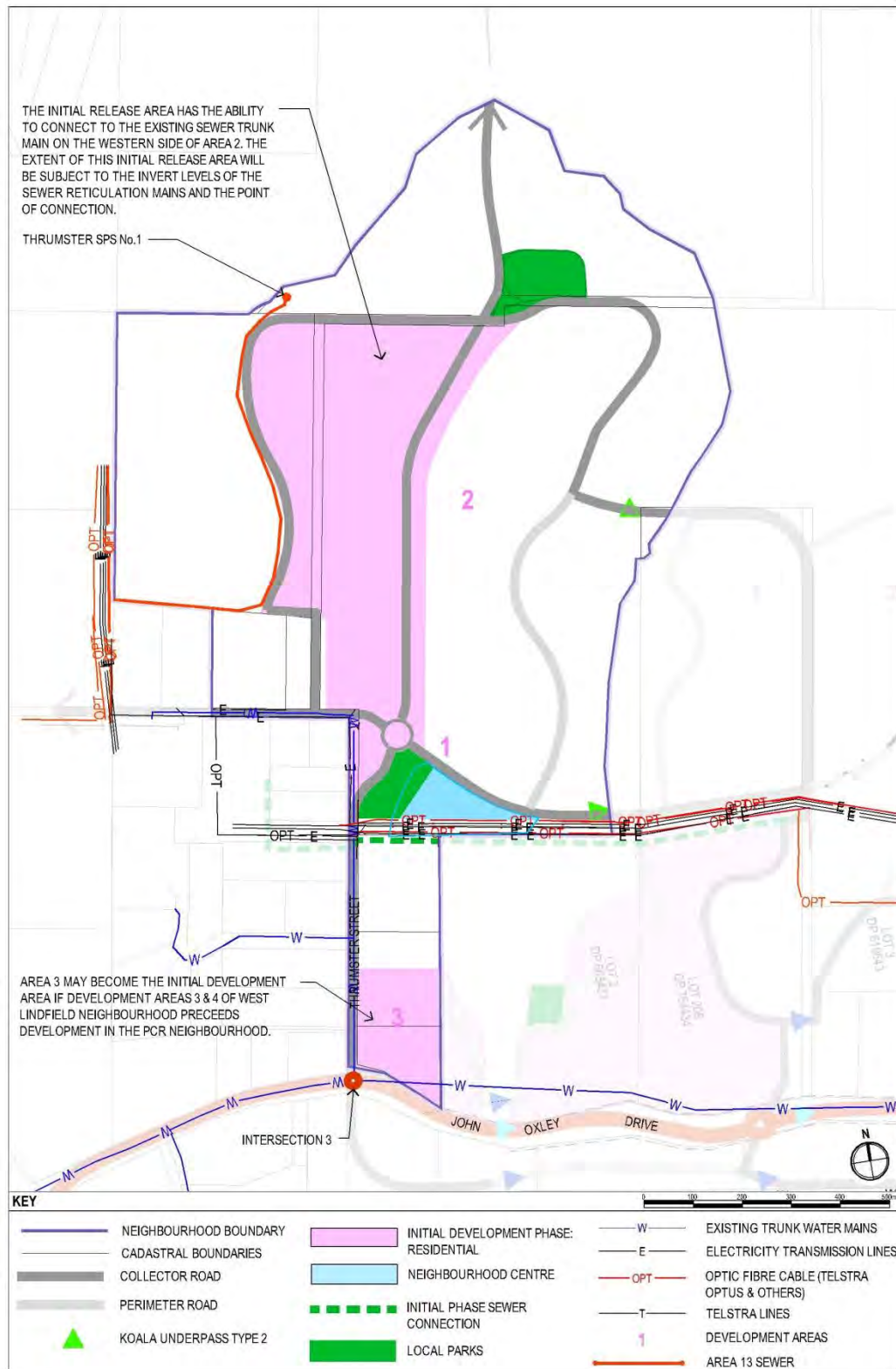


Figure 4.5-73: Partridge Creek Residential Development Sequencing Plan





Figure 4.5-74: Thrumster Town Centre Infrastructure Sequencing Plan

### Sewerage

#### 4.5.4.2 Objective (in addition to Objective 3.6.3.24)

- To provide for effluent management from the Thrumster Sewerage Treatment Plant.

### Development Provisions

#### General

- a) Any Pumping Stations required prior to Council's staging is to be funded by the developer and appropriate arrangements for credit against contributions to be determined in accordance with the Developer Servicing Plan.
- b) Core infrastructure, services and facilities are to be established at the early stages of development consistent with the Section 94 Contribution Plans and Development Servicing Plans for Thrumster.

#### West Lindfield

- c) As an interim strategy for Area 1 (200 equivalent tenements), the construction of a new pump station at Lindfield Park Road ('Thrumster SPS No.4') will provide connection to Council's existing network to the east ('SPS No.54').
- d) When the capacity provided by the interim strategy is reached, the pump station rising main is required to be redirected to the west, to link to the pump station for Area 3 ('Thrumster SPS No.3').
- e) Development south of John Oxley Drive is dependent upon downstream development occurring first.
- f) The initial Development Application for urban development in Area 3 will require the construction of pump station 'Thrumster SPS No.3', to pump to Council's existing gravity main near Thrumster Street.
- g) Development south of John Oxley Drive is dependent upon downstream development occurring first.
- h) The development of Area 4 is reliant on the provision of sewer through Area 3, for a point of connection.

#### Partridge Creek Residential

- i) The initial development application for urban development is to include a sewerage design that caters for the entire neighbourhood.
- j) The initial Development Application for urban development on the western side of the central ridge line will require a sewer design that connects through the land west of the road reserve, or alternatively extends westward along Thrumster Street to the Carrier main.
- k) The initial Development Application for urban development on the eastern side of the central ridge line will require construction of pump station 'Thrumster SPS No.2', to pump to the top of the central ridge line and the construction of a carrier main, via the road network to Thrumster SPS No.1.
- l) The development of Area 3A is dependent upon the development of the adjoining Area 2 (and Area 1A) within the West Lindfield Neighbourhood to provide access to 'Thrumster SPS No 3'.

#### Partridge Creek Industrial

- m) Development can proceed in either Area 1 or 2, subject to the provision of 'Thrumster SPS No.3' and associated rising main as part of the initial stage.
- n) The initial Development Application for industrial development (Areas 1 and 2) will require construction of pump station 'Thrumster SPS No.3, to pump to Council's existing gravity main near Thrumster Street.

### Urban structure and Lot Layout

#### 4.5.4.3 Objective (in addition to Objectives 3.6.3.2 -7)

- To ensure appropriate infrastructure, services and facilities necessary for the proper functioning of Thrumster is provided in an orderly, efficient and timely manner.
- To ensure the staging of development and the release of land occurs in a timely manner.
- To establish a subdivision layout that uses the residential development areas efficiently, maximises the natural attributes of the site and clearly defines and reinforces the public domain.



## Urban structure and Lot Layout

- To ensure that all residential lots are afforded a high level of amenity in terms of solar access, views, or proximity to public and community facilities.
- To ensure that subdivisions do not detract from the desired future neighbourhood character of the locality.

## Development Provisions

### Town Centre

- a) Development is required to be generally consistent with the aims and objectives of this Part and the Indicative Neighbourhood Design Framework, guidelines and development criteria set out in this Part.
- b) Proposed variations from the plans and illustrations contained in this Part are permissible through the preparation of detailed Precinct Master Plans for inclusion in the Development Control Plan, but are required to meet the overall objectives contained in this Part and be prepared to the satisfaction of Council.
- c) Buildings and structures are to be designed to:
  - Generally be built to the street alignment and achieve an appropriate sense of street enclosure where strong edges to public spaces and important streets are required.
  - Locate and design buildings to provide informal surveillance of streets and public spaces.
  - Ensure that active uses are provided at ground floor where active street frontages are defined.
  - Provide shelter from the elements along important pedestrian routes particularly those defined as requiring active street frontages.
  - Allow for change over time by designing buildings to be robust and adaptable.
  - Design for ease of access.
  - Locate parking areas, service areas and loading docks in areas not visible from important streets and spaces.
  - Provide high quality public domain lighting and public art in both streets and public spaces in the Town Centre.

## Residential Density

### 4.5.4.4 Objective

- To ensure the cost of necessary service infrastructure is paid for in an efficient and equitable way.
- To achieve the necessary population density to make public transport routes viable.
- To provide for the housing needs of the community within a variety of housing types and densities

## Development Provisions

### General

- a) The arrangement of dwelling types is to create a desirable urban structure with a transition of density generally decreasing out from the town and neighbourhood centres.
- b) Height limits will be generally 2-storey in detached dwelling house areas, grading to higher limits in neighbourhood centres, with highest limits within the Town Centre.
- c) A maximum height limit of 5 storeys will generally apply to the Town Centre. A landscape and scenic impact assessment may be submitted with the Neighbourhood or a Precinct Development Control Plan to justify a greater height limit.
- d) Mixed use and high density housing is to be located generally within the Town Centre and within the neighbourhood centres.
- e) Development layout is to demonstrate achievement of the net residential densities shown in the following table.

Zone	Net Residential Density
<b>R1 General Residential</b>	12 to 20 dwellings per hectare
<b>R1 General Residential</b> where identified within the Koala Habitat Area*	6 to 10 dwellings per hectare
<b>R1 General Residential</b> within 200 metres of the B1 Zone and not within the Koala Habitat Area*	More than 15 dwellings per hectare
<b>R3 Medium Density</b>	15 to 25 dwellings per hectare
<b>R3 Medium Density</b> where within 200 metres of the B2 Zone	More than 25 dwellings per hectare
<b>B4 Mixed Use</b> where residential accommodation comprises a part of the development	More than 10 dwellings per hectare
<b>B4 Mixed Use</b> where residential accommodation comprises all of the development	More than 25 dwellings per hectare

**Net Residential Density** includes the residential component of a development site plus local roads. It does not include non-residential land uses such as parks and schools, regional land uses or non-urbanised land. (Landcom Residential Density Guide 2011)

\*As shown in the Local Environmental Plan

*Note: For the purpose of estimating dwelling yield at subdivision, assume 10% of house lots will result in two dwellings per lot.*

## Town Centre

- f) A minimum yield of 180 dwellings is to be provided within the Town Centre.
- g) Precinct Development Control Provisions should provide details of the proportion of this yield to be accommodated within each precinct.
- h) The Town Centre Core will provide the majority of retail development and some medium density housing, together with leisure, recreation, service and community/civic uses.
- i) The Northern Edge, West End and Mid Town Precinct Development Control Provisions is to facilitate the intent of either Scenario 1 or 2 to be pursued at the development application stage.
- j) The West End precinct is to generally provide residential accommodation.
- k) Mid Town Precinct is to provide a mix of live/work and mixed uses to balance and complement the residential/employment objectives.
- l) The John Oxley Drive Precinct is to provide predominantly commercial/retail uses.

## North Oxley

- m) Proposals for residential development within North Oxley are to be generally consistent with the strategy at **Figure 4.5-75**.
- n) The anticipated dwelling yield for Barton Ridge East, as illustrated in **Figure 4.5-75** shall be justified by further analysis to establish an Indicative Neighbourhood Design Framework for this Development Area.
- o) Proposals for residential development and subdivision are to:
  - demonstrate that the development is able to provide or adequately contribute to the cumulative attainment of dwelling yield as identified in **Figure 4.5-75** having regard to the provisions of this Development Control Plan, and
  - comply with the North Oxley Residential Design Guidelines.

## Partridge Creek Residential

- p) Proposals for residential development are to be generally consistent with the Urban Development Plan at **Figure 4.5-78**.

## South Oxley

- q) Population yields have been refined for the South Oxley Neighbourhood taking into account further detail on Environmental Constraints.
- r) Population yields for South Oxley Development areas are as follows:
- Development Area 1: 590 – 610 dwellings
  - Development Area 2: 220 – 250 dwellings
  - Development Area 3 – 430 – 460 dwellings

## West Lindfield

- s) Proposals for residential development are to be generally consistent with the Urban Development Plan at **Figure 4.5-78**.



Figure 4.5-75: North Oxley Residential Density Strategy

## Public open space (passive and active)

### 4.5.4.5 Objective

- To provide accessible, active and passive open space areas that meet the needs of the population.
- To ensure that open space is of a high quality that is sustainable into the future.
- To develop open space that connects to natural linkages, drainage and wildlife corridors; and that also enhances these natural values through appropriate protective measures and management.
- To provide open space in locations that benefit from casual surveillance to promote user safety.

## Development Provisions

### General

- a) Neighbourhood parks across Thrumster will provide a range of facilities, which are to be provided through the Thrumster Contributions Plan.

### Public open space (passive and active)

- b) Neighbourhood parks are to be dedicated as development occurs, and are to include the following:
- Minimum size of 5,000 square metres.
  - Street frontage to the same standard as adjoining residential areas (i.e. kerb and gutter, or drainage swales where appropriate).
  - Any landform grooming to ensure the park is to a standard to suit Council's maintenance regime.
  - Any drainage works to ensure the functionality of the park.
- c) Neighbourhood park embellishment is to incorporate:
- Park furniture including seats with shelters, barriers and any appropriate path and cycleway linkages along desire lines or linking to the cycleway network.
  - Any boardwalks necessary to achieve the required functionality of the park.
  - Works will generally be required to be undertaken prior to dedication to Council.

### South Oxley

- d) In relation to Development Areas 1 and 3 of the South Oxley Neighbourhood, development applications are to provide for Open Space and Recreational opportunities along the central East West corridor including shareways along each bank, environmental park land plantings, park furniture/playground equipment and grassed open spaces where suitable.
- e) A landscape concept plan for the open space corridor is to be prepared to Council's satisfaction addressing the multi-function character of the corridor, in particular:
- Flooding
  - Habitat corridor
  - Recreation infrastructure
- Note: The *Framework for the Integration of Flood and Stormwater Management into Open Space 2011* (Healthy Waterways Limited) provides useful guidance on good practice.
- f) The shareway is to link across the North South Habitat corridor (either by boardwalk or by perimeter road) to Development Area 2 connecting to the Neighbourhood Park shown in **Figure 4.5-5**.
- g) The Neighbourhood park is to be design to fit carefully within the existing open grassed area of the mapped Core Koala Habitat in Development Area 2.

### Partridge Creek Residential

- h) The location of the local parks within the Partridge Creek Residential Neighbourhood shall be generally in accordance with **Figure 4.5-77**.
- i) The Development Application for residential subdivision within which the parks are located shall include the following:
- An arborist report detailing any necessary works (i.e. pruning etc) to be undertaken to ensure retention of the existing Koala feed trees within an urban environment; and

The required tree protection measures, in accordance with AS 4970-2009, *Protection of trees on development sites*.

### West Lindfield

- j) The location of the local parks within Area 2 and Area 3 are to be generally in accordance with **Figure 4.5-78**.
- k) The Development Application for residential subdivision within which the park is located shall include the following:
- An arborist report detailing any necessary works (i.e. pruning etc) to be undertaken to ensure retention of the existing Tallowood trees (2) within an urban environment; and
  - The required tree protection measures, in accordance with AS 4970-2009, *Protection of trees on development sites*.



Figure 4.5-76: Open Space



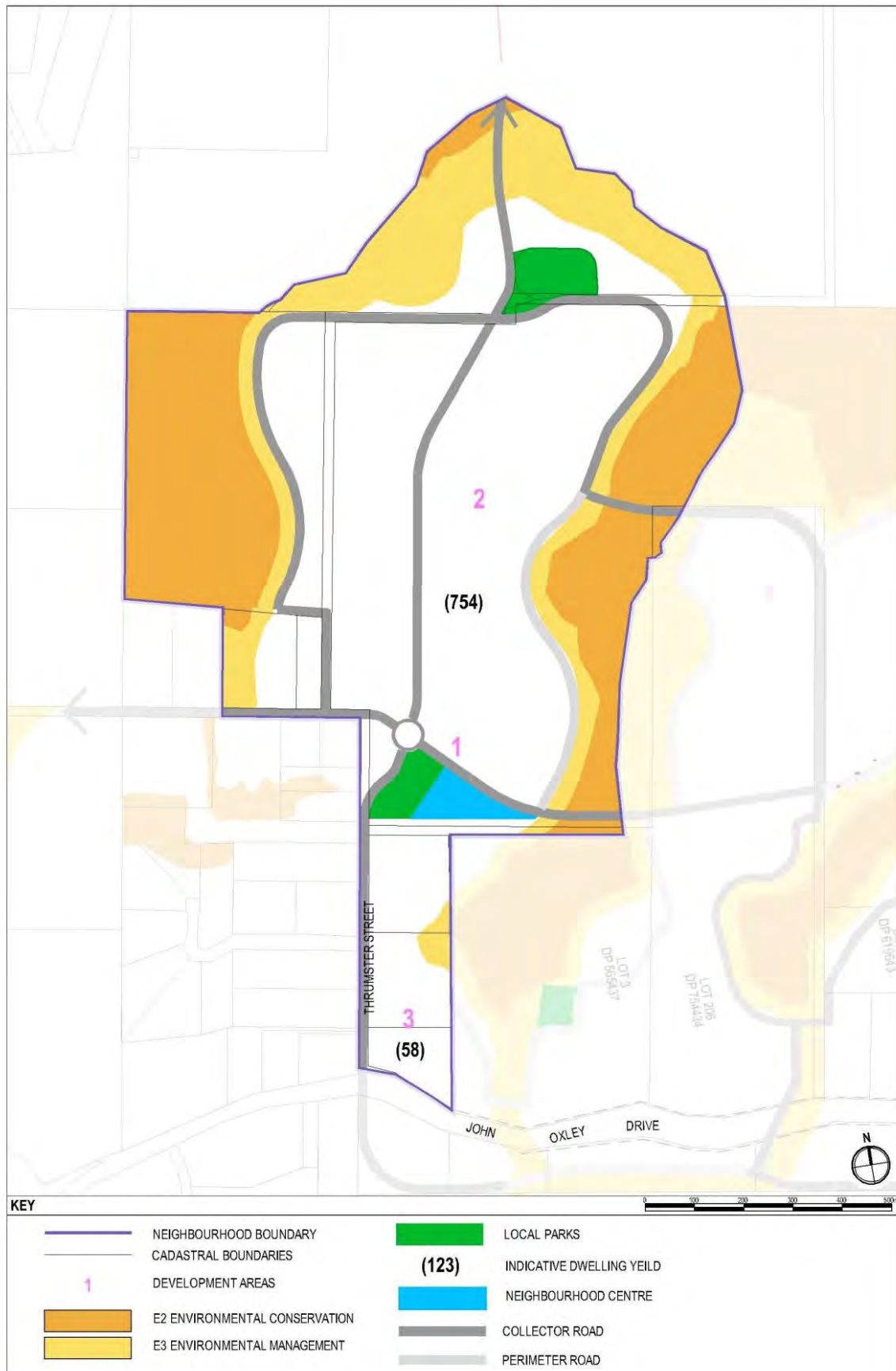


Figure 4.5-77: Partridge Creek Residential Urban Development Plan

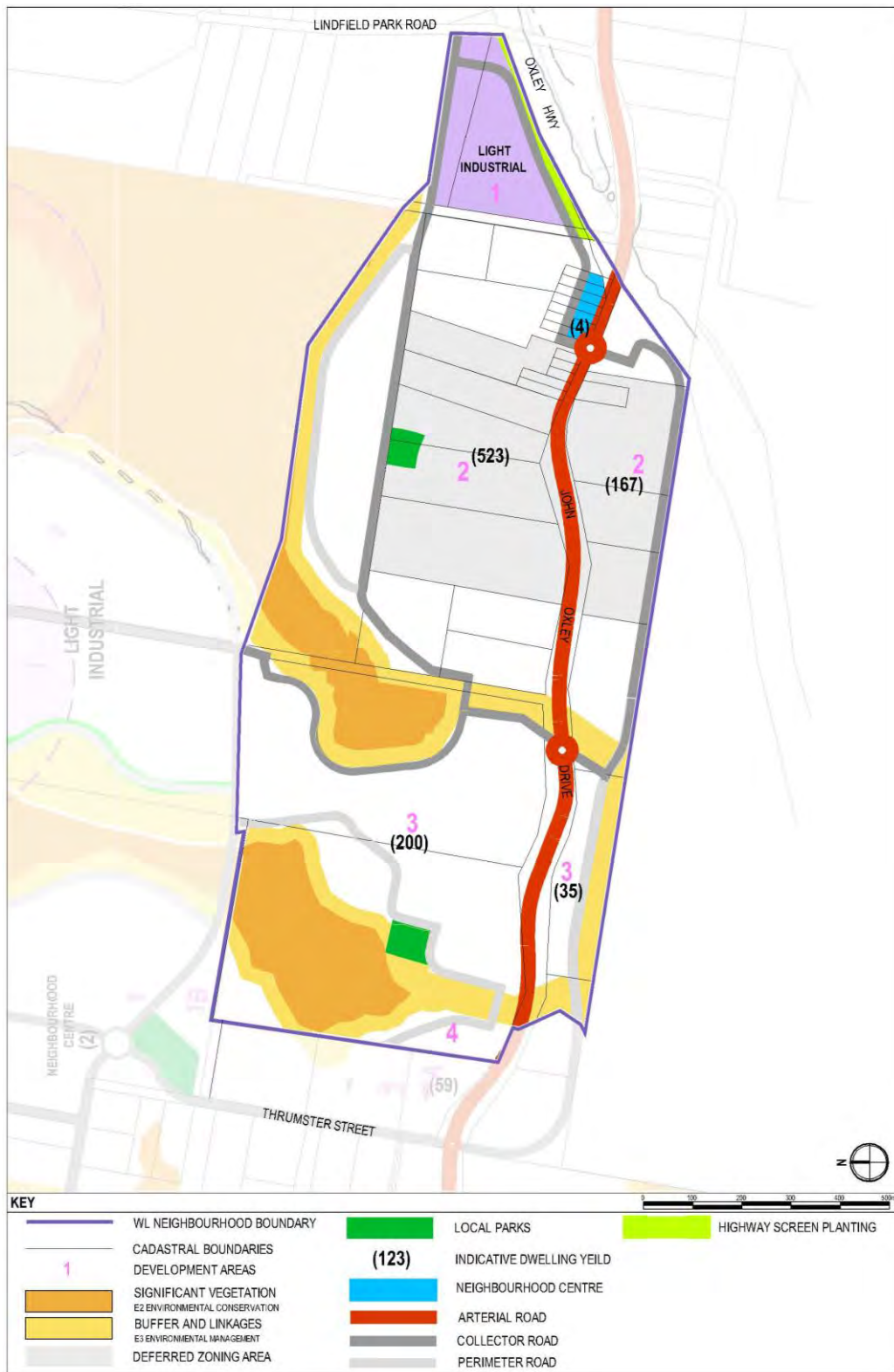


Figure 4.5-78: West Lindfield Urban Development Plan

## Service infrastructure

### 4.5.4.6 Objective

See Objective 3.6.3.34

## Development Provisions

### North Oxley

- a) Power for the North Oxley Neighbourhood should be supplied from the proposed Country Energy sub-station proposed to be constructed at the northern end of the Racecourse, adjacent to the TransGrid Sub Station. Local reticulation to service development areas must be located underground.
- b) North Oxley (and South Oxley) are served by existing 132 kV overhead power lines. Development must seek to provide these power lines undergrounded as part of the proposed development. The existing overhead alignment and proposed 132 kV undergrounding alignment are illustrated in **Figure 4.5-74**.
- c) The main East Coast fibre optic cables (Optus, Telstra, NextGen) are aligned through North and South Oxley Neighbourhoods. Development is to seek to provide these fibre optic cables in a common trench, where achievable, running parallel to the undergrounded 132 kV power cables. All residential and commercial areas within North Oxley will have suitable conduits installed ready for fibre optic cabling.

### Partridge Creek Industrial

- d) All reticulation is to be taken from the network at points nominated by Essential Energy. All local reticulation to service development must be located underground.
- e) All development areas are to be serviced by underground fibre optic cables.
- f) A public frontage is to be created and maintained to the transmission easement. This can be achieved with the provision of either a public road or public open space.
- g) The existing 300mm main on John Oxley Drive is to be upgraded to a 450mm main as development occurs. The timing for this upgrade is to coincide with the construction of intersection No 4.
- h) New water mains are to be constructed in conjunction with the north-south arterial road.

### Partridge Creek Residential

- i) A public frontage is to be created and maintained to the transmission easement. This can be achieved with the provision of either a public road or public open space.
- j) The existing 300mm main on John Oxley Drive is to be upgraded to a 450mm main as adjacent development occurs.
- k) The initial Development Application for urban development in Areas 1, 2 and 3A is to include the upgrading of the existing 100mm main in Thrumster Street.

### South Oxley

- l) The urban development of land within or immediately adjacent the TransGrid power easement is to be deferred as a future stage in a development application for urban development of lands in Development Areas 1 and 3, until such time as the TransGrid overhead transmission line is relocated outside the area.
- m) Other overhead power lines are to be converted to underground supply as part of each subdivision development.

### Town Centre

- n) Development is required to incorporate AAA rated water saving devices and other water conservation appliances into building design.
- o) Pavements and other hardstand areas are to link with landscaped areas to maximize passive irrigation and further minimize artificial irrigation requirements.
- p) Subsurface or surface drip irrigation is to be utilized where practicable and native and other drought tolerant plant species utilized extensively.
- q) Water features are to be designed to minimise excessive evaporation rates.
- r) Development is required to minimise water use in the design and operation of landscaping and outdoor water features.

## Service infrastructure

### West Lindfield

- s) The existing 300mm main on John Oxley Drive is to be upgraded to a 450mm main as development occurs. The timing for this upgrade is to coincide with the construction of intersections 4 and 5 (Area 3A and 3B) or as adjacent development occurs (Area 2).
- t) A public frontage is created and maintained to the transmission easement. This can be achieved with the provision of either a public road or public open space.

## 4.5.5 Design Guidelines - North Oxley

### Setbacks, articulation and streetscape

#### 4.5.5.1 Objective

- To create a clear transition between public and private space.
- To establish the desired spatial proportions of the street and to define the street edge.
- To facilitate active and casual visual interaction and surveillance between the street and dwellings.
- To ensure garages and parking areas do not dominate the streetscape.

### Development Provisions

- a) A garage, carport or car parking space must:
  - be at least 1m behind the building line, where the dwelling(s) has a setback from a road boundary of 4.5m or more, or
  - be at least 5.5m from a road boundary, where the dwelling(s) has a setback of less than 4.5m.
  - If the door or doors on a garage face a street, the total width of all those door openings must not be more than 6m, and not more than 50 per cent of the width of the building, measured at the building line to the relevant property boundary.
- b) Garages are to be visually downplayed by the provision of a pergola, overhang, or verandah in front of the garage.
- c) Additional off-street parking areas (other than stack parking in front of garages) are not permitted between the street boundary and the front building façade.
- d) Dwelling entries must not be hidden from view and must be easily accessible.
- e) Dwellings adjacent to the street are to have an entry door and a window of a habitable room addressing the street.
- f) Building walls are to step in and out at least every 12m by a minimum of 500mm.
- g) Dwellings, other than dwellings that have a setback from a street of less than 3m, may incorporate an articulation zone to a street frontage. The following building elements are permitted within the articulation zone:
  - an entry feature or portico,
  - a balcony, deck, patio, pergola, terrace or verandah,
  - a window box treatment d. a bay window or similar feature, e. an awning or other feature over a window,
  - a sun shading feature. These building elements must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house. The maximum area of all building elements within the articulation zone, other than a building element listed in (e) or (f) above, must not be more than 25 per cent of the area of the articulation zone, measured through the horizontal plane of the elements.

### Privacy, amenity and landscaping

#### 4.5.5.2 Objective

- To minimise the impact of development on privacy and outlook for neighbouring properties, including future buildings.
- To soften the visual impacts of urban development and to enhance the urban environment.
- To provide an amenable living environment for residents.
- To ensure that private open space is usable.

#### Development Provisions

- a) Minimum setback to any part of dwelling(s) of 4m from rear boundary. In some instances it will be desirable that the private open space be on the side of the building to allow good solar access to the space and adjoining principle living spaces. In that instance one side setback will be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may revert to 900mm. In these instances a detailed site analysis is to be provided indicating the impact of the design on adjoining dwellings and open space areas.
- b) 24m<sup>2</sup> of principle private open space is to be provided for single dwellings. Principle private open space means:
  - an area at ground level (existing) that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
  - is at least 4m wide, and
  - is not steeper than 1 in 50 gradient.
- c) A minimum of 35 per cent of the development site shall comprise soft landscaping with a minimum width of 2.5m. Details of compliance with this requirement shall be provided with the Development Application.
- d) A window in a dwelling(s) must have a privacy screen if:
  - it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
  - the wall in which the window is located has a setback of less than 3 m from a side or rear boundary, and
  - the window has a sill height of less than 1.5 m.
- e) A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
  - has a setback less than 3 m from a side or rear boundary, and
  - has a floor area more than 3 m<sup>2</sup>, and
  - has a floor level more than 1 m above ground level (existing).



## 4.5.6 Design Guidelines - Thrumster Town Centre and Precincts

### Urban Design

#### 4.5.6.1 Objective

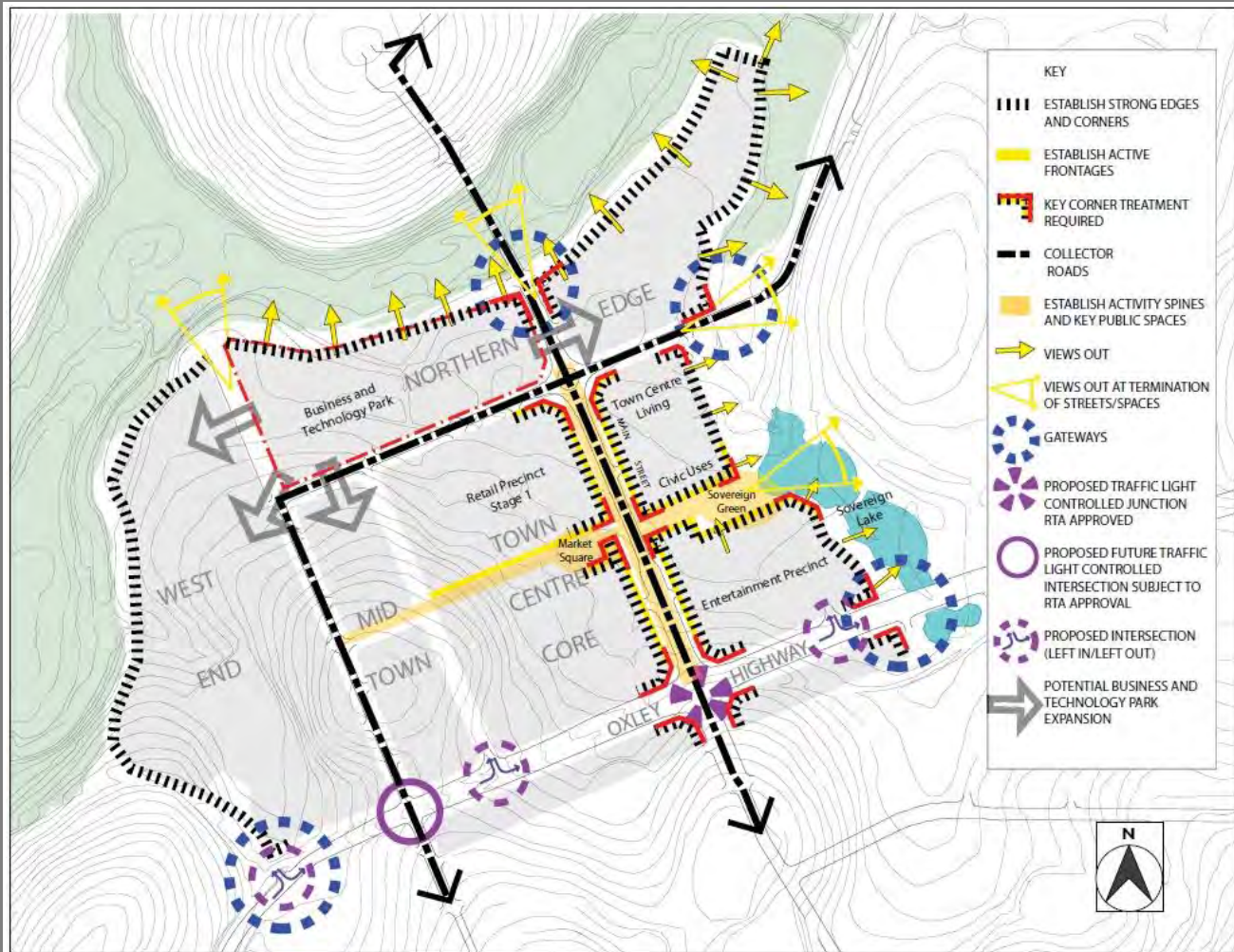
- Ensure that the Town Centre balances economic, social, cultural and environmental factors.
- Ensure well-designed pedestrian, cycleway and vehicular connections to the proposed residential communities.
- Ensure the provision of a fully integrated high quality community telecommunications network.
- Place an emphasis on a quality work environment, lifestyle, comfort and amenity.
- Create a ladder of workspace premises that will suit the needs of businesses at all stages of growth from home office/workshop to adaptable live-work premises, business incubator and campus business environments.
- Promote safety and security through good urban form and design.
- Promote biodiversity and resource management through environmental design and low maintenance landscaping of the public domain.
- Promote energy efficient and water sensitive building design.
- Ensure the provision of robust and adaptable development blocks capable of accommodating a range of urban uses.
- Allow for change over time by encouraging buildings to be designed which are adaptable and flexible in siting, layout and construction.
- To promote a robust ownership and management framework which defines the public and private realms in a functional and ordered manner.
- To encourage the provision of interconnecting streets and public spaces which promote direct connectivity, wayfinding, ease of use and functionality.
- To promote economic viability, character creation and sustainability by ensuring town blocks are of an appropriate size, shape and location relative to the public domain.
- Promote community interaction through the provision of a civic heart with well designed, functional public open spaces and centrally located community facilities.
- To define the Town Centre as a destination through appropriate urban form and design, distinctive and high quality architecture at strategic 'gateway' sites.
- To establish a 'Market Square' and civic open space - 'Sovereign Green' - centrally within the Town Centre to promote interaction and community activity and recreation opportunities at the hub of the town.
- To promote a pedestrian friendly Town Centre which promotes interaction and is visually interesting, functional and safe.
- To ensure Sovereign Green and Sovereign Lakes provide the focal point for future Town Centre community activities.
- To promote the integration of a dynamic, safe, aesthetically pleasing and multifunctional recreation and leisure space at the heart of the town.
- To establish the Town Centre within a natural setting, through the rehabilitation of riparian vegetation to the north and west and creation of parks and lakes to the east.
- To provide up to 15 ha of high quality publicly owned and accessible environmental lands on the doorstep of the Town Centre, which will link the Town Centre with adjacent development areas through a network of accessible pathways, cycleways and boardwalks.

### Development Provisions

#### Thrumster Town Centre

- a) Development is required to be generally consistent with the aims and objectives of this Part and the Indicative Neighbourhood Design Framework illustrated at **Figure 4.5-79**, guidelines and development criteria set out in this Part.
- b) Proposed variations from the plans and illustrations contained in this Part are permissible through the preparation of Precinct Development Control Provisions, but are required to meet the overall objectives contained in this Part.

## Urban Design



**Figure 4.5-79: Thrumster Town Centre Neighbourhood Design Framework**

- c) Buildings and structures are to be designed to generally be built to the street alignment and achieve an appropriate sense of street enclosure where strong edges to public spaces and important streets are required.
- d) Buildings are located and designed to provide informal surveillance of streets and public spaces.
- e) Active uses are provided at ground floor where active street frontages are defined.
- f) Shelter from the elements is provided along important pedestrian routes particularly those defined as requiring active street frontages.
- g) Building design allows for change over time by designing buildings to be robust and adaptable.
- h) Buildings and structures are designed for ease of access.
- i) Parking areas, service areas and loading docks are located in areas not visible from important streets and spaces.
- j) Provide high quality public domain lighting and public art in both streets and public spaces in the Town Centre.
- k) Create streets and blocks which follow an orthogonal grid structure.
- l) Establish a clearly defined street and block structure that promotes connectivity and legibility of the public and private domains.
- m) Ensure street blocks are of a size, shape and location to be able to be developed in an economically viable manner and contribute to the character of the Town Centre.
- n) Ensure new development is designed to respect the street and block structure.

## Urban Design

### Town Centre - Main Street

- o) Establish the 'Main Street' as the main activity spine and commercial destination of the Town Centre.
- p) Locate retail uses on 'Main Street' and ensure active uses are optimised at ground level.
- q) Provide mature landscaping in the form of Norfolk Island Pines and Jacarandas along Main Street, as a means of defining place.
- r) Provide a landscaped central median,
- s) Provide parallel on-street parking.
- t) Provide a traffic light controlled intersection at Main Street and John Oxley Drive.
- u) Ensure that the 'Main Street' connects directly with Collector Roads leading north and south into the Thrumster residential neighbourhoods.
- v) Provide high quality architecture built to the street alignment.
- w) Clearly define pedestrian and vehicular circulation.
- x) Design buildings, pavements and roads in a manner that encourages the use of the public domain for outdoor seating in association with ground floor retailing. Provide a consistent central median for its entire length defined by an avenue of Norfolk Island Pines and Jacaranda trees.
- y) Provide retail uses at ground floor within a mixed use street.
- z) Ensure variable street widths to manage traffic access and circulation. Main Street should have a minimum width of 30m in the southern section and 23m in the northern section as shown in **Figure 4.5-80** and **Figure 4.5-81** below.

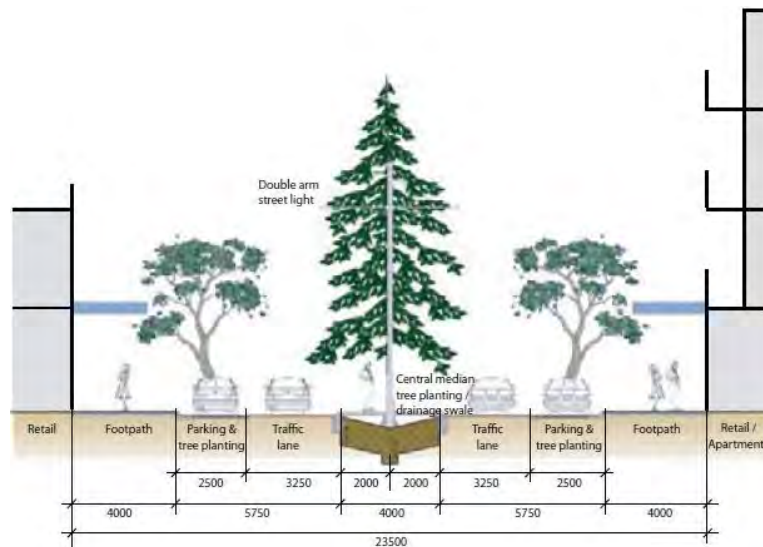


Figure 4.5-80: Indicative section of Main Street (northern end)



Figure 4.5-81: Indicative view looking north along Main Street

- aa) Buildings at the intersections of Main Street and Market Square and John Oxley Drive should be



## Urban Design

designed to provide a focal emphasis, with additional height to define the corners and architectural treatment to enable identification of place and way-finding within the centre.

- bb) Provide a central median swale which addresses water sensitive design.
- cc) Provide pedestrian permeability by the provision of bridged paved decks across the Central median swale at regular and strategic locations.
- dd) Provide generous 4m paths on either side of Main Street to cater for the high pedestrian flows and the provision of outdoor seating to cafes.
- ee) Provide parallel parking on both sides of the road, demarcated with contrasting pavement to define the travel lanes and reduce the perceived width of the street.
- ff) Provide Jacarandas to line the side of the street, between parking bays and provide a striking flowering shade tree to the Main Street and provide a landscaped point of reference and visual continuity with the adjoining residential neighbourhoods.

## Town Centre - Gateways

- gg) Define 'gateways' to the town which identify the Town as a destination, provide a focal point and enable ease of orientation and way-finding to and throughout the Town Centre thus promoting a 'sense of place'.
- hh) Ensure the design of buildings located at identified 'gateways' combine urban form and architectural features which provide a focal emphasis consistent with the 'gateway' role. Building must provide high quality detailing and materials.

## Town Centre - Market Square

- ii) Provide an important urban space located on the western side of Main Street and defined by retail, dining and business uses.
- jj) Provide the focal point for Stage 1 supermarket and speciality convenience retail uses.
- kk) Provide greater definition of Corner buildings that define Market Square through the use of additional height and/ or architectural elements to define the space. Market Place to Sovereign Green
- ll) Provide a flush threshold paved treatment across the road at the intersection of Market Square / Main Street to slow traffic and connect 'Market Square' with 'Market Place'.
- mm) Ensure the location and design of bus stops are accommodated on either side of Main Street at Market Square.
- nn) Market Square should be landscaped with a grid of deciduous exotic trees that will provide a shade canopy, thereby allowing cafes and bars to use these spaces for outdoor dining.
- oo) To the east of Market Square, a public space should provide access to the civic and business uses and Sovereign Green beyond. This street can thus be closed to traffic for community and cultural activities or as a regular market, effectively linking Market Square with Sovereign Green.

## Town Centre - Market Square to Sovereign Green

- pp) Provide a pedestrian oriented, landscaped, high amenity space for use as a Market Square central to the Town Centre and west of the Main Street.
- qq) Provide high amenity, landscaped civic spaces between the Lakes and Main Street.
- rr) Ensure Sovereign Green links visually and physically in a seamless fashion with Sovereign Lakes providing ease of access from the parklands into the Town Centre.
- ss) Ensure that buildings located between Market Square and Sovereign Green contain active retail or other active uses on the ground floor.

## Town Centre - Strong Edge - Sovereign Lakes

- tt) Provide a system of ornamental lakes to the eastern edge of the Town Centre.
- uu) Design should incorporate a centrally dominant lake which provides visual integration with the public open space, Sovereign Green to the west, enabling water views and a waterside focus in the main public space of the town.

### Urban Design

- vv) Provide for buildings located on the lakeside edge to be designed with a strong urban edge character.
- ww) Provide for a minimum 2 storey built form, orientated towards the lakes, with publicly accessible and active uses at ground level.
- xx) Provide publicly accessible foreshore pathways.

### Town Centre - Environmental Setting



*Boardwalk links in the environmental lands to the north and west of the Town Centre*

- yy) Provide for buildings located adjacent to the environmental lands to be designed with a strong urban edge character.
- zz) Provide for a minimum 2 storey built form orientated towards the natural lands.
- aaa) For all uses, ensure public access in the form of an edge road or public footpath that defines the interface between the Town Centre and the environmental lands.
- bbb) Provide for safe, accessible and direct pedestrian access to environmental lands.

### Town Centre - Market Place to Sovereign Green

- ccc) Sovereign Green should be a well landscaped multipurpose public open space providing for community functions, day to day recreation and primary pedestrian circulation. See **Figure 4.5-82** and **Figure 4.5-83** for indicative view and plan.
- ddd) Design of buildings and spaces should be adaptable and seek to encourage multiplicity of use in both the private and public realm.
- eee) A mix of community, civic and business uses shall define the northern edge of the Sovereign Green.
- fff) A mix of soft and hard landscaping, water features, sculpture and shade structures and civic tree planting shall be incorporated into the design.
- ggg) Sovereign Green should interface seamlessly with Sovereign Lakes to the east.
- hhh) The surrounding uses and alfresco dining on the southern edge of Sovereign Green should make this an active and lively space day and night.
- iii) Market Place should be a hard surfaced public space, linking Sovereign Green with the Main Street and Market Square, designed as a pedestrian environment that permits limited vehicle access.
- jjj) The southern edge of Market Place should have active uses such as cafes and restaurants utilising the pavement space. Market Place can thus be easily closed to vehicles for public events such as markets.



## Urban Design



Figure 4.5-82: View across the proposed Sovereign Green



Figure 4.5-83: Market Square to Sovereign Green indicative layout plan

### Town Centre - John Oxley Drive

- kkk) Development is generally consistent with the indicative design framework at **Figure 4.5-84**.
- lll) Provide a carriageway separated by a central median.
- mmm) Intersperse the kerbside land with mature Norfolk Island Pine trees to provide place identity and assist in slowing traffic.
- nnn) A shared footpath/cycleway shall be provided to each side of John Oxley Drive to a minimum of 4.5m in width.
- ooo) Provide pedestrian connectivity between south John Oxley Drive and north John Oxley Drive through the provision of pedestrian crossings.

## Urban Design

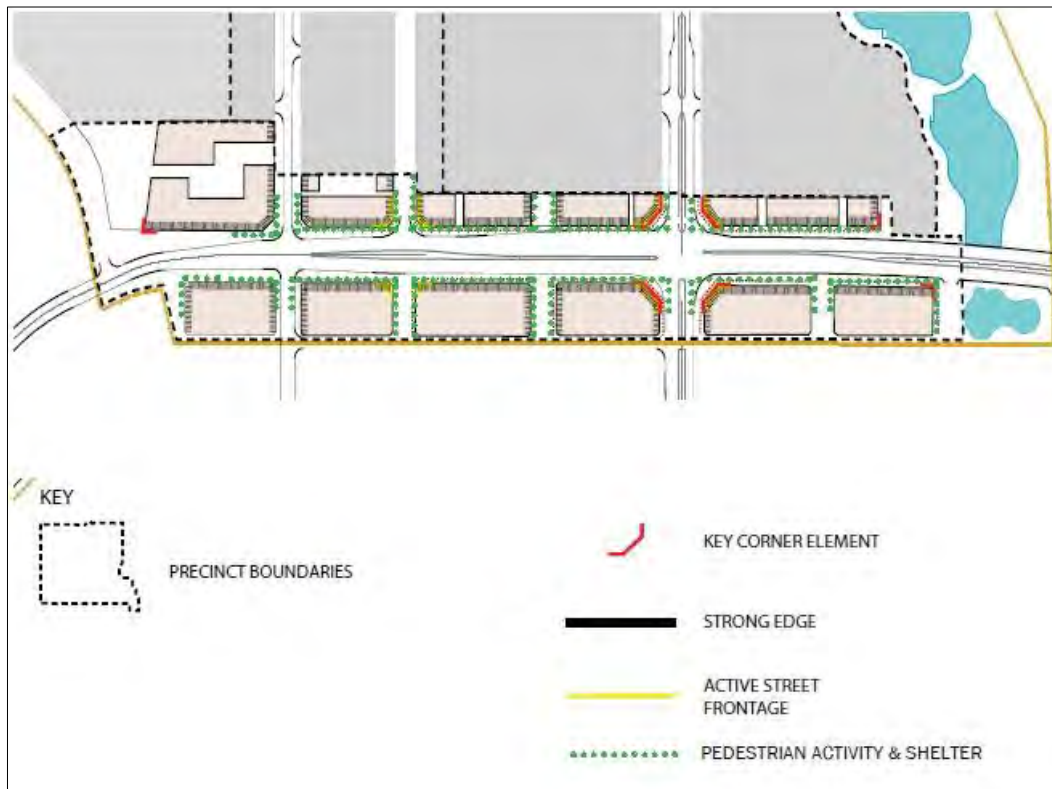


Figure 4.5-84: John Oxley Drive indicative urban form

### Town Centre - Northern Edge

ppp) Development is generally consistent with the indicative design framework at **Figure 4.5-85**.

## Urban Design

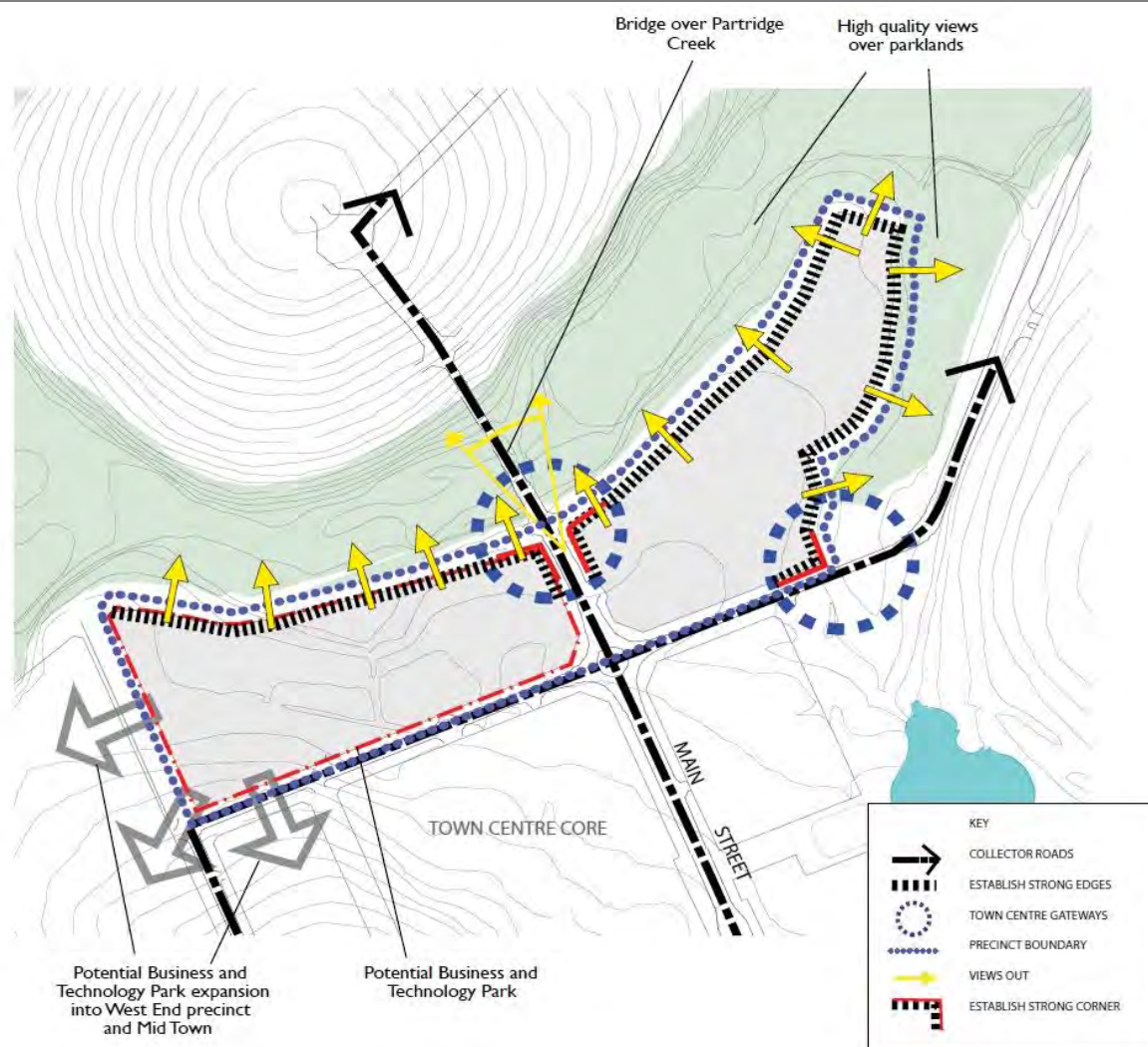


Figure 4.5-85: Northern Edge indicative urban design

### Town Centre - Sovereign Lakes

qqq) The future landscape character should be consistent with the indicative design framework shown at Figure 4.5-86.

#### Central Lake

- rrr) The Central Lake should be designed as the centre piece of the Town Centre. It should project on an axis into Sovereign Green and engage people via a series of gently graded seating steps.
- sss) The provision of a floating central water jet or similar feature element, on Sovereign Green axis, designed and programmed to provide a variety of visual effects and be well lit at night, will enable a sculptural focal point to the Town while respecting WSUD by aerating the water.
- ttt) The provision of outdoor seating to any proposed use of buildings positioned at the edge of the lake will enable full advantage to be taken of the Lakes, with views over both the Central and Upper lakes and provide a community hub which enjoys the northern aspect.
- uuu) The provision of a generous timber deck projecting over the water will afford public access and views to Sovereign Green, water play area and cascades between the Upper and Central Lake.



Urban Design



Figure 4.5-86: Sovereign Lakes indicative design framework

***Cascades and Upper Lake***

- vvv) Between the upper and central lake, at a convenient location, the lakes design should provide a bridge crossing a cascade at the terminus of one of the town's cross streets.
- www) Apartment Living fronting the Lakes, should provide east facing balconies and courtyards overlooking the lakes and a public walkway along the waters edge, completing the lake walkway circuit.

### Urban Design

#### ***Regional Playground***

- xxx) An intensive urban style playground and picnic facility shall be considered between the 'School Road', Town Centre and Sovereign Lakes. It should be designed to accommodate three discreet areas to cater for different age groups.
- yyy) The provision of timber decks overhanging the stream will enable further public interaction with the recreational opportunities provided by this scenic setting. The whole area should be subtly fenced to provide parents with peace-of-mind and prevent children from wandering into the road or creek area.
- zzz) The provision of a small amenities block should be provided at the southern end of the regional play area to service the playground, Sovereign Green, water play area and eastern picnic area.

#### ***Water Play***

- aaaa) The provision of a well shaded urban style water play area should be considered adjacent to the main playground and Sovereign Green to enhance the water theme and provide a fun family focus to the area Sovereign Green area.
- bbbb) The design of the water play area shall be safe and secure and promote a fun experience with colourful sculptures, interactive pavement jets and toddler wading pools.



*Typical 'water play' and landscape features*

#### ***Eastern picnic area***

- cccc) The provision of a small picnic area and BBQ facility should be considered projecting into the central lake, offering a quiet spot on the eastern side to enjoy the lake area.
- dddd) The siting of the picnic area shall be easily and readily accessible from the playground and amenities and its design shall consider the provision of a tall sculptural tower, which can be lit at night to provide a vibrant focus and promote the Town Centre while providing a vertical visual terminus to the main Sovereign Green and a useful way-finding device.



*Views over Sovereign Lakes, looking west from the picnic area*

#### ***Pedestrian and cyclist path circuit***

- eeee) The eastern shores of the lakes shall be provided with attractive pathway systems, with regular key crossing points, which weave along the shores linking the playground and tavern and providing excellent access to the Town Centre and a variety of experiences and views around the lake edges.



Urban Design

*View of Sovereign Lakes from Sovereign Green*



*Views over Sovereign Lakes, looking north*



## Land use

### 4.5.6.2 Objective

- Promote an active Town Centre with a full range of complementary uses – retail, business, education, civic, diverse choice of residential accommodation, entertainment, recreation and public open space to serve the needs of the emerging local community.
- Promote easily accessible local convenience shopping for the community.
- Establish the Town Centre as an employment hub for both the local and regional community.
- Promote vitality and viability by encouraging a mix of uses within street blocks and vertically within buildings.
- The John Oxley Drive Precinct should accommodate a mix of land uses appropriate to a sub-arterial road frontage which may include, but are not limited to: business, showrooms, retail and health/medical centres. High quality buildings and landscaping should define the gateway to the Town Centre.
- The Mid Town Precinct should provide a mix of uses which promote a range of live-work, studio/workshop, light industrial and commercial activities contributing to the vitality and diversity of the town. High quality design of buildings and spaces which integrate with the adjoining precincts in form, siting and use is essential. While providing a transition between the retailing hub of the Town Centre Core and the West End, mid town development must ensure a coherent urban design structure which enables identification of place. Housing development within the mid town and west end precincts must have a density of 10 dwellings per ha which equates to approximately 76 dwellings.

## Development Provisions

### Town Centre Core

- A minimum street wall height of 7m should be provided to buildings fronting Main Street, to articulate desired streetscape and neighbourhood character.
- Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes;
  - Incorporation of appropriate facade treatments that helps the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline;
  - Incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc) into the facade of the building;
  - Variation in the planes of exterior walls in depth or direction;
  - Variation in the height of the buildings so that it appears to be divided into distinct massing elements;
  - Articulation of the different parts of a building's facade by appropriate use of facade by appropriate use of colour, arrangement of facade elements, and variation.
- Buildings of up to 6 storeys in height may be appropriate where key corner elements are identified in **Figure 4.5-87** provided the additional height integrates with the adjoining building form.
- Buildings are to address the public open spaces and streets with active uses at ground level.
- Minor front setbacks or articulated facades maybe incorporated for interest and where they do not impact detrimentally on safety/security and contribute to the visual diversity and appearance of the streetscape.
- Buildings sited to the North of public open space are to minimise overshadowing through appropriate setbacks at upper levels.
- Buildings fronting public streets should be generally a minimum of two storeys.
- Except for Town Centre Core to the west of Main Street, single storey buildings are discouraged.

## Land use

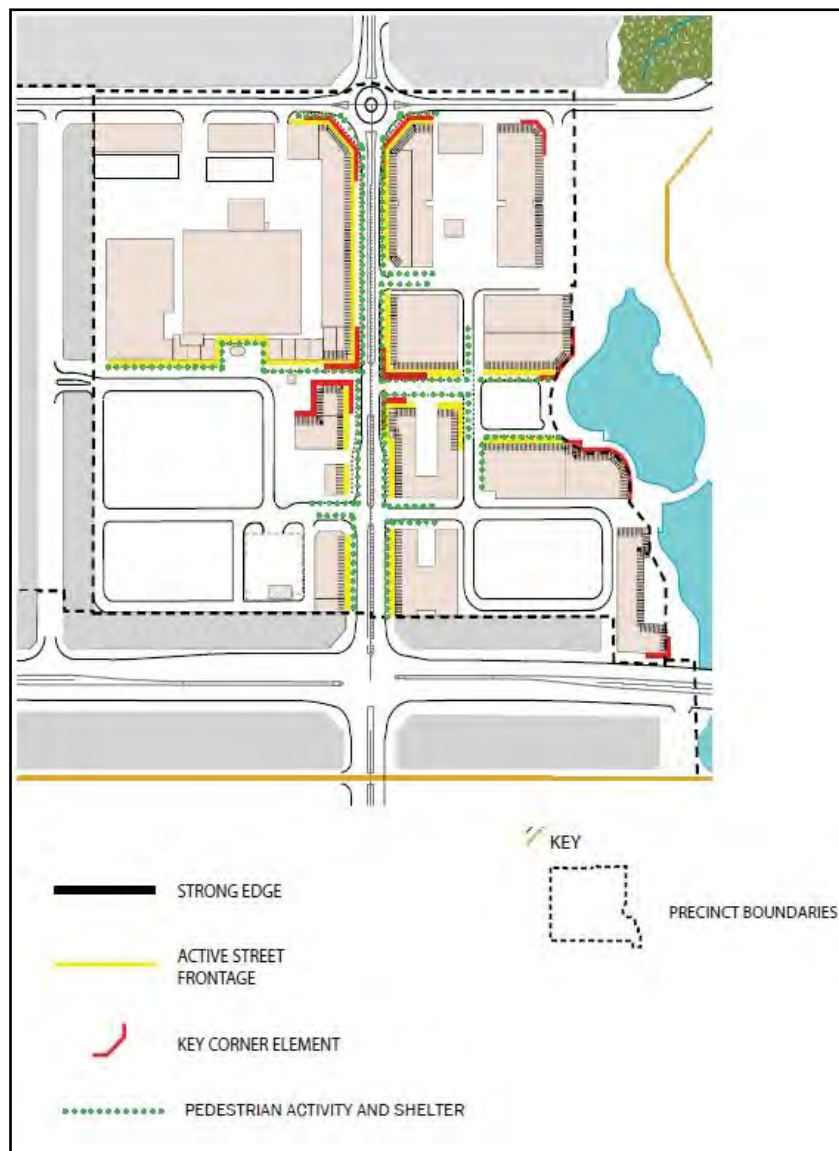


Figure 4.5-87: Thrumster Town Centre Core - Indicative Urban Form

#### John Oxley Drive

- i) The John Oxley Drive Precinct should contain uses appropriate to a main road frontage. Such uses would generally not rely on passing foot traffic for business but would be 'destination' uses in their own right such as: medical centres or specialist retailing with a need for large display areas such as vehicle showroom, musical instrument sales rooms or antique salesroom.
- j) The use of buildings within the John Oxley Drive precinct will be required to provide their main pedestrian access and display frontage addressing John Oxley Drive. Uses that will benefit from this exposure and contribute to the vitality and character of the Gateway to the Town Centre are encouraged.

#### Mid Town

- k) The Mid-Town Precinct should accommodate a range of land uses. Generally the mix of future land uses appropriate for Mid-Town are: business, education, workshop/showrooms, studios, light industry, live-work, and cafes/restaurants. However, a number of land-use scenarios could be considered:
  - an extension to the Business Technology Park,
  - a Tertiary Education Precinct,
  - a media / cultural industry cluster,

## Land use

- Creative Industries Cluster, comprising workshop/incubator space, live-work premises and commercial studios.

### Northern Edge

- l) The Northern Edge Precinct should ideally provide for a Business and Technology Park which will generate essential employment opportunities and create a sense of identity for the Town. Opportunities exist for the provision of medium density residential accommodation located on the 'Peninsula' to the north of Sovereign Lakes, where visual amenity is high and there is ready access to services and employment lands.

### West End

- m) Provision of medium density residential development with the potential for the expansion of any Business Technology Park at the north which may result from development of the Northern Edge Precinct.

## Building height and alignment

### 4.5.6.3 Objective

- Create the Town Centre as a 'place' by encouraging contemporary design with a readily identifiable community character.

## Development Provisions

### John Oxley Drive

- a) A minimum and consistent street wall height of 7m should be provided to buildings fronting John Oxley Drive with a maximum 5 storey height.
- b) Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:
- Incorporation of appropriate facade treatments that helps the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline ;
  - Incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc) into the facade of the building ;
  - Variation in the planes of exterior walls in depth or direction ;
  - Variation in the height of the buildings so that it appears to be divided into distinct massing elements ;
  - Articulation of the different parts of a building's facade by appropriate use of colour, arrangement of facade elements, and variation.
- c) Key corner sites identified in **Figure 4.5-84** must be defined by architectural corner elements higher than the adjoining street wall height.
- d) Minor setbacks or articulated facades may be incorporated for interest and where they do not impact detrimentally on safety/security and contribute to the visual diversity and appearance of the streetscape.

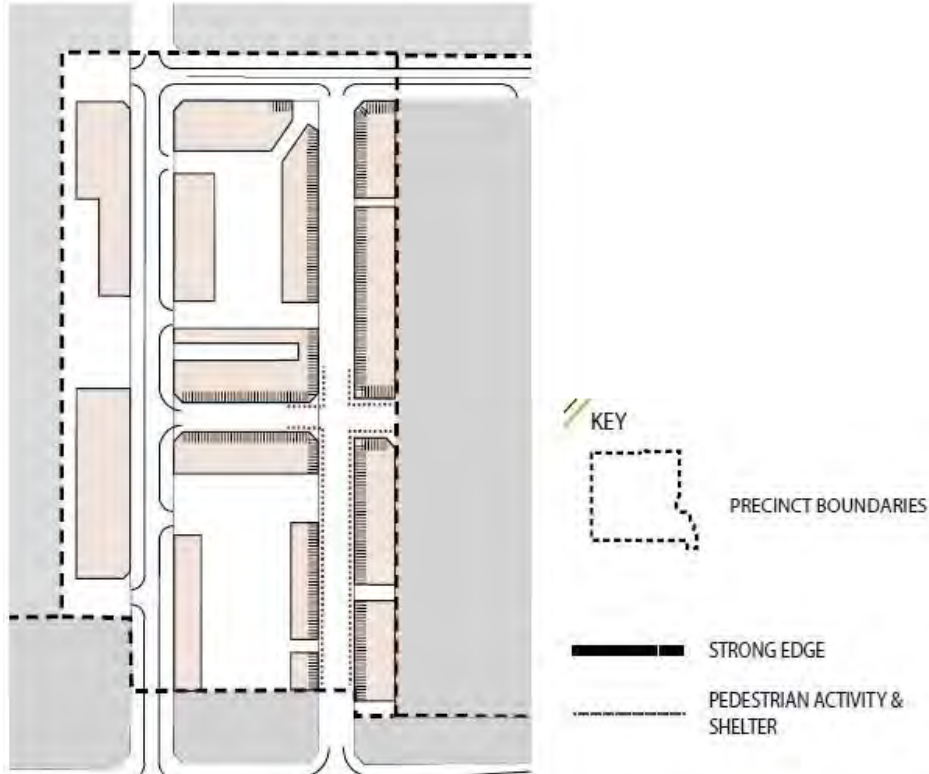
### Mid Town

- e) Buildings are generally required to be a minimum of 2 storeys and a maximum of 5 storeys in height and integrate with the adjoining precincts in character and form having regard to the topography.
- f) Buildings located on street corners should turn the corner and be designed to emphasise and define the corner particularly on corners of key streets and/ or collector roads.
- g) A consistent street wall height of two storeys must be maintained along street frontages identified as having a 'strong edge' as illustrated on **Figure 4.5-88**. Above this height buildings may be set back having regard to solar access, overshadowing and visual impact.
- h) Development is generally required to address the street and be built to the street alignment as identified on **Figure 4.5-88**.
- i) Minor front setbacks or articulated facades may be incorporated for interest and where they do not impact detrimentally on safety/security and contribute to the visual diversity and appearance of the

## Building height and alignment

streetscape.

- j) On other streets where development is designed as work/live or residential development, a front setback consistent with the provision of a front garden space or entry, should be provided.
- k) Incorporation of appropriate facade treatments that help the development to properly address the relevant street frontages, key vistas, and to add visual interest to the skyline.



**Figure 4.5-88: Mid Town indicative urban form**

### Northern Edge

- l) Buildings are generally required to address the street and be built to the street edge. Buildings fronting Partridge Creek should establish a strong 'urban edge' to the creek.
- m) Buildings either side of the Main Street, close to Partridge Creek should act as the northern 'gateway' to the Town Centre and be designed appropriately, strongly defining the corners of the blocks. Buildings either side of College Drive will act as the northeastern 'gateway' to the Town Centre.
- n) Commercial buildings are generally required to be a minimum of 2 storeys 'campus style' designed as an integral part of the Town Centre and maximising the amenity offered by the riparian environmental lands.
- o) Variations up to a building height of 5 storeys may be appropriate.
- p) Any residential development should maximise the amenity offered by the riparian border and may be up to 5 storeys depending upon topography and its visual impact.



### Building height and alignment



Figure 4.5-89: Examples of typical future business buildings in the Northern Edge Precinct

#### West End

- q) Buildings are generally required to address the street and be built to the street edge. Buildings fronting Partridge Creek should establish a strong 'urban edge' to the creek.
- r) Buildings are generally required to be a minimum of 2 storeys with roads and building location enabling glimpses of the Town Centre to be obtained from the Pacific Highway. Variations up to a building height of 5 storeys are permissible.

### Building height and alignment



Figure 4.5-90: Examples of typical built form in the West End Precinct

### Street frontages

#### 4.5.6.4 Objective (in addition to Objective 4.2.3.38)

- Provide for active uses which form a 'sleeve' around larger footprint uses and car parking areas to ensure human scale and a finer grain of urban form.
- Provide for active street edges and public spaces within a traditional robust street and block grid.

### Development Provisions

#### John Oxley Drive

- a) Buildings fronting 'active streets' as identified in **Figure 4.5-84** shall comply with the 'Active frontages' provisions at 4.2.3.38.

### Corner elements

#### 4.5.6.5 Objective

Refer to 3.4.3.23

### Development Provisions

#### John Oxley Drive

- a) Building elements identified on **Figure 4.5-84** shall incorporate the provisions identified in section 3.4.3.23 'Gateways and Landmark sites'.

#### Mid Town

- b) Building elements identified on **Figure 4.5-88** shall incorporate the identified in section 3.4.3.23 'Gateways and Landmark sites'.

### Awnings

#### 4.5.6.6 Objective

Refer to 3.4.3.11 - 14

### Development Provisions

#### John Oxley Drive

- a) Continuous awnings are to be provided for the full extent of the street frontage where denoted as pedestrian circulation and shelter on **Figure 4.5-84**.

#### Mid Town

- b) Awnings should be provided along streets identified as pedestrian activity and shelter on **Figure 4.5-88**.

### Vehicular Access Location and Design

#### 4.5.6.7 Objective

Refer to 3.4.3.27 - 29

### Development Provisions

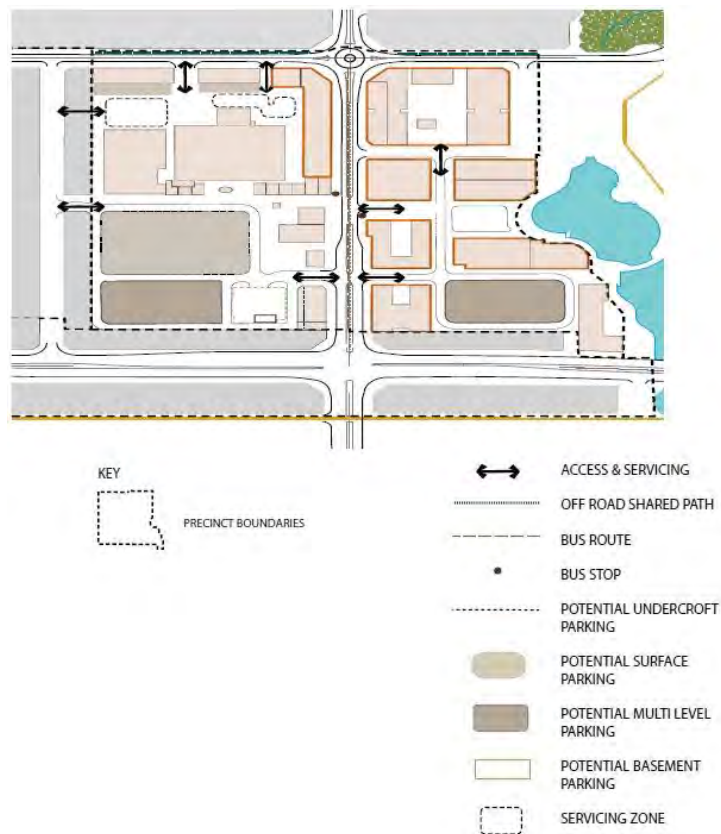
#### Town Centre Core

- a) Main access to the precinct should be achieved via John Oxley Drive and Neighbourhood Connectors accessing the Town Centre from both north and south.
- b) Vehicular access/egress to parking and servicing areas are to be generally provided in the locations identified in **Figure 4.5-91**.

#### West End

- c) Access to the precinct should be achieved via Collector Roads from the north.

## Vehicular Access Location and Design



**Figure 4.5-91: Town Centre Core - indicative car parking, access and servicing**

### Mid Town

- d) Main access to the precinct should be achieved via collector roads from both the north and the south. The precinct will offer an alternative access to the main retail car park in the Town Centre Core.
- e) East-west and north-south roads should be provided to continue the grid network and connectivity within the Town Centre.
- f) Vehicular access to premises is to be achieved via a combination of street access and rear lane access, depending upon circumstances.
- g) Vehicular access/egress to parking and servicing areas are to be generally limited to the locations identified on **Figure 4.5-92**.
- h) Cycleways are to be provided in accordance with **Figure 4.5-92**.

## Vehicular Access Location and Design

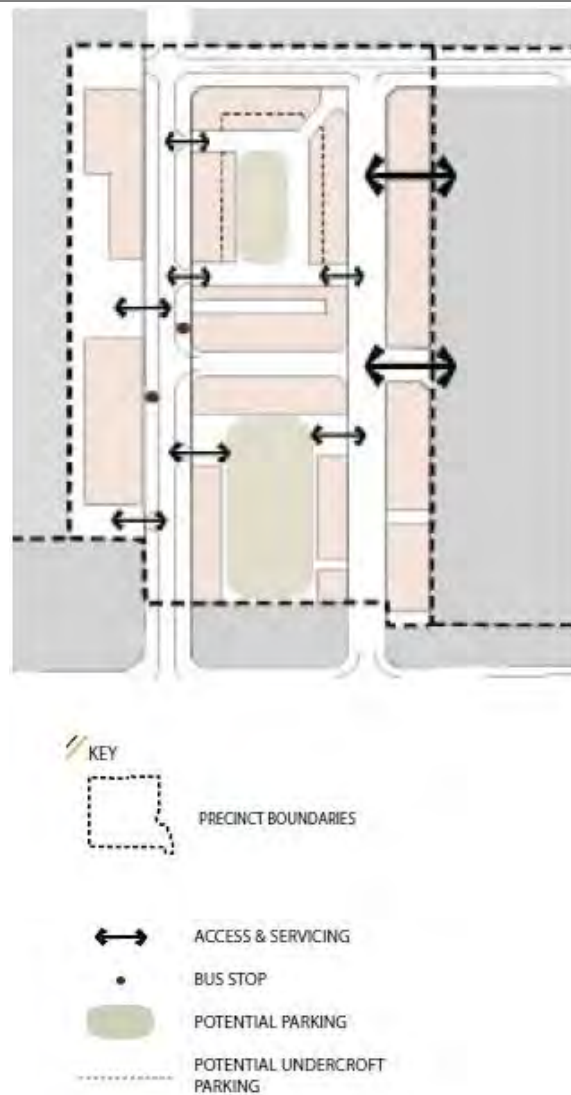


Figure 4.5-92: Mid Town indicative parking, access and servicing

### Northern Edge

- i) Access to the precinct is achieved via Collector Roads accessing the Town Centre from both north and south.

## Public Domain - Public Lighting and Public Art

### 4.5.6.8 Objective

- To promote a pedestrian friendly Town Centre which promotes interaction and is visually interesting, functional and safe.

### Development Provisions

#### Thrumster Town Centre

- a) High quality public domain lighting in both streets and public spaces will be a priority in the Town Centre.
- b) A Public Art Strategy is to be prepared that defines suitable opportunities for various forms of public art in the Town Centre.



### Public Domain - Public Lighting and Public Art

*Example of public art appropriate for the Town Centre*



### Population and Employment

#### 4.5.6.9 Objective

- Promote vitality and economic viability by encouraging the provision of an appropriate balance of employment land and residential accommodation.
- Establish a flexible land use and urban form framework that enables the provision of a mix of commercial, residential, retail, community and open space uses to be developed.
- Establish a strong local employment base of up to 2000 jobs within the Town Centre, serving local and regional populations.
- Establish a residential population within the Town Centre through the provision of at least 180 dwellings in a range of medium density dwelling types of a minimum density of 20 dwellings per hectare.

#### Development Provisions

- a) A minimum yield of 180 dwellings is to be provided within the Town Centre.
- b) Precinct Development Control Provisions are to provide details of the proportion of this yield to be accommodated within each precinct.
- c) The Town Centre Core will provide the majority of retail development and some medium density housing, together with leisure, recreation, service and community/civic uses.
- d) The Northern Edge, West End and Mid Town Precinct Development Control Provisions will facilitate the intent of either Scenario 1 or 2 to be pursued at the development application stage.
- e) The West End precinct shall generally provide residential accommodation.
- f) Mid Town Precinct shall provide a mix of live/work and mixed uses to balance and complement the residential/employment objectives.
- g) The John Oxley Drive Precinct shall provide predominantly commercial/retail uses.

## Economic Development

### Glossary

**Business Cluster** is an area characterised by a mix of residential and business uses, by the integrated design and development of live-work premises, home businesses, home industry, studios, workshops, etc.

**Business Incubator** is a business building type that provides an affordable working environment with a mix of flexible workspace types and sizes, often with shared services and meeting facilities. The role of the Business Incubator is focussed at the early stages of the workspace ladder, supporting the development of infant or fledgling businesses.

### Employment

#### 4.5.6.10 Objective

- To encourage employment-generating uses that can contribute to an economically, socially and environmentally sustainable community.
- To ensure that a wide range of employment-generating uses are permissible within the various land use zones that comprise Thrumster that optimises the investment in infrastructure.
- To encourage a ladder of workspace premises and provide guidelines and controls that enable both flexibility and guidance in the development of employment generating uses.
- To minimise the impact of light industrial activities on surrounding residential uses.

### Development Provisions

#### Business Clusters

- a) Business Clusters are to be located within or close to the Town Centre or a Neighbourhood Centre, with good access to public transport and local services.
- b) The development of a Business Cluster may
  - Vary building setbacks.
  - Provide private open space requirements
  - Reduce the need for off-street parking through the incorporation of increased on-street angled, 90 degree or centre parking.

#### Business Incubators

- c) The development of a Business Incubator may incorporate specific design provisions that:
  - Vary building setbacks.
  - Reduce the need for off-street parking through the incorporation of increased on-street angled, 90 degree or centre parking.

#### Light industrial uses (in addition to 3.5.3)

- d) In the IN2 Light Industrial Zone, subdivision meets the following requirements:
  - minimum lot size of 1,000 square metres
  - minimum width of 25 metres
  - minimum depth of 40 metres

## 4.5.7 Building design in business zones (in addition to Chapter 3.4)

### Active frontages

#### 4.5.7.1 Objective

To promote the commercial viability and vitality of local and neighbourhood centres.

### Development Provisions

- a) Ground floor levels shall not be used for residential purposes in Zone B1 Neighbourhood Centre or in active frontage areas in Zone B2 Local Centre, and will generally have a zero front setback.

### Active frontages

- b) All ground floor levels in buildings facing active streets, internal and external arcades or pedestrian paths and areas are to incorporate retail, community, commercial or entertainment uses to activate the building frontage and adjoining space.
- c) Development along streets and public places shall be designed and sited so that formal entries to the development address the street or public place.

### Building facades, materials and finishes

#### 4.5.7.2 Objective (in addition to 3.4.3.4 - 7)

- To ensure that building exteriors reinforce the character and continuity of streetscapes.
- To contribute positively to the streetscape by means of high quality architectural design.

### Development Provisions

#### General

- a) Ground floor levels shall not be used for residential purposes in Zone B1 Neighbourhood Centre or in active frontage areas in Zone B2 Local Centre.
- b) Facades are to be suitably articulated and use a diverse range of materials.
- c) Materials are to be generally light in colour.
- d) Avoid expanses of any single material.
- e) Extensive expanses of solid wall are to be avoided.
- f) The use of glass, steel and architectural detailing is to be provided to promote articulation, character and interest in the streetscape.
- g) Balconies and terraces may be provided particularly along Park Edge Streets and to buildings fronting designated open space.
- h) Facades should be designed to reflect the orientation of the site incorporating environmental control devices as an integrated design feature of the building.
- i) Apartment buildings shall contain highly articulated façade elements to break down the scale of street wall, clearly expressing a 'base', 'middle' and 'top'.

### Roof form

#### 4.5.7.3 Objective (in addition to 3.4.3.3)

- To promote innovation in roof form.
- To ensure the design of the roof integrates successfully with the proportions and composition of the building.

### Development Provisions

#### General

- a) Roof form is to be designed to be an integral part of the building and minimise overshadowing.
- b) Pitched roofs shall be designed to ensure that the depth of eave overhang is in proportion with the building and contributes to sunshading where required.
- c) Lift overruns, service ducting and plant and machinery must be integrated into the design of the roof.
- d) Green roofs shall be incorporated where possible and be designed to enable safe and amenable space for occupants of the buildings without impacting on the residential amenity of any neighbouring occupiers.

### Awnings

#### 4.5.7.4 Objective

Refer to 3.4.3.11 - 14

#### Development Provisions

##### General

- a) Awnings should be set back at least 600mm from the kerb line.
- b) The underside of awnings shall be provided with appropriate lighting.
- c) Colonnades are not favoured in the Town Centre Core.

### Vehicular Access Location and Design

#### 4.5.7.5 Objective

Refer to 3.4.3.27 - 29.

#### Development Provisions

##### General

- a) There should be no direct vehicular access to at-grade or basement car parking from the street frontage of neighbourhood centres or from the Main Street in the Town Centre.
- b) Vehicular access is to be by access lanes, designed and constructed to accommodate the anticipated traffic levels.
- c) Vehicular entrances and the door treatments are not to dominate facades.
- d) Doors are to be designed for quiet automated operation.
- e) Streets or shareways (and public spaces) should not be presented with blank car park walls.
- f) Car parking structures at street level and where adjoining public places are to present an active frontage to adjoining streets and public spaces and preferably incorporate ground level retail tenancies where appropriate.
- g) Car parking areas should be visually unobtrusive.

### Bicycle and scooter parking

#### 4.5.7.6 Objective

- To maximise opportunities for employees of businesses to use alternative transport methods which have less impact on the environment.

#### Development Provisions

##### General

- a) All new development are to be provided with facilities for parking or storing bicycles and scooters.
- b) Large business and commercial development proposals are to include appropriate shower and change room facilities for staff.

### Mixed use development

#### 4.5.7.7 Objective

- To encourage the integration of appropriate retail and commercial uses with residential development.
- To ensure that the design of mixed use developments maintains residential amenity and preserves compatibility between uses.

### Development Provisions

#### General

- a) Ensure that loading bays, garbage collection areas and noise and odour generating aspects of buildings are located away from sensitive receivers (such as residential and some forms of commercial and retail activities).
- b) Design legible circulation systems, which ensure the safety of users by differentiating between commercial service requirements, such as loading docks, and residential access and primary outlook.
- c) Locate clearly demarcated residential entries directly from the public street.
- d) Distinguish commercial and residential entries and vertical access points.
- e) Provide security entries to all entrances into private areas, including car parks and internal courtyards.
- f) Avoid the use of blank walls at the ground level.
- g) Address acoustic requirements for each use by separating residential uses, where possible, from ground floor leisure or retail uses by utilising an intermediate quiet-use barrier, such as offices.
- h) Design for acoustic privacy from the beginning of the development to ensure that future services, such as air conditioning, do not cause acoustic problems later.

### 4.5.8 Amendment history

The Development Control Plan is a dynamic document. Please make sure you are using the most recent version for each Chapter. The version reference is printed in the footer of the document. The DCP page on Council's website lists the current version reference for each Chapter.

The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
16/07/2014	15/08/2014	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 1)	v20140815



## Chapter 4.6 Highway Employment Lands

### 4.6.1 Area Context

#### Land to which this Chapter applies

This Plan applies to land at Fernbank Creek, Thrumster and Sancrox identified with the light blue shading shown in **Figure 4.6-1**. Specific provisions apply to the areas with darker shading.

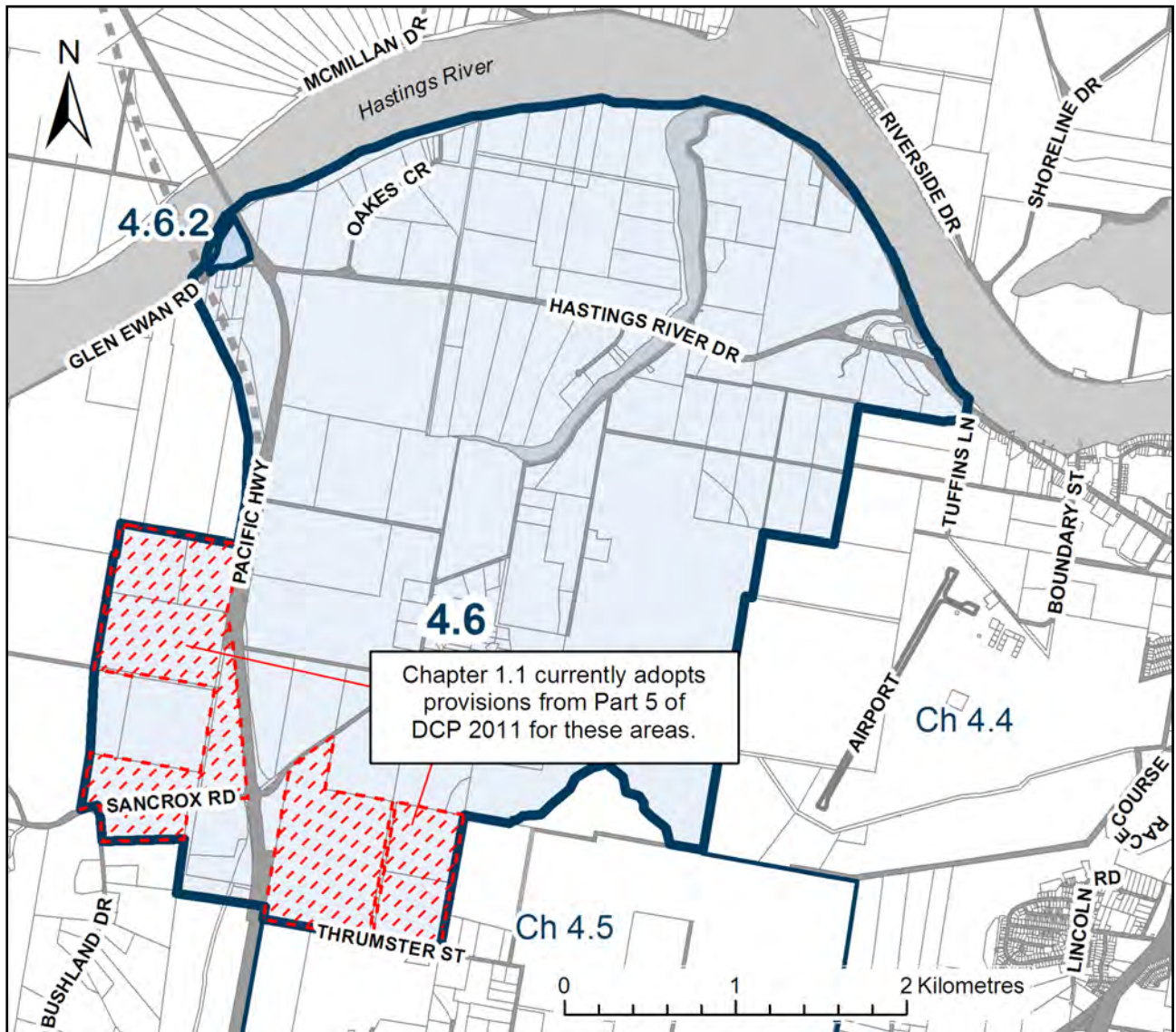


Figure 4.6-1 Land to which Chapter 4.6 applies

#### Purpose

These provisions supplement the General and the Development Specific (Industrial Development) Provisions of PMH DCP 2013 by providing additional guidance for development of the subject site.

#### Applicable Environmental Planning Instruments

- Port Macquarie-Hastings Local Environmental Plan 2011.



## Relationship to other sections of the DCP

This chapter must be read in conjunction with Parts 1 to 3 of PMH DCP 2013.

## Contributions Plans

- Port Macquarie-Hastings Council S94A Levy Contributions Plan 2007.

## Glossary

A word or expression used in this development control plan has the same meaning as it has in Port Macquarie-Hastings Local Environmental Plan 2011, unless it is otherwise defined in this development control plan.

## 4.6.2 Birdon Marine West

### Land to which this section applies

This section applies to all land within the heavy lines shown on **Figure 4.6-2**.



Figure 4.6-2 Birdon Marine West

## Strategic Context

The zoning of the site provides for approximately 3.7 hectares of working waterfront industrial and 2,100 sqm of rural transition lands for buffers and screening to adjacent rural-dwellings in Glen Ewan Road. The zoning was informed by a concept plan submitted by Land Dynamics consultants, on behalf of the landowner.

The concept provides for landscape screening along Glen Ewan Road, as well as vegetated areas to the north, east and west to screen development from the Pacific Highway corridor (existing & proposed), as well as the Hastings River.

An existing internal access road provides connection to the waterfront on land adjoining to the east.

The landowners have entered into a Planning Agreement with Council to ensure that no development of the site occurs before construction of the new Pacific Highway upgrade to the west, or otherwise, upgrade of the existing Pacific Highway/Glen Ewan Road intersection.

The concept also provides for on-site stormwater facilities to manage post-development flows and runoff from the internal road network.

The objectives of these provisions are:

- a) To minimise potential for visual and amenity impacts
- b) To ensure adequate measures are in place to minimise the likelihood of potential for any adverse impacts from the development to adjoining/adjacent residents, and
- c) To provide for direct access to the waterfront from the subject land.

### Development Guide

#### Visual Amenity

##### 4.6.2.1 Objective

- To minimise the visual impact of working waterfront industrial development as viewed from the existing and future upgraded Pacific Highway, the Hastings River and Glen Ewan Road.

#### Development Provisions

- a) Working waterfront industrial development is to be screened from the existing and future upgraded Pacific Highway and the Hastings River through landscaped buffers to a minimum depth of 5m. Such to include mounding and canopy trees to limit the visual impact of development.  
Trees are to be selected from those that are indigenous to the area and are to be planted at the time of developing the land.  
Design details to be provided with the DA for approval prior to issue of a Construction Certificate for earthworks, subdivision and/or building works, whichever occurs first.
- b) The strip of RU6 zoned land (generally 10m wide) adjacent to Glen Ewan Road is to be densely vegetated or regenerated, whichever is applicable; and fenced to provide a robust natural buffer to screen buildings, parking areas, loading areas and any other associated uses of the site from adjoining rural dwellings.  
Approved screen planting works are to be completed to Council's satisfaction prior to the issue of the subdivision or building occupation certificate.
- c) Acoustic fences or noise barriers are not to be used in visually prominent areas of the site, with noise attenuation to be achieved through building design measures.
- d) Landscaping of flood mounds adjacent to the existing Pacific Highway is to be designed and assessed at regrading and fill stage; and established prior to issuing of subsequent approvals for any subdivision, buildings and or structures.
- e) Landscape treatment required in (a) and (b) above should be devoid of signage.



### Visual Amenity

#### 4.6.2.2 Objective

- To minimise the visual impact of working waterfront industrial development as viewed by the travelling public from the existing and future upgraded Pacific Highway.

#### Development Provisions

- a) Buildings adjoining the Hastings River are to be oriented and designed using appropriate materials and colours to limit any visual impact from public land and waters surrounding the site. A visual impact assessment is to be submitted with the DA.

### Working Waterfront Industrial Land Adjoining Sensitive Land Uses

#### 4.6.2.3 Objective

- To ensure adequate noise, air quality and external lighting attenuation of working waterfront industrial development to adjoining and adjacent rural-dwellings.

#### Development Provisions

- a) DAs for working waterfront industrial development are to be accompanied by noise impact assessment carried out by a suitably qualified and experienced person to:
- Determine the noise reduction required to achieve reasonable levels for the proposed industry (if any) in accordance with the provisions of the NSW Industrial Noise Policy, Environment Protection Authority 2000;
  - Design and incorporate any necessary noise mitigation measures to demonstrate achievement of acceptable noise levels at sensitive receivers, including visual detail of how the proposal integrates into the existing locality;
  - Provide justification for any proposed acoustic treatment(s), based on site characteristics and the nature and intensity of the proposed use; and
  - Demonstrate consideration of attenuation strategies of like industries with similar sites and requirements for noise reduction.
- b) Windows, doors and other wall openings should be arranged to minimise noise impacts on adjoining/adjacent rural-dwellings.
- c) External plant such as generators, air conditioning plant and the like should be enclosed to minimise noise nuisance and located away from adjoining/adjacent rural-dwellings.
- d) Prior to carrying out any development on the site, an air quality assessment is to be prepared by a suitably qualified and experienced person with reference to relevant legislation and guidelines, to demonstrate that development will be carried out in a way that prevents and/or mitigates any air pollution generated by the development and that all practicable measures are implemented to minimise any off-site odours and emissions generated by the development.
- e) External and security lighting should be directed and shielded to avoid light spillage to adjoining/adjacent rural-dwellings.
- f) Driveways should be arranged or screened to avoid headlight glare on windows of adjoining/adjacent rural-dwellings.

### Waterfront access

#### 4.6.2.4 Objective

- To ensure direct waterfront access for development.

### Development Provisions

- a) Vehicular access arrangements are to be in place to guarantee access to the Hastings River via the adjoining land to the east (Lot 1 DP 225413) for any industry that requires direct waterfront access. Such arrangements to be in place prior to issue of a Construction Certificate for earthworks, subdivision and/or building works, whichever occurs first.

### 4.6.3 Amendment history

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The Table below lists the dates of adoption and commencement and subsequent amendments for this Chapter.

Date adopted	Date commenced	Description	Version
15/04/2015	10/07/2015	Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 2)	v20150710



End of Part 4

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