ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

ITEM-17  CCL 14/03/17 - 4 MAYO STREET JESMOND - WITHDRAWAL OF PROPOSED AMENDMENT TO NEWCASTLE LEP 2012

Attachment A

ITEM-18  CCL 14/03/17 - SECTION 7.09 ADVERTISING AND SIGNAGE - ADOPTION OF AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Attachment A

ITEM-19  CCL 14/03/17 - SECTION 7.06 STORMWATER - ADOPTION OF AMENDMENTS TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Attachment A
ORDINARY COUNCIL MEETING
14 MARCH 2017

CCL 14/03/17
4 MAYO STREET JESMOND - WITHDRAWAL OF PROPOSED AMENDMENT TO NEWCASTLE LEP 2012

Attachment A: Planning Proposal - 4 Mayo Street, Jesmond - part of Maclure Reserve

DISTRIBUTED UNDER SEPARATE COVER
Final planning proposal
- Withdrawn

4 Mayo Street, Jesmond - part of Maclure Reserve

March 2017
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4 Mayo Street, Jesmond - Part of Maclure Reserve

Summary of Proposal

| PROPOSAL | To reclassify part of Maclure Reserve from Community to Operational and rezone part of the site from RE1 Public Recreation to R2 Low Density Residential. To apply minimum lot sizes, maximum building heights and floor space ratios on the proposed residential zoned part. |
| PROPERTY | Lot 20 DP 230341, 4 Mayo Street Jesmond |
| APPLICANT | City Plan Services Suite 2, 14 Watt Street NEWCASTLE NSW 2300 |

Background

Newcastle City Council resolved on 9 December 2014 to further investigate the reclassification, rezoning and sale of six parcels of Council owned land that had been identified as being surplus to Council and community needs as they did not satisfy the desired standards of provision for both parkland and recreation facilities. The subject site, 4 Mayo Street Jesmond, was included in this report.

In June 2015, City Plan Services on behalf of Newcastle City Council lodged a request to amend Newcastle LEP 2012 by rezoning, reclassifying and adopting minimum lot sizes, building heights and floor space ratios on part of Maclure Reserve to enable low density residential development. The proceeds from the sale were intended to be credited to the Land and Property Reserve. This was reported to Council on 24 November 2015.

The planning proposal was placed on public exhibition from 22 August 2016 to 19 September 2016. A total of six submissions were received during that time, all objecting to the loss of local parkland. A public hearing followed the exhibition period. It was undertaken in accordance with the Local Government Act 1993 (NSW) and facilitated by an independent consultant. Eight people attended the public hearing, all of which objected to the planning proposal. A summary of the concerns raised at the public hearing are documented in the attached report. See Appendix 1.

A Preliminary Contamination Assessment was undertaken for the portion of Maclure Reserve affected by the planning proposal. The report stated that the subject site had been filled between the period of 1976 and 1990. Samples of the fill material taken from the subject site returned elevated levels of Polycyclic Aromatic Hydrocarbons (PAH) and Total Recoverable Hydrocarbons (TRH).

The report concluded that the site would require remediation should the planning proposal proceed for residential purposes. Based on these findings, the applicant has requested that the planning proposal no longer proceed and formally be withdrawn. Further contamination studies are currently being undertaken to better understand the extent of contamination on Maclure Reserve.
Site

The planning proposal concerns part of 4 Mayo Street Jesmond, described as part of Lot 20 DP 230341. The subject site forms part of Maclure Reserve and is currently zoned RE1 Public Recreation and classified as community land. See Figure 1 for a locality map.

The site proposed to be rezoned is approximately 4300 square metres. It fronts Mayo Street and is covered with a grass lawn. There are several scattered trees closer to the neighbouring residential development along the north-eastern boundary. A single netball goal post is positioned near the eastern boundary; no other embellishments/improvements have been made to the site. The site is generally used for informal recreation opportunities by the public such as an off-leash dog exercise area and ball ‘kick around’ space.

The site is affected by a 4.57m wide easement for a sewage pipeline, which traverses the length of the site.
Figure 1: Local Context
Part 1 - Objectives or Intended Outcomes

To reclassify and rezone part of 4 Mayo Street Jesmond to enable disposal of the site by Newcastle City Council and redevelopment of it for residential purposes. However, it is now proposed to discontinue the planning proposal.

Part 2 - Explanation of Provisions

The proposal had intended to amend the Newcastle Local Environmental Plan 2012 by:

1. Including the subject land within Part 2 – Land classified or reclassified, as operational land – interests changed within Schedule 4 Classification and reclassification of public land, as follows:
   a. Column 1 to read “Jesmond”
   b. Column 2 to read “Part of Lot 20 DP 230341, being the land in Zone R2 Low Density Residential and part of 4 Mayo Street”.
   c. Column 3 to read “Easement for sewage pipeline (R906718) as noted on Certificate of Title Folio Identifier 20/10396”.

2. Amending Map LZN_002E by rezoning part of Lot 20 DP 230341 from Zone RE1 Public Recreation to Zone R2 Low Density Residential.

3. Amending Map HOB_002E by including a maximum height limit of 8.5m to part of Lot 20 DP 230341.

4. Amending Map FSR_002E by including a maximum floor space ratio of 0.75 to part of Lot 20 DP 230341.

5. Amending Map LZN_002E to have a minimum lot size of 450m$^2$ to part of Lot 20 DP 230341 (residential).

6. Amending Map LZN_002E to have a minimum lot size of 4000m$^2$ to part of Lot 20 DP 230341 (public recreation).

The effect of the proposed amendment was to reclassify the subject site from community to operational land and allow a rezoning from RE1 Public Recreation to R2 Low Density Residential. The minimum lot size of the remainder of Lot 20 DP 230341 would have been reduced to 4000m$^2$ to allow for the subdivision of the residential portion of land.
Part 3 – Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of a council resolution obtained after considering a report on various parcels of Council owned land that were identified as surplus as they did not satisfy the desired standards of provision for both parkland and recreation facilities.

The planning proposal has been prepared in accordance with the steps below, as identified in Council's Public Land Reclassification Policy 2000.

The Parkland and Recreation Strategy was adopted in March 2014. The Strategy proposes desired standards of provision for both parkland and recreation facilities within the Newcastle Local Government Area. These desired standards have been developed following an assessment of current level of infrastructure provision, expressed community demand, comparison with other similar sized local government areas and a comparison with draft leisure industry benchmarks.

On 9 December 2014, the Council considered a report recommending the sale of the subject site and five other Council reserves, subject to the land being able to be reclassified and rezoned to permit residential or commercial uses. The sites had been identified as surplus
as they did not satisfy the desired standards of provision for both parkland and recreation facilities in the Parkland and Recreation Strategy.

The Council report included a Recreation Improvements Options Paper which identified potential park improvement projects in the vicinity of each reserve which could potentially be funded from the disposal proceeds of surplus park assets. Following consideration of the report, Council resolved the following:

"1. Council endorses all property actions, including the release of Land and Property Reserve funds to meet the associated cost to enable appropriate land zoning and reclassification of the following properties:

   a) 4 Mayo Street, Jesmond - Lot 20 DP 230341
   b) 26 Edith Street, Waratah - Lot 374 DP 755247
   c) 162A Newcastle Road, Wallsend - Lot 110 DP 9755

2. A report is to be presented back to Council following the public exhibition period undertaken as part of the reclassification process.

3. Subject to Council's consideration of responses to the public exhibition period (2 above) and any further decision arising from this consideration, should any properties be deemed to be suitable for sale, Council officers should prepare a report to Council on the outcome of the consultation and Council will determine whether sale of these properties is appropriate and the conditions of sale.

4. The net proceeds of the sale(s) are to be credited to the Land and Property Reserve and a report be presented to Council proposing local park improvements in accordance with paragraph 17(a) of the report."

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, amending the Newcastle LEP 2012 is considered the best means of achieving the objectives of the planning proposal. However, the planning proposal is no longer being pursued.
Section B - Relationship to strategic planning framework

3.  *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Hunter Regional Plan 2036

The Hunter Regional Plan applies to the land. The vision of the plan is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart through four goals:

- a leading regional economy in Australia
- a biodiversity-rich natural environment
- thriving communities
- greater housing choice and jobs.

The intent of the planning proposal was to allow for residential development. The planning proposal was considered consistent with the plan. However, land contamination issues would need to be resolved before continuing with the planning proposal.

4.  *Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?*

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011, as revised in 2013. The planning proposal aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle 2030 Community Strategic Plan.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b, which states: “Provide opportunities for genuine and representative community engagement in local decision making”.

More specifically, the planning proposal aligns with the direction ‘Liveable and Built Environment.’ The planning proposal can provide for “greater diversity of quality housing for current and future community needs”.

Local Planning Strategy

The planning proposal is consistent with the aims and objectives of the Local Planning Strategy in terms of encouraging residential development in Jesmond. The strategy identifies the area surrounding the site as a Moderate Growth Precinct; the site is proposed to have the same maximum height and floor space ratio provisions and is therefore consistent with surrounding residential development and the desired density for the area.

The Neighbourhood Vision for Jesmond under the Local Planning Strategy calls for development of 111 new dwellings by 2031, the Planning Proposal supports this target.

However, land contamination issues would need to be addressed before further consideration could be given to this planning proposal.
Newcastle Parkland and Recreation Strategy

In 2010 (prior to the preparation of the Newcastle Parkland and Recreation Strategy) Council commissioned a review of open space throughout the LGA. The open space review considered 264 parcels of land up to 1.8ha in size; the purpose of this study was to identify open space parcels, particularly pocket parks for potential disposal. The review concluded that due to a significant number of constraints only 12 parcels of land could be considered for potential reclassification and disposal.

The findings of the open space review have been included in the Newcastle Parkland and Recreation Strategy Background Report. Due to a number of constraints Maclure Reserve was not considered for disposal.

Following further investigation of the site it had been considered that part of Maclure Reserve could be suitable for residential development. However, a preliminary land contamination study has found that further investigation is required to confirm the suitability of the site for residential development.

Plans of Management for Community Land

Maclure Reserve is included within the Neighbourhood Parks Plan of Management (POM) for Community Land. There is no specific POM for Maclure Reserve and the Neighbourhood Parks Plan of Management does not contain any specific actions in relation to the reserve.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency of the planning proposal with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

<table>
<thead>
<tr>
<th>Name of SEPP</th>
<th>Applicable</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Environmental Planning Policy No 14 (Coastal Wetlands)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy No 21 (Caravan Parks)</td>
<td>Yes</td>
<td>Not Consistent. Caravan Parks are a permissible use in the RE1 Zone, but not in the proposed R2 Zone. Due to the small size of the site it is unlikely a caravan park would have been viable on the site.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 33 (Hazardous and Offensive Development)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy No 36 (Manufactured Home Estates)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy No 44 (Koala Habitat Protection)</td>
<td>Yes</td>
<td>The SEPP applies to the entire LGA, however, the land is urban and does not consist of areas of koala habitat.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 50 (Canal Estate Development)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Name of SEPP</td>
<td>Applicable</td>
<td>Consistency</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 55 (Remediation of Land)</td>
<td>Yes</td>
<td>A Preliminary Contamination Assessment was prepared for the site. It reported that the site had been filled between 1976 and 1990. Fill material likely included coal waste, slag and some anthropogenic materials (bricks and plastic). Upon further assessment it is evident that the site is impacted by polycyclic aromatic hydrocarbons (PAH) and to a lesser extent total recoverable Hydrocarbons (TRH) from the fill materials. Concentrations are in excess of the applicable guidelines for residential site use. The report concluded that the site would need to be remediated to allow for residential development.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 62 (Sustainable Aquaculture)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 64 (Advertising and Signage)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 65 (Design Quality of Residential Flat Development)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 71 (Coastal Protection)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Affordable Rental Housing) 2009</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Infrastructure) 2007</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Major Development) 2005</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Rural Lands) 2008</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>SEPP (State and Regional Development) 2011</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>SEPP (State Significant Precincts) 2005</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>SEPP (Three Ports) 2013</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Draft Coastal Management SEPP 2016</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
6. **Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Consistency of the planning proposal with State Environmental Planning Policies is outlined in the table below.

<table>
<thead>
<tr>
<th>S117 Direction</th>
<th>Applicable</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employment and Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Business and Industrial Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.2 Rural Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.3 Mining, Petroleum Production and Extractive Industries</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.4 Oyster Aquaculture</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.5 Rural Lands</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2. Environment and Heritage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Environment Protection Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.3 Heritage Conservation</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.4 Recreation Vehicle Areas</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3. Housing, Infrastructure and Urban Development</td>
<td>Yes</td>
<td>Consistent. The R2 Zone and Council's DCP controls encourage a variety of housing types. The site is well located to infrastructure and services and the existing centre of Jesmond.</td>
</tr>
<tr>
<td>3.1 Residential Zones</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3.2 Caravan Parks and Manufactured Home Estates</td>
<td>Yes</td>
<td>Not consistent. The RE1 zone permitted the development of caravan parks and manufactured home estates with consent, whilst the R2 zone does not. The inconsistency is considered minor as the land is unsuitable for a viable caravan park due to its small size.</td>
</tr>
<tr>
<td>3.3 Home Occupations</td>
<td>Yes</td>
<td>Consistent. Home businesses, home industries and home occupations are exempt development as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</td>
</tr>
<tr>
<td>3.4 Integrating Land Use and Transport</td>
<td>Yes</td>
<td>Consistent. The subject site is located in close proximity to public transport options and will not detrimentally affect transport choices.</td>
</tr>
<tr>
<td>4. Hazard and Risk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S117 Direction</td>
<td>Applicable</td>
<td>Consistent</td>
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<tr>
<td>--------------------------------</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4.1 Acid Sulfate Soils</td>
<td>Yes</td>
<td>Not consistent. The inconsistency is considered minor as the subject site is mapped as containing Class 5 soils on the Acid Sulfate Soils Map of the NLEP 2012. Class 5 is the least critical category. Any future development applications would need to consider Clause 6.1 'Acid Sulfate Soils' of the NLEP 2012, which provides appropriate directions for development.</td>
</tr>
<tr>
<td>4.2 Mine Subsidence and Unstable Land</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>4.3 Flood Prone Land</td>
<td>Yes</td>
<td>Not consistent. The entire site is mapped as containing areas of ‘floodway’, ‘flood storage’ and ‘flood fringe’. Whilst the planning proposal does not propose to permit additional development within floodway areas (beyond those uses already permitted in the existing RE1 zone), it does propose to rezone land within the flood fringe area from RE1 Public Recreation to a R2 Low Density Residential. Section 9(a) permits a planning proposal to be inconsistent with the Direction if it is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005. The Newcastle City Wide Floodplain Management Plan was prepared in accordance with the Manual, and allows for certain development within flood prone land if it is in accordance with specific conditions. The planning proposal proposes that the R2 zone is positioned within flood fringe and storage areas, where conditions specified by the Floodplain Management Plan may be met through the residential design process. Therefore the planning proposal complies with the provisions of the s117 Direction. The planning proposal was sent to the Office of Environment and Heritage for comment. The inconsistency with the 117 Direction was considered of a minor nature and that flood related risk be adequately managed at the development assessment stage.</td>
</tr>
<tr>
<td>4.4 Planning for Bushfire Protection</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

5. Regional Planning
### S117 Direction

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Applicable</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.10 Implementation of Regional Plans</td>
<td>Yes</td>
<td>Consistent.</td>
</tr>
<tr>
<td>6. Local Plan Making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>Yes.</td>
<td>Consistent. The planning proposal does not propose the introduction of any new referral or concurrence provisions.</td>
</tr>
<tr>
<td>6.2 Reserving Land for Public Purposes</td>
<td>Yes</td>
<td>Consistent. The planning proposal does propose to reduce the land zoned and reserved for public purposes. Therefore, the approval of the relevant public authority and the Secretary of the Department of Planning and Environment to reclassify the land is required in accordance with Section 56 of the <em>Environmental Planning &amp; Assessment Act 1979</em>.</td>
</tr>
<tr>
<td>6.3 Site Specific Provisions</td>
<td>Yes</td>
<td>Consistent. The planning proposal proposes to rezone the site to an existing zone already applying in the NLEP 2012.</td>
</tr>
</tbody>
</table>

The Department of Planning and Environment’s Practice Note PN 16-001 includes a checklist for proposals to classify or reclassify public land through an LEP. The information required to be addressed in the checklist for 4 Mayo Street Jesmond is included in the table below:

**Table 3 - Checklist for reclassifying public land**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The current and proposed classification of the land.</td>
<td>Current classification: Community Proposed classification: Operational</td>
</tr>
<tr>
<td>Whether the land is a 'public reserve' (defined in the LG Act).</td>
<td>Yes the land is defined as a public reserve under the LG Act.</td>
</tr>
<tr>
<td>The strategic and site specific merits of the reclassification and evidence to support this.</td>
<td>The proposed proposal will allow appropriate portions of the land to be used for residential purposes consistent with the use and character of the surrounding land, whilst retaining areas of high flood hazard within the existing recreation zone. Refer to part 3 of the planning proposal for further information.</td>
</tr>
<tr>
<td>Whether the planning proposal is the result of a strategic study or report.</td>
<td>The proposed proposal is considered consistent with the desired standards of provision for both parkland and recreation facilities as contained within the Parkland and Recreation Strategy 2014.</td>
</tr>
<tr>
<td>Whether the planning proposal is consistent with council’s community plan or other local strategic plan.</td>
<td>The planning proposal is consistent with Council’s Community Strategic Plan and Local Planning Strategy.</td>
</tr>
<tr>
<td>A summary of council’s interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</td>
<td>Council does not hold any records of when or how the land was first acquired. Anecdotal evidence suggests the land may have been dedicated to Council as part of a historical transfer of a large number of land parcels by former mining or pastoral companies.</td>
</tr>
<tr>
<td>Criteria</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>- if council does not own the land, the land owner’s consent;</td>
<td>A caveat was noted on the Certificate of Title. This would be removed as part of this reclassification process.</td>
</tr>
<tr>
<td>- the nature of any trusts, dedications etc.</td>
<td></td>
</tr>
<tr>
<td>Whether an interest in land is proposed to be discharged, and if so,</td>
<td>See above.</td>
</tr>
<tr>
<td>an explanation of the reasons why.</td>
<td></td>
</tr>
<tr>
<td>The effect of the reclassification (including, the loss of public open</td>
<td>See Appendix 2.</td>
</tr>
<tr>
<td>space, the land ceases to be a public reserve or particular interests</td>
<td></td>
</tr>
<tr>
<td>will be discharged).</td>
<td></td>
</tr>
<tr>
<td>Evidence of public reserve status or relevant interests, or lack thereof</td>
<td></td>
</tr>
<tr>
<td>applying to the land (e.g. electronic title searches, notice in a</td>
<td></td>
</tr>
<tr>
<td>Government Gazette, trust documents).</td>
<td></td>
</tr>
<tr>
<td>Current use(s) of the land, and whether uses are authorised or</td>
<td></td>
</tr>
<tr>
<td>unauthorised.</td>
<td>The land is currently used for open space and recreational uses.</td>
</tr>
<tr>
<td>Current or proposed lease or agreements applying to the land, together</td>
<td></td>
</tr>
<tr>
<td>with their duration, terms and controls.</td>
<td>Unknown.</td>
</tr>
<tr>
<td>Current or proposed business dealings (e.g. agreement for the sale or</td>
<td></td>
</tr>
<tr>
<td>lease of the land, the basic details of any such agreement and if</td>
<td>Unknown.</td>
</tr>
<tr>
<td>relevant, when council intends to realise its asset, either</td>
<td></td>
</tr>
<tr>
<td>immediately after rezoning/reclassification or at a later time).</td>
<td></td>
</tr>
<tr>
<td>Any rezoning associated with the reclassification (if yes, need to</td>
<td>No specific Plan of Management for the site.</td>
</tr>
<tr>
<td>demonstrate consistency with an endorsed Plan of Management or</td>
<td></td>
</tr>
<tr>
<td>strategy).</td>
<td></td>
</tr>
<tr>
<td>How council may or will benefit financially, and how these funds will</td>
<td>The proceeds from any sale of the site may allow for the improvement of retained areas of parkland, potentially including the</td>
</tr>
<tr>
<td>be used.</td>
<td>remaining areas of Maclure Reserve and nearby Heaton Park.</td>
</tr>
<tr>
<td>How council will ensure funds remain available to fund proposed open</td>
<td>See above.</td>
</tr>
<tr>
<td>space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.</td>
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<td>A Land Reclassification (part lots) Map, in accordance with any standard</td>
<td>N/A</td>
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<td>technical requirements for spatial datasets and maps, if land to be</td>
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<td>reclassified does not apply to the whole lot.</td>
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<td>Preliminary comments by a relevant government agency, including an</td>
<td>N/A</td>
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<td>agency that dedicated the land to council, if applicable.</td>
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</table>
Section C - Environmental, social, and economic impact

7. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site is within an established urban environment, and vegetation is limited to a maintained lawn of grass and a few scattered trees. There is no known critical habitat on the site, nor the presence of threatened species. It is unlikely that critical habitat or threatened species, populations or ecological communities would be adversely affected by the planning proposal.

8. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

Council’s records indicate that the site is ‘flood prone land’. The *Flood Information Certificate* indicates that parts of the site are affected by Hunter River Flooding (Floodway and Flood Storage) and Local Catchment Flooding (Floodway, Flood Storage and Flood Fringe). The extent of these areas is shown in the maps included within Appendix 3.

The information within the *Flood Information Certificate* has been sourced from the *Newcastle City Wide Floodplain Management Plan*, prepared in accordance with the *Floodplain Development Manual 2005* prepared by the State Government. The *Flood Information Certificate* indicates the following key information for the site:

- development in areas mapped as floodway is not generally allowable;
- filling of mapped flood storage areas by more than 20% is not generally allowable;
- the minimum floor level for occupiable rooms in a new development on this site is 5.3m AHD; and
- an on-site flood refuge is required.

In response to the above, the R2 residential zoning is proposed to avoid any area of the site mapped as Floodway. The Floodway areas will retain their existing RE1 recreation zoning, which permits low-intensity uses which would be compatible with the floodway hazard (e.g. recreation areas).

The proposed R2 area is predominantly mapped as Flood Fringe, with small areas of Flood Storage along the northern, north-western and eastern boundaries. The *Flood Information Certificate*, along with the *Newcastle Development Control Plan 2012*, provide appropriate controls for development within such areas, such as minimum floor levels for occupiable rooms. These controls can be satisfied through the residential development design process and addressed through a development application. Similarly, any localised stormwater management issues can be addressed through the residential design and development application processes.
Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

A review of the historical zoning of the site indicates it has been zoned and/or reserved for the purposes of 'Open Space- Public Parks and Recreation' and similar uses since at least 1960. Filling of the site has likely occurred between the period of 1976 and 1990.

A Preliminary Contamination Assessment was undertaken as part of the planning proposal process and found that the site has been impacted by polycyclic aromatic hydrocarbons (PAH) and to a lesser extent total recoverable hydrocarbons (TRH) from the fill materials that have previously been used across the site. Concentrations are considered in excess of the applicable guidelines for residential site use. Further investigations on the extent of contamination are currently underway.

The site would need to be remediated to allow for future residential development.

Easement for Sewage Pipeline

An existing easement for a sewage pipeline runs through the site (Appendix 2) and will be preserved as part of the planning proposal. The presence of the easement is not expected to significantly impact on any future development of the site and can be addressed at the design stage of any future development application.

Traffic Impacts and Vehicular and Pedestrian Access

Vehicular and pedestrian access to site and to the remainder of Maclure Reserve will be from Mayo Street. Traffic and access issues will need to be considered during the preparation and assessment of any future development applications.

The proposed extension of the State Highway SH23 (Rankin to Jesmond - Inner City Bypass) will require the relocation of Council's cycleway. The proposed route will be through Maclure Reserve, adjacent to the stormwater channel. A nine metre buffer is required to be retained between the stormwater channel and the R2 land.

The planning proposal is consistent with the required buffer.

Visual and Acoustic Amenity

The planning proposal will result in a change of character of the land, from open space to residential, with associated changes in visual and acoustic amenity. The proposed zoning and development controls should ensure that future development is of a density, scale and type similar to existing surrounding development. Concerns regarding potential bulk and scale of development have been raised by some local residents. Future development applications on the site would need to consider these issues.
9. Has the planning proposal adequately addressed any social and economic effects?

Social

The planning proposal will result in the loss of existing public open space through the potential redevelopment of part of Maclure Reserve. Local residents have expressed their concerns regarding this, in particular the impact it can have in a "climate of obsession with social media and spending excessive time in front of either computer screens or TV."

Concerns regarding what's fair and equitable in terms of disposal of parkland have been raised by some local residents. Additionally, residents question how money from the sale of land can be put back in their local area and also that the park may be better utilised if given a purpose, such as an off leash dog park or embellished with play equipment.

Economic

Reclassifying the land would allow Council the option of selling the site, removing the existing maintenance and liability cost burden to Council. Rezoning part of the site to R2, consistent with surrounding development, would increase the range of permissible uses and therefore maximise the saleability of the land. The proceeds of any sale could contribute toward the improvement of retained areas of public open space in the locality.

Council's Public Land Reclassification Policy 2000

Council's Public Land Reclassification Policy 2000 applies to all proposals reclassifying public land from community to operational. The planning proposal has been assessed against Council's Policy, see below:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Step 1: Are there any significant public issues affecting the land</strong></td>
<td></td>
</tr>
<tr>
<td>Biodiversity Conservation</td>
<td>The land is not of significance for biodiversity conservation.</td>
</tr>
<tr>
<td>Significant natural features</td>
<td>The land does not contain any significant natural features.</td>
</tr>
<tr>
<td>Cultural significance</td>
<td>The land does not contain items of cultural significance.</td>
</tr>
<tr>
<td>Public health and safety</td>
<td>The land is flood-prone and affected by Class 5 Acid Sulfate Soils; it is anticipated that these issues can be appropriately addressed at the design stage. The land is considered contaminated and further contamination studies are underway.</td>
</tr>
<tr>
<td>Public access</td>
<td>The land does not contain a designated pathway for access to community facilities. Whilst the site has a frontage to Mayo Street, access to the northern section of Maclure Reserve is restricted by the presence of a large open stormwater channel. The site does not have any significance for public access.</td>
</tr>
<tr>
<td>Special legal status</td>
<td>The land is designated as a ‘public reserve’.</td>
</tr>
<tr>
<td>Proceed to Step 2?</td>
<td>No significant public interests have been raised; therefore the proposal may proceed to Step 2.</td>
</tr>
</tbody>
</table>

**Step 2: Will there be a net positive benefit for the community?**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Impact</td>
<td>The proposal will have a positive financial impact</td>
</tr>
</tbody>
</table>
Council will have the option of selling or otherwise disposing of the land, at market value. If the land is sold in a remediated state, Council will not be responsible for ongoing maintenance costs or liability for the site. Proceeds from any sale of the land will be available to fund other local improvements.

<table>
<thead>
<tr>
<th>Land Management Impact</th>
<th>The proposal will have a positive benefit on Council's ability to manage nearby community land. Funds from the sale of the site will be made available for the potential improvement and maintenance surrounding open space land including the remaining area of Maclure Reserve and nearby Heaton Park.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on Community Uses and Opportunities</td>
<td>The planning proposal would result in a reduction in area of an existing public reserve. However, the sale of the site will allow for the remainder of Maclure Reserve and/or Heaton Park to be embellished which will improve the usability of the open space areas.</td>
</tr>
<tr>
<td>Impact on enjoyment of community land</td>
<td>The planning proposal will alter the existing visual amenity of the area. However, the proposed LEP amendments will only enable development of a similar type, scale and density to the surrounding neighbourhood. Any future development applications would need to address the maintenance of visual amenity.</td>
</tr>
<tr>
<td>Social Impact</td>
<td>The proposal may have a positive social impact as it could contribute to the enhancement of the functionality, accessibility and attractiveness of retained public open spaces in the local area (e.g. retained portions of Maclure Reserve and Heaton Park). The existing and proposed residents within Mayo Street and the surrounding area, will still have access to open space areas through the remainder of Maclure Reserve and Heaton Park. However, as documented in this planning proposal there were many concerns raised by local residents on distribution of parkland across the local government area and need for green space to encourage outdoor activities.</td>
</tr>
<tr>
<td>Economic Impact</td>
<td>The proposal will have a positive impact on the local economy as it will allow Council to invest funds into the enhancement of local public space, whilst reducing ongoing maintenance costs of Maclure Reserve.</td>
</tr>
</tbody>
</table>
Section D - State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

The subject site is located within an established urban area, with available connections to all necessary services (e.g. electricity, water etc). It is not considered likely that significant augmentation of services would be required for the small number of dwellings likely to be developed on the site. Such provision can be addressed at the development application stage.

The site is located close to a major public bus hub at the Stockland Jesmond Shopping Centre. A large number of community services are available in proximity to the site, including the Jesmond Neighbourhood Centre and Jesmond Community Preschool.

Accordingly, there is considered to be adequate public infrastructure available to meet the needs of the proposal.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The planning proposal was sent to the Office of Environment and Heritage for comment. The inconsistency with the 117 Direction was considered of a minor nature and that flood related risk be adequately managed at the development assessment stage.
Part 4 – Mapping

The planning proposal no longer seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The Matrix below indicates (with an “X”), which map sheets (of Newcastle LEP 2012) were to be amended as a result of this planning proposal (eg. FSR_001C)

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<th>FSR</th>
<th>LAP</th>
<th>LZN</th>
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<th>ASS</th>
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</table>

Map Codes:  
FSR = Floor Space Ratio map  
LAP = Land Application Map  
LZN = Land Zoning Map  
WRA = Wickham Redevelopment Area Map  
ASS = Acid Sulfate Soils Map  
HOB = Height of Buildings Map  
LSZ = Lot Size Map  
LRA = Land Reservation Acquisition Map  
CL1 = Key Sites Map & Newcastle City Centre Map  
HER = Heritage Map  
URA = Urban Release Area Map
The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

- Figure 3: Existing Land Zoning Map
- Figure 4: Proposed Land Zoning Map
- Figure 5: Existing Max Height of Buildings Map
- Figure 6: Proposed Max Height of Buildings Map
- Figure 7: Existing Max Floor Space Ratio Map
- Figure 8: Proposed Max Floor Space Ratio Map
- Figure 9: Existing Min Lot Size Map
- Figure 10: Proposed Min Lot Size Map

Furthermore the following maps illustrate the land proposed to be reclassified as a result of amending Schedule 4 - ‘Classification and reclassification of public land’:

- Figure 11: Existing Land Classification
- Figure 12: Proposed Land Classification
Figure 3

Existing Land Zoning Map

Legend:
- Neighborhood Centre
- Local Centre
- Commercial Core
- Mixed Use
- Business Park
- Business Development
- Industrial Estate
- Environmental Conservation
- Environmental Management
- Environmental Living
- General Industrial
- Light Industrial
- Heavy Industrial
- Low Density Residential
- Moderate Density Residential
- High Density Residential
- Public Recreation
- Rural Residential
- Rural Industrial
- Residential/Industrial
- Rural/Urban Link
- Urban Centre
- Projected Growth

Base data: 60 LBD 60T LS Land and Property Information UPD
Attention data: 60L RUSP/60T City of Newcastle
Figure 4
Figure 7
Figure 9
Figure 10

Newcastle Local Environmental Plan 2012

Proposed Lot Size Map

Minimum Lot Size (sq m)
- 400
- 800
- 1200
- 2000
- 3200
- 5000
- 6600

Legend:
- Newcastle Local Council
- Boundary
- Proposed Lots
- Existing Lot

Scale: 1:7500 @ AS

Plan date: 31/07/2008
Adapted date: 31/07/2008
City of Newcastle

Figure 10
Figure 12
Part 5 - Community Consultation

Public exhibition

In accordance with the Gateway determination, the planning proposal was placed on public exhibition from 22 August 2016 to 19 September 2016. Seven submissions were received objecting to the planning proposal due to loss of parkland and associated impacts on health and overall wellbeing of nearby residents, constraints such as flooding and equity and fairness associated with disposal of open space and recreational areas. These concerns are documented in a report attached. See Appendix 1.

Public hearing

As per section 29 of the Local Government Act 1993, a public hearing was held to discuss the planning proposal. Eight people attended the hearing and expressed their concerns. Concerns largely related to potential height of a proposed development, flooding, traffic and parking related to greater density, equity and fairness when it comes to disposal of parkland across the entire local government area and largely, that the park would be better utilised should it be slightly improved and given more purpose.

A summary of the public hearing is at Appendix 1.

Part 6 - Project Timeline

The timetable below documents the progress of the planning proposal at each stage. In January 2017 it was requested to be formally withdrawn.

<table>
<thead>
<tr>
<th>Task</th>
<th>Planning Proposal Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mar16</td>
</tr>
<tr>
<td>*Issue of Gateway Determination</td>
<td></td>
</tr>
<tr>
<td>Prepare any outstanding studies</td>
<td></td>
</tr>
<tr>
<td>Consult with required State Agencies</td>
<td></td>
</tr>
<tr>
<td>Exhibition of Planning Proposal and technical studies</td>
<td></td>
</tr>
<tr>
<td>Review of submissions</td>
<td></td>
</tr>
<tr>
<td>Public hearing</td>
<td></td>
</tr>
<tr>
<td>Report to Council on exhibition</td>
<td></td>
</tr>
<tr>
<td>Forward to the Department of Planning &amp; Environment for finalising</td>
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</tbody>
</table>

*Amended Gateway Determination requested by applicant and re-issued on 29 July 2016.
Appendix 1 - Independent Report on Public Hearing

Report from independent facilitator
Public Hearing for 4 Mayo Street Jesmond
October 2016

This report has been prepared by Heidi Alexandra Pollard, representative of independent consultancy firm UQ Power following a public hearing into a planning proposal held on Tuesday 11 October 2016 for the following:

- Planning Proposal 2 Public Hearing into Reclassification of Community Land to Operational at 4 Mayo Street, Jesmond from community to operational land.

Background

The City of Newcastle held a public hearing session, as per section 57 (7) of the EP&A Act 1979 and provide a brief summary report (this report) of the public hearing and identifies the issues raised.

A copy of the planning proposal and the Department of Planning and Environments (DPE) ‘gateway determination’ were understood to have been publicly exhibited between 22 August and 19 September 2016.

AGENDA for Public Hearing

1. Overview to attendees of the purpose of the hearing, including the legal requirements for Council reclassifying community land.
2. Presentation by council representative on the proposal.
3. Set out the ground rules for the proceedings (e.g. one speaker at a time, sticking to the relevant subject).
4. Invite residents in attendance to address the hearing (no prompting was undertaken)
5. Seek confirmation that all issues raised have been correctly recorded (this was done twice before concluding the session), residents also took a printed copy of the issues raised.
6. Thanked participants and closed the public hearing.

The public hearing was held, as required by Section 29 of the Local Government Act 1993, the public hearing was held as follows:

<table>
<thead>
<tr>
<th>Reclassification of Community Land to Operational at 4 Mayo Street, Jesmond from community to operational land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>Time</td>
</tr>
<tr>
<td>Venue</td>
</tr>
<tr>
<td>Staff</td>
</tr>
</tbody>
</table>

Public in attendance from sign on sheet included 8 people.
Record of Issues Raised at Public Hearing

This image identifies the issues raised at the Public Hearing as written on a white board on the night. These issues have been summarised below for clarity.

1. **Height of buildings**
   Residents raised that they were concerned about the change in classification would allow for developments that would see a change in height allowed for buildings and that as a result they would experience a loss of privacy, overshadowing of their houses and a devaluing of their land. Residents felt that it was highly likely that due to the close proximity to the University and shops that it was inevitable that some development would be dense and two storeys high if reclassified.

2. **Potential for increased flooding**
   Residents felt that there was serious potential of an increase in flooding if the land was developed in future. They raised concerns that the current drainage facilities would not cope with any additional run-off. On top of this residents expressed that their properties had been flooded in the past and that they could not obtain flood insurance.

3. **Increased traffic and parking issues**
   Residents had concerns that if the area was developed in future that it would significantly increase the volume of traffic and parking congestion in the area. They commented that parking in Fraser street is already an issue.
4. **Inequity**
   Residents expressed that they understood that originally Council proposed that six parcels of Council owned land be reclassified, rezoned and sold and that three of these parcels of land were removed from the overall proposal, due to objections from local residents. Residents felt that in the Jesmond area with a large student, rental and lower socio-economic demographic that residents are less likely to oppose such a development and be unaware that a proposal has been put forward. The letters about the public consultation are sent to the owner of the property, not the tenant and therefore many would not be mobilized to raise their concerns.

5. **Recreational appeal**
   Residents raised concerns that this is the only piece of land for recreation in the immediate vicinity and that if there was instead an improvement of the facilities such as the introduction of some trees and a children’s playground that the area would see a significant increase in utilisation.
Record of Submissions received prior to public hearing

Note: Names withheld for privacy.

Email Submission 1

I am a resident of Fraser street and I have two children who need some park space to play I don’t agree that Maclure Reserve is to be changed from community use please keep as a park for my family and other families who live nearby.

Email Submission 2

I like to have my park as it is please. From Unit XXXX Fraser street, Jesmond Newcastle NSW 2299.

Email Submission 3

We would like the Maclure Reserve at 4 Mayo Street, Jesmond left as it is now, as a Community park.

Instead of reclassifying it to Operational Land, trees could be planted in the whole park, another option.

Email Submission 4

Thank you for sending me the information relating to the proposed reclassification of 4, Mayo Street Jesmond. I object to the proposal on the following grounds.

Flooding

I note that the land is flood prone. Residents of Jesmond, Birmingham Gardens, and Wallsend are well aware of the increasing problems associated with the limited capacity of Iron Bark Creek and tributaries such as Dark Creek to deal with increased water flow in times of heavy rain. The storm drain accommodating Dark Creek is adjacent to the boundary of the land and while I recognise that the report says that flooding issues can be dealt with at a later stage I am less confident.

Residents of Cunningham and Englund Street (in particular) in Birmingham Gardens know that as development continues upstream the ability of the drain to cope with a sudden increase in flow is diminished, despite efforts to include mitigation measures in development application approvals. While a reclassification and rezoning will not in itself exacerbate the problem it is inevitable that if the proposal is adopted there will be development in the future.
Equity

It was originally proposed that six parcels of Council owned land be reclassified, rezoned and sold. My understanding is that three of these parcels were removed from the overall proposal, and that a contributing factor was the objections from local residents.

I understand that three of the six reserves originally recommended for reclassification are no longer under consideration. I believe that a contributing factor was the opposition of the local residents. I suggest further that the demographics of the Jesmond area are such that residents are less likely to organise opposition to than those in the more affluent or visible areas of Newcastle. The factors that lead me to this conclusion (apart from my long-term residence in Birmingham Gardens and experience in local groups such as the Jesmond Neighbourhood Centre)) are identified in Council’s Community Plan 2006-2010. I concede that this document is a little old now, but my experience suggests that the conclusions are still valid.

I am aware that funds from an eventual sale of the land could be made available for potential improvements to the remaining community land in the area, but I submit that this cannot be guaranteed at this stage. Some Councillors expressed reservations about such an undertaking at the meeting in which the decision was made to continue with the process, and it would be dependent on a majority approving such a scheme if the matter returns to Council.

Even if an agreement to this end were secured I see no reason why the maintenance of one park should be dependent on the sale of another. I suggest that if it were proposed that a portion of (for example) Civic or Pacific Parks be sold to fund the upkeep of the remainder it would be unlikely to succeed.

Public amenity and Social Benefits.

Maclure Reserve is not Newcastle’s busiest park, but my observations indicate that it is popular with dog owners and the residents of the nearby housing commission units. Heaton Park is another popular facility but as it is mostly made up of well-utilised playing fields it has a different character and serves different needs. Harold Myer Park is close also, but involves crossing Wilkinson Avenue, which can be difficult at peak periods.

Some of the comments in section 2 of the proposal relating to compliance with Council’s Public Land Reclassification Policy 2000 seem a little contrived. For example, the reasoning behind the claims that the social and economic impacts would be beneficial could be used for the sale of any piece of Council property ranging from City Hall to Blackbutt Reserve.
I suggest also that that claim that ‘The Planning Proposal may have a minor impact on the existing visual amenity of the area’ is something of an understatement.

I take the opportunity to commend Council on the decision to install playground equipment on Harold Myer Park a few years ago. I go past the park often, and it always seems to be in use. I submit that a better solution for Maclure Reserve would be to keep it as community land, retain its simple grassed area character, and install similar equipment adjacent to Mayo Street when the budget permits.

Thank you for considering my opinions,

Email Submission 5

I wish to lodge my serious concerns about the possibility that part of the Maclure Reserve in Jesmond will be reclassified to Operational Land to allow for its sale and development. This small pocket of land is an island of quietude and space for the locals to spend some valuable time in the outdoors. In the current climate of obsession with social media and spending excessive time in front of either computer screens or TV, it would be a travesty to remove a small piece of open space where folk can spend some time in outdoor activities. It is the responsibility of local council to provide such spaces for citizens to avail themselves of the opportunity for outdoor activities.

Newcastle Council purports to promote healthy spaces for residents to enjoy outdoor activities. If this development is actioned, then I am of the belief that Newcastle City Council is misleading its constituents and negligent in this development.

I would personally like to speak with members of Council regarding this matter.

Email Submission 6

Good morning
I live in the area of this reserve and do a morning walk along this reserve. I would not like to see any of this area reclassified or available for development as I think we still need open green space as a healthy site. There are existing residential buildings at the front and side of this reserve, therefore I am objecting to any of the reserve being reclassified.

Email Submission 7

Below is the submission from myself and XXXX regarding the "Planning Proposal 4 Mayo Street Jesmond".
We are against the proposed reclassification of Council owned land at 4 Mayo St Jesmond.

We have been living in Jesmond for 15 years. During that time the number of properties being rented short-term to students has gradually increased and is now quite significant. This has changed the face of our neighbourhood dramatically and diminished the sense of community for the remaining long term residents of Cameron and Fraser streets in Jesmond. Should 4 mayo Street be rezoned it is quite likely that the location will be converted to student housing or other rental accommodation, accelerating the loss of those characteristics which brought us to live in Cameron St 15 years ago.

In the proposal it is mentioned that the park is in use sporadically as a dog walking area. We do see people walking their dogs in the reserve and also on the walking path to the west, bordering the channel, from our backyard. Why not improve this amenity for the local dog owners and turn the space into an off-leash area?

Report Author Contact

Heidi Alexandra Pollard
CEO, UQ Power 4956 8816
www.UQPower.com.au support@uqpower.com.au
Appendix 2 - Easement for Sewage Pipeline
Appendix 3 - Flood Certificate

28 April 2015

City Plan Services
Suite 2 Ground Floor
14 WATT STREET
NEWCASTLE NSW 2300

Dear Sir/Madam

Flood Information Certificate No: 2015/65

Property: Lot 20 DP 235341
4 Mayo Street Jesmond

Thank you for your recent enquiry regarding flood behaviour at the above property. This letter confirms the property is located in a flood prone area. The pertinent features of the flood behaviour are estimated as follows:

**Ocean Flooding**

<table>
<thead>
<tr>
<th>Feature</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is any part of the site affected by a floodway?</td>
<td>No</td>
</tr>
<tr>
<td>Is any part of the site affected by a flood storage area?</td>
<td>No</td>
</tr>
<tr>
<td>Estimated 1% Annual Exceedance Probability event level (equivalent to the &quot;Defined Flood Level&quot; in the Building Code of Australia)</td>
<td>Not Affected</td>
</tr>
<tr>
<td>Estimated Maximum Flow Velocity of floodwaters (in the &quot;Defined Flood Event&quot; as per the Building Code of Australia)</td>
<td>N/A</td>
</tr>
<tr>
<td>Highest Property Hazard Category</td>
<td>N/A</td>
</tr>
<tr>
<td>Estimated Probable Maximum Flood Level</td>
<td>$40m AHD</td>
</tr>
<tr>
<td>Highest Life Hazard Category</td>
<td>LT (H1)</td>
</tr>
</tbody>
</table>
### Hunter River Flooding

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is any part of the site affected by a floodway?</td>
<td>No</td>
</tr>
<tr>
<td>Is any part of the site affected by a flood storage area?</td>
<td>Yes (See Attachment 1)</td>
</tr>
<tr>
<td>Estimated 1% Annual Exceedence Probability event level (equivalent to the &quot;Defined Flood Level&quot; in the Building Code of Australia)</td>
<td>3.80m AHD</td>
</tr>
<tr>
<td>Estimated Maximum Flow Velocity of floodwaters (in the &quot;Defined Flood Event&quot; as per the Building Code of Australia)</td>
<td>0.52m/s</td>
</tr>
<tr>
<td>Highest Property Hazard Category</td>
<td>P2</td>
</tr>
<tr>
<td>Estimated Probable Maximum Flood Level</td>
<td>6.66m AHD</td>
</tr>
<tr>
<td>Highest Life Hazard Category</td>
<td>L1 (H5)</td>
</tr>
</tbody>
</table>

### Local Catchment Flooding

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is any part of the site affected by a floodway?</td>
<td>Yes (See Attachment 2)</td>
</tr>
<tr>
<td>Is any part of the site affected by a flood storage area?</td>
<td>Yes (See Attachment 2)</td>
</tr>
<tr>
<td>Estimated 1% Annual Exceedence Probability event level (equivalent to the &quot;Defined Flood Level&quot; in the Building Code of Australia)</td>
<td>4.80m AHD</td>
</tr>
<tr>
<td>Estimated Maximum Flow Velocity of floodwaters (in the &quot;Defined Flood Event&quot; as per the Building Code of Australia)</td>
<td>0.97m/s</td>
</tr>
<tr>
<td>Highest Property Hazard Category</td>
<td>P3</td>
</tr>
<tr>
<td>Estimated Probable Maximum Flood Level</td>
<td>6.65m AHD</td>
</tr>
<tr>
<td>Highest Life Hazard Category</td>
<td>L5 (H5) (See Attachment 3)</td>
</tr>
</tbody>
</table>

The flood study from which the above information is derived is part of a Newcastle City Wide Floodplain Management Plan. The above advice may change in the future, however the advice is based on the best information held by Council at the time of issue of this certificate.

The above ocean flood level estimates include a sea level rise relative to 1990 mean sea levels of 90cm by 2100, as used in the Newcastle City-wide Floodplain Risk Management Study and Plan (June 2012).

The Newcastle Development Control Plan 2012 addresses the issues of flood management for new development. You can view the development control plan at [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au). In summary, the following requirements apply for all future development applications on the site.
Development in a floodway is not generally allowable due to likely redistribution of flood water. | Applicable

Filling of a flood storage area by more than 20% is not generally allowable due to redistribution of flood water. | Applicable

Minimum floor level for occupiable rooms in a new development on this site is:
(equivalent to the "Flood Hazard Level" in the Building Code of Australia) | 5.30m AHD

Is onsite flood refuge required? | Yes

Council holds no information concerning floor levels of existing structures on the site. Site levels and floor levels should be verified by survey based on the Australian Height Datum.

It is estimated that, during the June 2007 storms, flood waters reached a level of approximately 4.9m AHD in the vicinity of the specified land.

Please note that:

1. No assessment of the lot’s suitability for the purposes of making an application for a complying development certificate under the General Housing Code or Rural Housing Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or for a Secondary Dwelling under State Environmental Planning Policy (Affordable Rental Housing) 2009, has been made. This type of flood information can also be obtained from Council via a Flood Information Application. There are two services provided by Council relating to Complying Development flood criteria, as follows:

   a) Identification of lots affected by any of the flood control lot exclusions identified in subclause 3.36C(2) or 3A.38(2) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. If this information is required, select Box 4. b) (i) on the Flood Information Application form and pay the required fee.

   b) An assessment of a proposal for development of the lot for compliance with the requirements of subclause 3.36C(3) or 3A.38(3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. If this information is required, select Box 4. b) (ii) on the Flood Information Application form, submit plans and other relevant documentation for the proposal and pay the required fee.

2. The information contained in this certificate may alter in the future. The applicant should at all times ensure the currency of this information.
Should you require any further clarification please contact A Peddie on 4974 2788.

A Peddie

Alastair Peddie MIEAust, CPEng
Senior Development Officer (Engineering)
Development & Building Services
Attachment 2: Local Catchment Flood Classifications
Attachment 3: Life Hazards (Local Catchment Flooding)
CCL 14/03/17
SECTION 7.09 ADVERTISING AND SIGNAGE - ADOPTION OF AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Attachment A: Amended Section 7.09 Advertising and Signage and Draft Section 9.00 Glossary
7.09 Advertising and Signage

Amendment history

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15/11/2011</td>
<td>15/6/2012</td>
<td>New</td>
</tr>
<tr>
<td>2</td>
<td>27/9/2016</td>
<td>24/10/2016</td>
<td>Amended</td>
</tr>
<tr>
<td>3</td>
<td>TBC</td>
<td>TBC</td>
<td></td>
</tr>
</tbody>
</table>

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section applies to all advertisements and signage, except that which is exempt development under an environmental planning instrument that applies to it.

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.
- State Environmental Planning Policy 64 – Advertising and Signage.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

In the event of any inconsistency between this section and any environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Other environmental planning instruments may also apply in addition to those listed above.

Note 2: Environmental planning instruments may prohibit some types of advertising and / or signage in some zones or areas.

Note 3: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.
Related sections

- Section 5.05 Heritage Items
- Section 5.07 Heritage Conservation Areas
- Section 6.01 Newcastle City Centre
- Section 6.09 Darby Street Cooks Hill
- Section 6.10 Beaumont Street Hamilton

Associated technical manual/s

- Nil

Additional information

- Department of Planning and Environment Transport Corridor Outdoor Advertising and Signage guidelines (as amended).

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Advertisement** - has the same meaning as in the Act.

  Note: The term is defined as 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.

- **Advertising area** - the entire surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign. In the case of an advertising structure with more than one sign face, the maximum surface area of the combined faces. The area of skeleton letter signs shall be the total area within which the letters and associated graphics are displayed and not the area of the individual letters added together.

- **Advertising panel** - any other advertising structure which is unilluminated, including a hoarding or bulletin board.

- **Advertising sign** - a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which is visible from any public place or public reserve, or from any navigable waterway, and is not a road traffic signal or sign.

- **Advertising structure** - the same meaning as in the Act.

  Note: The term is defined as a structure used or to be used principally for the display of an advertisement.
- **Business identification sign** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

  Note: The term is defined as a sign:
  (a) that indicates:
      (i) the name of the person, and
      (ii) 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 does not include any advertising relating to a person who does not carry on business at the premises or place.

- **Signage** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

  Note: The term is defined as meaning all signs, notices, devices, representations and advertisements that advertise or promote 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:
  (a) building identification signs, and
  (b) business identification signs, and
  (c) advertisements to which Part 3 applies, but does not include traffic signs or traffic control facilities.

**Aims of this section**

1. To provide guidelines for the design, erection and display of signage and advertising structures.
2. To ensure that signage is well designed, appropriately sized and positioned in a consistent manner.
3. To minimise visual clutter caused by the proliferation of signage and encourage the rationalisation of existing and proposed signage.
4. To ensure that signage is compatible with the scale and character of the building or site on which it is displayed.
5. To ensure that signage does not detract from the architecture of existing buildings, significant views, vistas and streetscapes.
6. To ensure that signage does not impact on the significance of heritage items and/or conservation areas.
7. To ensure that signage does not compromise pedestrian, cyclist or vehicle safety.
### 7.09.01 Types of signage and controls

Note: For exempt signage types refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

<table>
<thead>
<tr>
<th>Signage Type</th>
<th>Definition / Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Above Awning Sign</strong></td>
<td>Signage which is displayed above an awning.</td>
</tr>
<tr>
<td></td>
<td><strong>Not supported throughout the Newcastle Local Government Area (LGA).</strong></td>
</tr>
<tr>
<td><strong>Building Wrap Sign (existing buildings)</strong></td>
<td>Signage used in association with covering or wrapping of a building or land.</td>
</tr>
<tr>
<td></td>
<td><strong>Controls</strong></td>
</tr>
<tr>
<td></td>
<td>a) Is limited to signage for community and civic events.</td>
</tr>
<tr>
<td></td>
<td>b) Is not to be erected more than one month before the event and must be removed within one week of the conclusion of the event.</td>
</tr>
<tr>
<td></td>
<td>c) Consent will be limited to the period noted in (b) or one year, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>d) Is not to be illuminated.</td>
</tr>
<tr>
<td></td>
<td>e) Limited to one building wrap sign on a building at any time.</td>
</tr>
<tr>
<td></td>
<td>f) Is not to cover more than two adjacent facades.</td>
</tr>
<tr>
<td></td>
<td>g) Is not to obscure any prominent architectural features of the building.</td>
</tr>
<tr>
<td></td>
<td>h) Is mounted flush with the external facade of the building.</td>
</tr>
</tbody>
</table>
### Signage Type

<table>
<thead>
<tr>
<th>Building Wrap Sign (on scaffolding/hoardings)</th>
<th>Definition / Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage used in association with a building that is under construction, renovation, restoration or demolition.</td>
<td></td>
</tr>
</tbody>
</table>

**Controls**

- a) The content of the signage is not to be changed over the life of the building work without prior approval of Council.
- b) The signage is to be removed as soon as the relevant works have been completed.
- c) Commercial advertising is limited to 20% of the extent of the scaffolded elevation.
- d) In heritage conservation areas, signage is restricted to images of the proposed building being constructed / refurbished, or similar appropriate image. Business identification may be considered where it is limited to 5% of the extent of the scaffolded elevation and is located at ground level.

<table>
<thead>
<tr>
<th>Directory Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>See pole or pylon sign</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electronic Changing Word /Flashing Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage that contains mechanical or electronic moving images or displays, including LED, neon and electronically projected images (including portable LED signs, video/tv screens, projected laser advertising and other intermittently illuminated or sequenced lighting signs). These sign types are generally not supported within the Newcastle LGA unless it can be demonstrated to be appropriate for a particular site and circumstances.</td>
</tr>
</tbody>
</table>

**Controls**

- a) If a proposal is considered to have merit, the following controls will apply:
  - i) Consent will be limited to a period of 12 months or may be granted on a temporary basis in association with a related event.
  - ii) An application is to include details of the proposed messages and/or images to be displayed. Excessive use of illumination and/or animated schemes is not supported.
  - iii) Illumination is limited to within the hours of 7am to 10pm or close of business (whichever is the lesser).
<table>
<thead>
<tr>
<th>Signage Type</th>
<th>Definition / Controls</th>
</tr>
</thead>
</table>
| **Electronic Changing Word /Flashing Sign (cont.)** | iv) Is not located within, or adjacent to a residential zone, heritage conservation area, heritage item, or public domain (other than public roads).  
   v) Is not located so as to impact on interpretation of traffic signs or signals.  
   vi) Is not to contain displays that resemble traffic signs or signals, or give instruction to traffic by using words such as ‘halt’ or ‘stop’.  
   vii) Complies with the NSW Department of Planning and Environment requirements regarding Illumination and Reflectance. |
| **Fascia Signs**                                 | Signage displayed on the fascia or return end of an awning.  
   **Controls**  
   a) Is to be mounted flat and securely fixed to the fascia.  
   b) Is not to project above or below the fascia or return end of the awning to which it is attached.  
   c) Is not to extend to within 0.6m of the vertical projection of the kerb line.  
   d) Is not to be illuminated.                                                                                           |
| **Flush Wall Sign**                              | Signage attached to or painted on the wall of a building and projecting horizontally no more than 300mm from the wall.  
   **Controls**  
   a) No more than one sign per building elevation. In the case of multiple occupancies, one sign per occupant may be considered (in such cases a directory board is preferred).  
   b) Is to be attached to the building in which the business identified in the sign is located.  
   c) Is not more than 10% of wall area in commercial zones.  
   d) Is not more than 20% of wall area in industrial zones (including land to which the Three Ports SEPP applies).  
   e) For all other land use zones, size to be considered on merit.  
   f) Does not extend laterally beyond the wall, to which it is attached, in any direction. |
<table>
<thead>
<tr>
<th>Signage Type</th>
<th>Definition / Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flush Wall Sign (cont.)</strong></td>
<td>g) Does not cover any window, door or architectural feature.</td>
</tr>
<tr>
<td></td>
<td>h) For heritage items/heritage conservation areas, is not fixed (by any means) to sandstone or face brickwork, but may be fixed into mortar joints.</td>
</tr>
<tr>
<td><strong>Home Business / Industry / Occupation Sign</strong></td>
<td>A sign at a dwelling that advertises a home business, home industry or home occupation at the premises.</td>
</tr>
<tr>
<td></td>
<td><strong>Controls</strong></td>
</tr>
<tr>
<td></td>
<td>a) Signage is for business identification only.</td>
</tr>
<tr>
<td></td>
<td>b) Is a flush wall sign with a maximum size of 1m².</td>
</tr>
<tr>
<td></td>
<td>c) Is not illuminated.</td>
</tr>
<tr>
<td></td>
<td>Note: Refer SEPP Exempt and Complying Development Codes 2008.</td>
</tr>
<tr>
<td><strong>Portable Signs</strong></td>
<td>Signage that can be readily moved and includes A-frame signs, portable flags, trailers and any similar device.</td>
</tr>
<tr>
<td></td>
<td><strong>Controls</strong></td>
</tr>
<tr>
<td></td>
<td>a) Is not to be displayed on the footpath of any road or in any public place unless the premises of the relevant business or person have direct ground floor frontage and direct ground floor access to that road or public place.</td>
</tr>
<tr>
<td></td>
<td>b) Is not to unreasonably hinder or obstruct the access and use of the footpath or any road or of any public place.</td>
</tr>
<tr>
<td></td>
<td>c) Is to be removed from the road or public place each day at the close of business.</td>
</tr>
<tr>
<td></td>
<td>d) Is to comply with the provisions of Newcastle Council’s Outdoor Trading Policy.</td>
</tr>
<tr>
<td></td>
<td>e) Signage displayed on trailers is not to be parked on any footpath, road related area, or road, whether attached to a vehicle or not, when the primary purpose for the placement of the trailer is for promotion or advertising.</td>
</tr>
<tr>
<td>Signage Type</td>
<td>Definition / Controls</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Pole or Pylon Sign</td>
<td>Signage erected on a pole or pylon independent of any building or structure (including directory board).</td>
</tr>
<tr>
<td></td>
<td><strong>Controls</strong></td>
</tr>
<tr>
<td></td>
<td>a) Pole/pylon signs will not be supported where signs are capable of being placed on a building within 5m of the primary road frontage.</td>
</tr>
<tr>
<td></td>
<td>b) Is not more than 8m above the ground level.</td>
</tr>
<tr>
<td></td>
<td>c) Has a maximum advertising area of 20m².</td>
</tr>
<tr>
<td></td>
<td>d) Maximum of one per site.</td>
</tr>
<tr>
<td></td>
<td>e) To be contained wholly within the property boundary.</td>
</tr>
<tr>
<td>Projecting Wall Sign</td>
<td>Signage attached to the wall of a building and projecting horizontally from the wall.</td>
</tr>
<tr>
<td></td>
<td>**Not supported throughout the Newcastle LGA except as identified within key precincts.</td>
</tr>
<tr>
<td>Roof or Sky Sign</td>
<td>Signage erected on or above the roof or parapet of a building.</td>
</tr>
<tr>
<td></td>
<td>**Not supported throughout the Newcastle LGA.</td>
</tr>
<tr>
<td>Temporary Sign</td>
<td>Signage of a temporary nature (such as flyers, posters, or corflute) that is lightweight &amp; weather resistant fixed to power poles, bus shelters or other public property, fences, buildings shop fronts, shop front windows or hoarding.</td>
</tr>
<tr>
<td></td>
<td>**Not supported throughout the Newcastle LGA.</td>
</tr>
</tbody>
</table>
### Signage Type

<table>
<thead>
<tr>
<th>Signage Type</th>
<th>Definition / Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Under Awning Sign</strong></td>
<td>Signage that is attached to and hangs below an awning.</td>
</tr>
<tr>
<td></td>
<td><strong>Controls</strong></td>
</tr>
<tr>
<td>a) Maximum of one sign per shopfront. In the case of multiple occupancies, one sign for each use may be considered, provided that the horizontal distance between signs is at least 3m.</td>
<td></td>
</tr>
<tr>
<td>b) Is not to exceed 2.5m in length, 0.4m in width and 0.5m in depth.</td>
<td></td>
</tr>
<tr>
<td>c) Is not to exceed more than 1.5m² in advertising area.</td>
<td></td>
</tr>
<tr>
<td>d) Is erected approximately horizontal to the ground and at no point less than 2.6m from the ground.</td>
<td></td>
</tr>
<tr>
<td>e) Is erected at right-angles to the building to which the awning is attached.</td>
<td></td>
</tr>
<tr>
<td>f) Is securely fixed to the awning by means of durable and structurally sound support systems.</td>
<td></td>
</tr>
<tr>
<td>g) Is not projected beyond the edge of the awning to which it is attached.</td>
<td></td>
</tr>
<tr>
<td><strong>Window Sign</strong></td>
<td>Signage within any window of a building and includes business identification, advertising, lifestyle graphics, TV/video screens and the like. Note: Lifestyle Graphic is defined as signage by way of images that depict people, products, words and the like, in connection with a product, place or service.</td>
</tr>
<tr>
<td></td>
<td><strong>Controls</strong></td>
</tr>
<tr>
<td>a) Does not occupy more than 20% or 6m² (whichever is the lesser) of the glazed surface of the window in which it is displayed.</td>
<td></td>
</tr>
<tr>
<td>b) Is not illuminated.</td>
<td></td>
</tr>
<tr>
<td>c) Does not contain LED/Electronic messages.</td>
<td></td>
</tr>
<tr>
<td>d) Is located at ground level.</td>
<td></td>
</tr>
</tbody>
</table>
Table 1: Development zones and supported signage types (general guidance only)

<table>
<thead>
<tr>
<th>Signage Type</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Heritage Conservation Area / Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Wrap Sign (completed buildings)</td>
<td>X</td>
<td>✓</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Building Wrap Sign (on scaffolding/hoardings)</td>
<td>✓ (as temporary use only)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Directory Board</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Fascia Signs</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Flush Wall Sign</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Home Business/ Home Industry / Home Occupation Sign</td>
<td>✓ (as exempt development)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Illuminated Sign</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Pole or Pylon Sign</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Under Awning Sign</td>
<td>X</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>Window Sign</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Note: Signs within special use, recreation and environmental zones will be considered having regard to the general controls and the surrounding context.

Key

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>Generally supported in zone (check relevant environmental planning instruments)</td>
</tr>
<tr>
<td>X</td>
<td>not supported in zone</td>
</tr>
</tbody>
</table>
7.09.02 General design guidelines

Objectives

1. To establish a consistent and co-ordinated approach to the design, size and positioning of signage to enhance the streetscape.

2. To ensure that signage does not detract from the architecture of buildings, streetscapes and vistas.

3. To ensure design, size and positioning of signage does not create a safety risk.

Controls

1. A signage strategy is submitted with all development applications for new buildings or for buildings that are a heritage item and/or within a heritage conservation area. The signage strategy is to address the general design guidelines and any applicable Key Precinct principles. The signage strategy will then be used to guide the provision of any signs at the premises.

   Note: A signage strategy is to include full details on sign locations, dimensions, colours and finishes, including any proposed illumination.

2. Proposals for new or amended signs on existing buildings will be considered in relation to the building’s streetscape, architectural compatibility and cumulative impact within the vicinity.

3. The total number of signs on a property is to be limited to those needed to reasonably identify the business. To minimise clutter, composite signs should be used where there are multiple businesses located on a property.

4. Signage is to be unobtrusive in colour, height and scale, and located so as to be integrated with the architecture and scale of the buildings and adjoining premises. The design and location of signs should not unduly detract from existing architectural features.

5. Signage is to be designed to complement the significance of heritage items and/or heritage conservation areas.

6. Signage is to be positioned so that it does not affect the safe movement of pedestrians, bicycles or motor vehicles.

7. Signage is not to obstruct or cause confusion with the interpretation of traffic signs, traffic controls or navigational beacons.

8. Signage is to be designed and built so that it is structurally and electrically sound.

9. Signage illuminated by internal or external lighting:
   (a) is to meet the NSW Department of Planning and Environment’s requirements regarding Illumination and Reflectance
   (b) is not to detract from the architecture of the host building
   (c) is not to cause distraction or nuisance to neighbouring properties, residential areas or traffic
   (d) is generally restricted to the hours between 7am and 10pm.
(e) has illumination sources (including cabling) concealed or integrated within the sign
(f) is generally not supported in connection with heritage items.

7.09.03 Key precincts

Some commercial areas in the Newcastle LGA are within heritage conservation areas and/or have been identified as key character precincts. Additional guidelines are provided for three precincts to achieve development outcomes that are compatible with the character and amenity of the precincts:

▪ Newcastle East End & Newcastle Beach
▪ Newcastle West End & Civic
▪ Darby Street, Cooks Hill and Beaumont Street, Hamilton.

Signage proposed within the above precincts is required to address the following design controls, in addition to the general design guidelines.

A. Newcastle East End and Newcastle Beach

Map 1: Newcastle East End and Newcastle Beach
**Controls**

1. Signage types within this precinct are to comprise of:
   (a) fascia
   (b) under awning
   (c) window sign
   (d) projecting wall signs where there is no awning.

2. Signage is for business identification only.

3. For projecting wall signs the following controls will apply:
   (a) limited to one sign per elevation
   (b) located at ground level only (consistent with location of adjacent awnings).
   (c) does not exceed 2.5m in length. 0.4m in width and 0.5m in height.
   (d) does not exceed more than 1.5m² in advertising area.
   (e) erected horizontal and at no point less than 2.6m from the ground.
   (f) is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space.
   (g) erected at right-angles to the building.
   (h) any illumination is restricted to the hours of 7am to 10pm/close of business (whichever is the lesser).

4. Signage within shopfront windows is minimised. Painted skeletal business identification signage may be considered.

5. Signage reflects the heritage significance of this precinct by way of style, colour, format and materials.

   **Note:** Corporate colours & logos may need to be altered where they do not achieve a high degree of compatibility with the architecture, materials, finishes and colours of the host building & streetscape.

6. Signage to be constructed from high quality materials, particularly metals such as bronze, brass and stainless steel.

7. The restoration of original painted signs and construction of new signs using traditional designs is encouraged.

8. Signage is to be at or below awning level. In the absence of any shop front awnings signage is to be kept at or below the height of awnings on adjacent buildings. In these circumstances, projecting wall signs (in a heritage compatible design) may be considered.

9. Illumination (with the exception of under awning/projecting wall signs) is not supported.

10. LED/Changing message signs (internal and external to premise) are not supported.
A2. Newcastle West End and Civic

Map 2: Newcastle West End and Civic precinct

Controls

1. Signage is for business identification only.

2. Signage reflects the heritage significance of the area by way of style, colour, format and materials.

   Note: Corporate colours and logos may need to be altered where they do not achieve a high degree of compatibility with the architecture, materials, finishes and colours of the host building and streetscape.

3. Flush wall signs are:

   (a) located below first floor level on a frontage with public access only

   (b) not more than 20% of the building elevation

   (c) not illuminated if on a heritage item

4. Pole/pylon signs are supported for civic buildings only and the following controls will apply:

   (a) one pole/pylon sign per site
(b) no higher than 4m above ground, have a minimum area of 3m² per face, and not more than two faces

(c) signs with simple and clearly displayed details on a white background are preferred.

5. Projecting wall signs are only supported in the absence of an awning. In such cases the following controls will apply:

(a) one sign per elevation

(b) located at ground level only (consistent with location of adjacent awnings)

(c) not exceed 2.5m in length, 0.4m in width and 0.5m in height

(d) does not exceed more than 1.5m² in advertising area.

(e) erected horizontal and at no point less than 2.6m from the ground

(f) is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space

(g) erected at right-angles to the building.

6. Window signage is to be minimised, with shopfronts being primarily used for the display of goods and services. Lifestyle graphics, tv/video screens and the like are not a supported form of window signage.

7. Illumination is restricted to the hours of 7am to 10pm/close of business (whichever is the lesser).

8. LED/Changing message signs (internal and external to premise) are not supported.
A3. Darby Street, Cooks Hill and Beaumont Street, Hamilton

Map 3: Darby Street, Cooks Hill precinct

Map 4: Beaumont Street, Hamilton precinct
Controls

1. Signage types within these precincts are to comprise of:
   (a) fascia sign
   (b) under awning sign
   (c) window sign
   (d) projecting wall sign where there is no awning.
2. Signage is for business identification only.
3. Signage reflects the heritage significance of the area by way of style, colour, format and materials.
   Note: Corporate colours and logos may need to be altered where they do not achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building and streetscape.
4. For projecting wall signs the following controls will apply:
   (a) limited to one sign per elevation
   (b) located at ground level only (consistent with location of adjacent awnings)
   (c) does not exceed 2.5m in length, 0.4m in width and 0.5m in height
   (d) does not to exceed more than 1.5m² in advertising area.
   (e) erected horizontal and at no point less than 2.6m from the ground
   (f) is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space
   (g) erected at right-angles to the building.
5. Window signage is to be minimised, with shopfronts being primarily utilised for display of goods and services. Lifestyle graphics, tv/video screens and the like are not a supported form of window signage.
6. Illumination is limited to the hours of 7am to 10pm/close of business (whichever is the lesser).
7. LED/Changing message signs (internal and external to premise) are not supported.
Aboriginal cultural heritage - means Aboriginal objects and declared Aboriginal places as defined under the *National Parks and Wildlife Act, 1974*.

Note: The *National Parks and Wildlife Act, 1974* defines *Aboriginal objects* as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

*Aboriginal place* means any place declared to be an Aboriginal place under Section 84.

**Above awning sign** - a sign on top of an awning.

**Absorption trench** - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

**Act of prostitution** - has the meaning ascribed to it under Section 20 of the *Summary Offences Act, 1988*.

**The Act** - the *Environmental Planning and Assessment Act 1979*.

**Active solar energy systems** - systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

**Activity centres** - areas where commercial, retail and entertainment facilities are focused.

**Activity nodes** - see Activity centres.

**Accessible path of travel** - a continuous accessible path of travel is an uninterrupted part of travel to or within a building, providing access to all required facilities. It does not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

**Adaptable Housing** - refers to the means of designing a house/unit that enables easy and relatively cheap adaptation to make it comply fully with access standards (refer AS 4299 Adaptable Housing - Class C). This housing is designed in such a way that it can be easily modified in the future to meet changing needs of occupants.
**Adjoining occupiers** - persons who appear to the Council to occupy land abutting a development proposal.

**Adjoining owners** - persons who appear to the Council to own land abutting a development proposal.

**Advertised development** - has the same meaning as in the Act.

Note: The term is defined as development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan. Advertised development includes any development for the purposes of a scheduled activity at any premises under the **Protection of the Environment Operations Act 1997** that is not designated development.

**Advertisement** - has the same meaning as in the Act.

Note: The term is defined as 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.

**Advertising area** - the entire surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign. In the case of an advertising structure with more than one sign face, the maximum surface area of the combined faces. The area of skeleton letter signs shall be the total area within which the letters and associated graphics are displayed and not the area of the individual letters added together.

**Advertising panel** - any other advertising structure which is unilluminated, including a hoarding or bulletin board.

**Advertising sign** - a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which is visible from any public place or public reserve, or from any navigable waterway, and is not a road traffic signal or sign.

**Advertising structure** - has the same meaning as in the Act.

Note: The term is defined as a structure used or to be used principally for the display of an advertisement.

**Affordable housing** - has the same meaning as in the Act.

Note: The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**Allotment** - the legal parcel of land which has been created via subdivision and registered with the Land Property Information service, normally having a Lot Number and Deposited Plan (ie Torrens Title subdivision).

**Alter** - in relation to a heritage item, or to a building or work within a heritage conservation area, means:

(a) make structural changes to the outside of the heritage item, building or work; or

(b) make non-structural changes (other than maintenance) to the detail, fabric, finish or appearance of the outside of the heritage item, building or work.
**Amenity** - is the term used to describe the features, facilities or services that make for a comfortable and pleasant life. Amenity is not only enjoyed by residents in their homes and gardens but also in the street and public places.

**Annual exceedance probability (AEP)** - is the probability that a flood of a given or larger magnitude will occur within a period of one year. Its reciprocal is equivalent to average recurrence interval.

**Archaeological Assessment** - a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment & Heritage.

**Archaeological site** - (or site) a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the *NSW Heritage Act 1977* as amended.

**Articulation zone** - building articulation is the treatment of a facade of a building which forms part of the public domain (ie the relation to streets, view corridors, open space, the harbour foreshore) and how it is emphasised architecturally. The facade of a building can be articulated using distinctive building treatments including:

- balconies
- verandahs and porches
- recessed terraces
- bay windows and French (or juliet) balconies
- external sun shading
- building facades can also be articulated using
- variations in setbacks
- fenestration
- materials and detailing
- entrances at ground level
- punctuated walls with recognisable patterns and features.

**Australian Height Datum (AHD)** - a standard datum for expressing vertical information.

**Average recurrence interval (ARI)** - the average period between the recurrence of a storm event of at least a given rainfall intensity. The ARI represents a statistical probability. For example, a 10 year ARI indicates an average of 10 events over 100 years. The ARI is not the period between actual events.

**Awning** - is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.

**Awning sign** - attached to an awning (other than a fascia or return wall).

**Balcony** - is an open area, not being an enclosed room or area, attached to or integrated with and used for the exclusive enjoyment of the occupant or occupants of a dwelling.

**BASIX** - Building Sustainability Index (BASIX) is an online rating system used to ensure residential buildings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.

**Basement garage** - is a garage normally used for the parking of vehicles with the floor constructed below the street level.

**Battle-axe lot** - means a lot that has access to a road by an access laneway.
Building - has the same meaning as in the Act.

Note: The term is defined to include part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

Building Code of Australia - has the same meaning as in the Act.

Note: The term is defined as the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:
   (a) such amendments made by the Board
   (b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.

Building envelope - the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.

Building envelope (for heritage purposes) - the volume of the building on the site of the heritage item.

Building elements (for heritage purposes) - doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, and stairs.

Building height (or height of building) - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Building line or setback - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:
   (a) a building wall
   (b) the outside face of any balcony, deck or the like
   (c) the supporting posts of a carport or verandah roof

whichever distance is the shortest.

Bulk - the total effect of the arrangement, volume, size and shape of the building.

Bush fire prone land - has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

Bush fire hazard reduction work - has the same meaning as in the Rural Fires Act 1997.

Note: Bush fire hazard reduction work means:
   (a) the establishment or maintenance of fire breaks on land, and
   (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.
**Car pooling** - car pooling (also known as ride-sharing or lift-sharing) is a system by which participants coordinate their trips (for example, trips to work) so that they can travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.

**Car sharing** - car sharing allows a member of the car sharing scheme (such as an individual or a business) to access a fleet of shared vehicles, as needed, paying a usage fee each time. Characteristics of a typical car sharing scheme include a provider with a centralised system for booking and billing, clients (individuals/organisations), a fleet of vehicles, and parking spaces at key locations within a defined catchment area.

**Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.

**Catchment** - is the entire area of land drained by a river and its tributaries.

**Category 1 remediation work** - remediation work that needs development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 2 remediation work** - remediation work that does not need development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 1 vegetation** - appears as orange on the map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Category 2 vegetation** - appears as yellow on the map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (ie as indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Certifying authority** - has the same meaning as in the Act.

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**Character** - the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.

**Circumference breast height** - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.

**City Centre** - area defined on the Newcastle City Centre map of the Newcastle Local Environmental Plan 2012

**Classified advertisement** - a notice appearing in the public notices section of a newspaper.

**Community land** - has the same meaning as in the Local Government Act 1993.

**Community title subdivision** - form of title created under the Community Land Development Act 1989 and the Community Land Management Act 1989. Community title provides individual ownership of lots (with buildings and structures erected on the lots as in conventional subdivision) and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected. Association property can include land for roads and
driveways, swimming pools and other common facilities, common open space areas and common infrastructure facilities, such as water treatment plants and the like.

**Compliance certificate** - has the same meaning as in the Act.

Note: Refer to section 109C (1) (a) of the Act.

**Complying development** - has the same meaning as in the Act.

Note: Development for which provision is made as referred to in section 76A (5) of the Act.

**Complying development certificate** - means a complying development certificate referred to in section 85 of the Act.

**Conventional or Torrens title subdivision** - the traditional or ‘single lot’ form of subdivision, common in many residential estates. The Torrens title system is based on a plan of survey, or a plan compiled from survey, which defines the boundaries of a parcel of land at the date upon which it was registered.

**Consent authority** - has the same meaning as in the Act.

Note: The term is defined in relation to a development application or an application for a complying development certificate, means:

(a) the council having the function to determine the application, or
(b) if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.

**Conservation** (in relation to heritage) - all of the processes of conserving a place to retain heritage significance.


**Construction certificate** - means a certificate referred to in section 109C (1) (b) of the Act.

**Contaminated land** - land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment.


**Contamination** - concentration of substances above that which should be naturally present, and which poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**Contaminated wastes** - includes any substance or item that has become or may have become contaminated by body fluids (refers to Sex Services Establishments section).

**Contributions plans** - plans specify the circumstances in which the Council may impose developer contributions (generally known as 'Section 94/94A contributions'). These plans may apply to the whole of the Council area, to a particular district or to a specific site.
**Contributory building** - a building that is associated with a significant historical period, substantially intact; and a building associated with a significant historical period, altered yet readily identifiable.

**Contributory item** - a feature, including a building, work, relic, tree or place within a conservation area which in the opinion of the Council has cultural significance and whose loss would be detrimental to the overall heritage significance of the conservation area.

**Council** - means The City of Newcastle

**Covenant** - a restriction on the use of land recorded on the property title and binding upon successive landowners. Covenants may be ‘negative’ (imposing restrictions) or ‘positive’ (imposing positive obligations). Covenants are imposed under the *Conveyancing Act 1919*.

**Curtilage** - the area of land surrounding a heritage item that is essential in retaining the heritage significance of the item.

**Deep soil zone** - an area of natural ground with relatively natural soil profiles within a development. Deep soil zones should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

**Designated development** - has the meaning given by Section 77A of the *Act*.

**Detailed investigation** - an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required. Reporting requirements for a detailed investigation are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (*EPA, 1997*).

**Development** - has the same meaning as in the *Act*.

**Development application** - has the same meaning as in the *Act*.

**Development control plan** (or DCP) - has the same meaning as in the *Act*.

**Development footprint** - the area of ground to be covered by structures, including pathways and driveways.

**Development site** - includes all area within which the development will occur and can extend across several lots or development blocks.
Discharge control - a device that stores water and limits the rate of discharge from the development site.

Dispersion trench - a 600mm x 600mm trench, 1m long for every 25m² of catchment draining to it (regardless of whether or not a discharge control is used) excavated into the ground for the purpose of dispersing overflows and discharges from stormwater systems. Dispersion trenches are only for single dwellings that drain to the rear.

Drainage - means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

Easement - a legal right held by an owner of land or public authority in respect of another land parcel. Easements are commonly created to enable access across other properties, such as for drainage, pipelines, footways, etc.

Ecologically sustainable development - has the same meaning it has in Section 6 (2) of the Protection of the Environment Administration Act 1991.

Edges - define the boundaries of precincts and areas of special character.

Environmental amenity - the harmony of urban life provided through compatible land uses, sensitive design and the control of activities and processes that impinge on the wellbeing of reasonable people.

Environmental impact statement - a document describing the likely impacts of proposed development on the environment, and prepared in accordance with clauses 71-76 of the Environmental Planning and Assessment Regulation 2000. Environmental impact statements are required to be prepared in the following instances:
- development applications relating to 'designated development';
- activities subject to Part 5 of the Environmental Planning and Assessment Act 1979 that are likely to significantly affect the environment.

Environmental planning instrument - has the same meaning as in the Act.

Note: The definition is defined as an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

Erosion and Sediment Control Plan - a plan lodged with a development application that illustrates how erosion and sediment control will be managed during the construction phase of the development.

Excavation Permit - a permit provided under section 140 or section 60 of the NSW Heritage Act 1977.

Exempt development - is development for which provision is made as referred to in Section 76 (2) of the Act.

Exemption Notification Form S57(2) - a permit provided under Section 57 of the NSW Heritage Act 1977.

Exhibition period - the period during which a person may inspect exhibited documents relating to a notifiable matter.

Fabric - the physical material of the place (including the building, site or area).
Facade - the exterior walls of a building.

Facadism - the practice of demolition of a building, retaining only the facade.

Fascia Sign – attached to the fascia or return end of an awning.

Fenestration - arrangement of windows and other patterns on a building.

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

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

(b) the use of land as a waste disposal facility.

Fin Sign - erected on or above the canopy of a building.

Fine Grain - a variety of different land uses in proximity to one another or a series of narrow building elements as opposed to a large consolidated land use or a broad, unbroken building form.

Flashing sign - illuminated (as to any part of the advertising area) at frequent intervals by an internal source of artificial light and whether or not included in any other class of advertising structure.

Floodlit sign Illuminated - (as to any part of the advertising area) by an external source of artificial light and whether or not included in any other class of advertising structure.

Flood fringe areas - the remaining area of the Hunter River Floodplain not included in flood storage areas and floodways. Flood fringe areas can usually be developed without reference to how that development will affect the flood behaviour either upstream or downstream.

Flood information certificate - is a certificate issued by Council that provides information about the likelihood, extent or other characteristics of flooding known to affect a specified parcel of land.

Flooding - is relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river estuary, lake or dam, and/or local overland flooding associated with major drainage, and/or coastal inundation resulting from super-elevated sea levels and/or waves, excluding tsunami. Accordingly, flooding may occur due to a variety of reasons, either separately or in combination including:

- river flooding - caused by a river or stream overtopping its banks onto the surrounding floodplain
- urban flooding - caused by urban stormwater flows during an intense rainfall event, such as surface flows, surcharge from piped drainage systems or overflow from man-made stormwater channels.
- coastal inundation - caused by sea water inundation due to king tides, storm surge, barometric effects, shoreline recession, subsidence, the enhanced greenhouse effect or other causes.

Flood liable land - is synonymous with flood prone land (ie) land susceptible to flooding by the PMF event on the basis of flood information held by Council. Note that the term flood liable land covers the whole floodplain, not just that part below the FPL (see flood planning area).
**Floodplain** - an area of land along the course of a river that is subject to periodic inundation due to the river overtopping its bank. It is commonly delineated by the area that would be flooded by an event with a given average recurrence interval.

**Flood planning area** - the area of land below the FPL. Note that development controls that mainly relate to risk to property apply to the flood planning area, but other development controls mainly relating to risk to life and floodways and flood storages may apply to the remainder of flood liable (prone) land.

**Flood planning level (FPL)** - is the level of the planning flood plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% Annual Exceedance Flood, and the freeboard is generally 500mm.

**Flood prone land** - is land that, on the basis of flood information held by Council, is estimated to be inundated by the probable maximum flood.

**Flood refuge** - is an area free of flooding. It can be either higher ground or it could be in the form of an area of the building, either constructed specifically for the purpose or as an intrinsic part of the building.

**Flood storage area** - is an area where flood water accumulates and the displacement of that floodwater will cause a significant redistribution of floodwaters, or a significant increase in flood levels, or a significant increase in flood frequency. Flood storage areas are often aligned with floodplains and usually characterised by deep and slow moving floodwater.

**Floodway** - those areas of the floodplain where a significant discharge of water flows during floods; often aligned with obvious naturally defined channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow or increase in flood levels, which may in turn adversely affect other areas.

**Floorplate** - total enclosed area of a floor measured from the outside of the external walls, inclusive of all internal walls, service areas, stores, ducts, circulation and the like.

**Footpath** - the paved area in a footway.

**Footway** - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and legal cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.

**Form** - the overall shape and parts of the building.

**Formed void absorption trench** - an absorption trench formed by installing a series of void formers, usually plastic or fibreglass that maximise the storage volume of the absorption trench while supporting the surface of the trench such that it can be treated and used similarly to the surrounding surface.

**Freeboard** - is a margin applied to the estimation of flood levels to compensate for factors such as wave action, localised hydraulic behaviour, climatic change and modelling confidence.

**Frontage** - the street alignment at the front of a lot and, in the case of a lot that abuts two or more streets, the boundary of which, when chosen, would enable the lot to comply with this document.
**Gateways** - areas containing structures and/or fauna, which provide a sense of entry to the city through access and visual impact.

**Geodiversity** - soils and geology. Management of geodiversity is essential to sustain biodiversity and human ecology.

**Gravel filled absorption trench** - an absorption trench filled with gravel so as to achieve a minimum 30% void ratio and allowing the surface of the trench to be treated and used similarly to the surrounding surface.

**Greenfield estate** - land that has been subdivided with consideration of the controls listed in this DCP for greenfield sites.

**Greenfield site** - undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.

**Green Travel Plan** - a Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.

**Gross Display Area (GDA)** - the sum of the area intended to be used for the display or showing of product, including all access ways within these areas and any storage areas where the products can be viewed by the public/customers.

**Gross floor area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined by the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes:

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

**Gross leasable floor area (GLFA)** - GLFA is the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas. Gross leasable floor area relates to the sum of the commercially leasable floor area and is also often referred to as Net Floor Area.
**Ground level (existing)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the existing level of a site at any point.

**Ground level (finished)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**Ground level (mean)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**Habitable room** - a room used for normal domestic activities including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom. A habitable room excludes a bathroom, laundry, water closet, food-storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods. In commercial buildings a habitable room means any room used for normal commercial activities, including offices, kitchens, lunch rooms, common rooms and any other rooms occupied frequently.

**Heritage Act 1977** - an Act of the NSW Parliament providing for conservation orders and other controls over items having heritage significance. The Act is administered by the Heritage Council of NSW.

**Heritage significance** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**Heritage conservation area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as an area of land of heritage significance:

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

**Heritage conservation management plan** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.
**Heritage impact statement** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as a document consisting of:

(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

**Heritage item** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Heritage buildings, sites and elements** - heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation areas and heritage streetscapes.

**Mean high water mark** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**Historic parking deficiency** - the historic parking deficiency is determined by calculating the number of parking spaces required under the provisions of this DCP for an existing building or use and subtracting the number of spaces currently provided for that building or use.

**Hydraulic behaviour threshold** - is a set of circumstances (that may or may not be present at some locations at some time in any particular sized flood) that constitutes a particular level of hydraulic impact.

**Host building** - the existing building on the land that is the subject of an alteration or addition.

**Human scale streetscape** - means a streetscape that is scaled for the pedestrian.

**Impervious area** - an area which water runs off during a normal rainfall event, including roof areas and pavements (pavers, tiles, concrete, asphalt etc) but not including swimming pools and porous paving.

**Impermeable surface** - a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.

**Infill development** - new urban development within existing developed areas. Often involves a more intensive use of the site. Infill development may encompass housing, retail, business, education, community service, and industrial activities.

**In the vicinity** - the surrounding context, environment or setting of a heritage item.

**Infiltration** - the practice of discharging drainage water to the ground.

**Infiltration trench** - a trench excavated into the soil for the purpose of dispersing all stormwater up to the 5% AEP event. Infiltration trenches will vary in volume depending on the permeability of the parent soil and should be designed by a qualified Civil Engineer based on soil permeability testing.
**Initial evaluation** - an assessment of readily available factual information to determine whether contamination is an issue requiring further investigation prior to:

- the preparation of a local environmental plan, development control plan or plan of management for community land; or
- the determination of a development application or Council activity assessed under Part 5 of the Act

that would have the effect of authorising a proposed change of use of land or the carrying out of earthworks.

**Intactness** - the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.

**Integrated development** - has the meaning given by section 91 of the Act.

**Internal fabric** - the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.

**Interpretation Plan** - a plan that presents the significant archaeological heritage of a site or property that is the subject of a development application.

**Intrusive building** - a building that has a negative effect on the character or heritage significance of a heritage conservation area.

**Investigation area** - land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the *Contaminated Land Management Act 1997*.

**Investigation order** - an order issued by the Environment Protection Authority under Division 2 of Part 3 of the *Contaminated Land Management Act 1997* to investigate contamination within an investigation area.

**Landmarks** - prominent or distinguishing buildings or features by which people orient themselves and identify places within the City.
**Landscaped area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The Landscape Area is defined as a part of the site used for growing plants, grasses and trees, is open to the sky but does not include any building, structure or hard paved area. The landscaped area should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

Under this DCP paving wider than 1m, impervious or otherwise, will not be considered as landscaping. Structures include, but are not limited to, such features as air conditioning systems, awnings, cubby houses, decks, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, patios, swimming pools, tennis courts, verandas, water tanks (eg. rainwater) and the like.

\(^1\) The first metre (i.e. 1m) of a landscape area which falls under an awning, overhang, undercroft (or similar) may be included within the landscape area calculations where it forms part of continuous landscape area 3m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (i.e. ‘2m plus 1m’) (see **Figure 1**-Landscape area and awnings).

**Figure 1: Landscape area and awnings**

Lane - a publicly accessible narrow street that is open to the sky and which provides permanent pedestrian and/or vehicle connections through the city fabric at all hours.

**Local Environmental Plan** - is a type of environmental planning instrument under Part 3 of the *Environmental Planning and Assessment Act 1979*. Local environmental plans regulate development having local environmental significance. They are prepared by the Council and approved by the Minister for Planning.
Living area - of a dwelling includes habitable rooms frequently used for general recreation, entertainment and dining and includes living rooms, dining, family, lounge, rumpus room and the like but excludes non-habitable rooms, bedrooms, study, kitchen and other areas that are less frequently used.

Lot - refer to 'Allotment'.

Major alteration and addition - any alteration and addition where the area of the building which is the subject of the application, equals or exceeds 40% of the floor area of the existing building when measured to the outside surface of the existing walls. This includes areas of the existing building such as kitchens and bathrooms when these are included in the works within the application.

Major development - major development means residential development of any kind containing more than 50 dwellings; any new hospital, or additions to an existing hospital, where the new building or addition contains more than 100 beds; any new educational or training facility, or additions to an existing facility, that will cater for more than 50 students; any other form or type of development where the gross floor area will be more than 2000m² and/or involve more than 50 employees.

Major drainage system - the part of the public drainage system in an urban area that carries relatively large flows. It consists of the system of streams, floodways, stormwater channels, retarding basins and street pavements. It is generally designed to protect people and indoor property from the effects of an extreme flood with an annual exceedance probability (AEP) of 1%.

Massing - the size and volume of a building.

Microgram - unit of mass equal to 1 millionth of a gram or 1 thousandth of a milligram.

Micron - unit of length equal to 1 millionth of a metre or 1 thousandth of a millimetre.

Milligram - unit of mass equal to 1 thousandth of a gram.

Minor drainage system - the part of the public drainage system in an urban area that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control 'nuisance flows' which occur on a day-to-day basis typically with an annual exceedance probability (AEP) of 10%.


Manufactured home - has the same meaning as in the Local Government Act 1993.

Movement network - refers to access ways for pedestrian, cycles and vehicles.

Moving sign - Attached to a building and capable (as to any part of the advertisement or advertising structure) of movement by any source of power (whether or not included in any other class of advertising structure).

NABERS - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.
**NathERS or equivalent** - a computer simulation tool for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NathERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed 'NathERS or equivalent'.

**Natural Light** – daylight received into a building

**Nominated integrated development** - integrated development that fits into 1 of 3 categories. The first category is if it requires approval by the Heritage Council under the *Heritage Act 1977*. The second category is if it requires an environmental protection licence from the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*. The third category is if it requires certain licences or approvals from the Department of Planning and Infrastructure.

**Non-habitable room** - means spaces of specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

**North point** - in any discussion relating to orientation of a dwelling or part thereof, a reference to 'north' is a reference to true solar north and not magnetic, or compass north. True solar north varies from magnetic north depending upon the location. In Sydney, for example, magnetic north is approximately 12° east of true solar north.

**Notice of completion** - a notice, required under State Environmental Planning Policy No.55, that is given to the consent authority when remediation work has been completed.

**Notification plan** - a plan showing:
- the height and external configuration of a proposed building in relation to the site and adjoining buildings; or
- in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.

**Noxious Weeds** - trees and plant species declared as ‘noxious weeds’ within the Newcastle local government area, under the *NSW Noxious Weeds Act 1993*.

**Objectives** - statements describing desired outcomes.

**Occupation certificate** - means a certificate referred to in section 109C (1) (c) of the Act.

**Occupiable rooms** (from flooding perspective) - rooms of buildings where people may be present in the normal use of the building.

**Occupier** - has the same meaning as in the *Act*.

Note: The definition is defined as a tenant or other lawful occupant of premises, not being the owner.

**On-site stormwater detention (OSD)** - a stormwater management practice that limits the rate of discharge from a site using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device is temporarily stored either in tanks or surface depressions until the storm event recedes. Stormwater flows are therefore released at a controlled rate into the public drainage system.

**On-site stormwater retention** - stormwater management practices where on-site stormwater runoff is actually captured and retained within the site for re-use or infiltration and is not released to the downstream drainage system.
Open space - is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for outdoor purposes.

Operational land - has the same meaning as in the *Local Government Act 1993*.

Organic material - any matter that is comprised in part of carbon. It includes, but is not limited to garden waste such as grass clippings and leaves, animal wastes such as faeces, and any foodstuffs or their wastes.

Other advertised development - advertised development that is not nominated integrated development.

Other occupiers - persons who appear to the Council to occupy land, but who are not adjoining occupiers. This includes persons who occupy land directly across a public road from the site of a development proposal.

Other owners - persons who appear to the Council to own land, but who are not adjoining owners. This includes persons who own land directly across a public road from the site of a development proposal.

Overflow disposal - the disposal of flows that occur when the capacity of the site discharge controls is reached and such overflow.

Owner - has the same meaning as in the *Local Government Act 1993* and includes, in Division 2A of Part 6, in relation to a building, the owner of the building or the owner of the land on which the building is erected.

Owner-builder - has the same meaning as in the *Home Building Act 1989*.

Parapet height - the parapet level is the horizontal plane in which at least 2/3 of the length of the top of the facade of the building adjacent to the street is situated.

Passive solar energy systems - systems which combine the sun’s energy with local climate characteristics, to achieve thermal comfort inside buildings without the use of mechanical devices. In a passive system, the building itself is a solar collector, as well as a heat storage and transfer medium.

Pedestrian amenity - the capacity of walking routes, usually public footpaths on streets, to be comfortable along their entire lengths, with frontage development that is inviting and interesting to pedestrians.

Permeable surface - a surface treatment that allows rain water to infiltrate to the soil, such as grass, landscaping, gravel, porous pavement and coarse sand.

Permissible site discharge (PSD) - the maximum rate at which stormwater is permitted to be discharged from a given site area.

Plan depth - means the width of a building measured from the inside face of wall to inside face of wall or from the inside face of glass to inside face of glass. Plan depth is measured along the horstest axis, ie from front to back or side to side depending on the shape of building.

Planning flood - is the flood event from which the flood planning level is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see annual exceedance probability).

Pole or pylon sign - erected on a pole or pylon independent of any building or structure.
**Porte cochere** - a covered drive-through porch, often used in hotel development, large enough to accommodate vehicles such as tourist coaches.

**Porous paving** - a surface treatment that delivers the benefits of hard paving but maintains a high degree of permeability to allow rainfall to infiltrate the substrate and not produce runoff in common rainfall events.

**Port of Newcastle Lease Area** - land identified as “Port of Newcastle Lease Area” on the Lease Area Map contained in the Three Ports SEPP.

**Potential archaeological site** - a place or site suspected of having a relic or relics present.

**Preliminary Archaeological Assessment** - a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.

**Principal area of private open space** - is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.

**Principal area of private open space for single dwellings** - is a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.

**Note:** Private open space areas are able to be covered. If private open space areas are enclosed on all sides with walls greater than 1.4m they will not be considered private open space but form part of the gross floor area.

**Private open space** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**Note:** Under this DCP the definition excludes from private open space features such as, but not limited to awnings/overhangs, conditioning systems, cubby houses, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, swimming pools, tennis courts, water tanks (eg rainwater) and the like.

1 The first metre (ie. 1m) of private open space area which falls under an awning, overhang, undercroft (or similar) can be included as private open space and where it forms part of continuous private open space area 4m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (see Figure 2: Private open space and awnings).

**Note:** Private open space areas need to be at least 3m wide unobstructed and open to the sky. The first metre adjacent this 3m is allowed – ‘3m plus 1m’.
**Preliminary investigation** - an investigation to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination, and if required, provide a basis for a detailed investigation. Reporting requirements for a preliminary investigation are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Principal certifying authority** - means a principal certifying authority appointed under section 109E of the Act.

**Principal contractor** - for building work means the person responsible for the overall co-ordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the Home Building Act 1989.

**Proponent** - a person or body seeking to carry out development on land.

**Probable maximum flood (PMF)** - is the largest flood that could conceivably occur at a particular location.

**Probable maximum flood level** - the flood level calculated to be the maximum which is likely to occur.

**Projecting wall sign** - Attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3m from the wall.

**Property hazard** - is the ‘risk to property hazard category’ as a combination of hydraulic behaviour threshold and its effect on property. The risk to property hazards are based on the peak hydraulic behaviour thresholds \( (H_1-H_6) \) determined for the 1 in 100 annual chance flood.

**Public art** - (also known as town art or environmental art) is artwork that is commissioned to enrich the public domain.
**Publicly accessible space** - private or public land, which allows 24-hour access to the public in the form of walkways, outdoor dining or gardens.

**Public domain** - means the sum of public and private places and space including streets, roads, footways, plazas, promenades, squares, parks, beaches and reserves.

**Public drainage system** - a drainage system owned and operated by the Council or the Hunter Water Corporation Ltd.

**Published notice** - an advertisement placed in a newspaper.

**Public open space** - land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist access ways, playgrounds and sports grounds.

**Public place** - has the same meaning as in the *Local Government Act 1993*.

**Public reserve** - has the same meaning as in the Local Government Act 1993.

**Public tree** - any tree species growing on public land of any size.

**Public road** - has the same meaning as in the Roads Act 1993.

**Rainwater tank** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

*Note:* The definition is defined as a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**Recyclable** - any matter capable of being reprocessed into useable material or re-used providing facilities exist to do so.

**Reduced Level (RL)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

*Note:* The definition is defined as the height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**Registered community group** - a community group which is registered with the Council under the Public Participation Section.

**Remedial action plan** - a plan which sets remediation goals and documents the process by which it is proposed to remediate a site. Reporting requirements for a remedial action plan are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Remediation** - works carried out for the purpose of:

- removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land; or

- eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

**Remediation order** - a remediation order made by the Environment Protection Authority and in force under Part 3 of the *Contaminated Land Management Act 1997*.

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Regulation** - means a regulation made under the *Act*.  

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Newcastle Development Control Plan 2012
Relic - the same as in the *NSW Heritage Act 1977* (as amended).

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Research Design** - refers to the set of research questions and methodology developed for a site within a wider research framework.

**Restoration** - means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.

**Retainable tree** - a tree that has been subjected to and passed the relevant assessment tests noted in Section 4 of the Technical Manual.

**Note:** that these tests are to be undertaken by a suitably qualified arborist.

**Retention tank** - a water tank, whether above ground or below ground designed to retard the discharge of runoff from an impervious surface to a rate not harmful to the environment.

**Riparian Zone** - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

**Road** - means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**Road/street reserve** - the land incorporating the full width from property line to opposite property line.

**Roof sign** - erected on or above the roof or parapet of a building.

**Roof terrace** - the flat roof of a lower level building, which is both directly accessible for the exclusive use from the dwelling it adjoins and also open to the sky except for a pergola or similar sun control devices.

**Routes** - roads or paths along which major movements occur and which provide the framework within which individual project sites are accessed.

**Runoff** - the portion of rainfall that flows across the ground surface as water.

**Scale** - the size of a building in relation to its surroundings.

**Section 94 Developer Contributions** - Section 94 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by either:

(a) dedication of land

(b) monetary contribution

(c) material public benefit

(d) combination of the above.
**Setting** - the context within which a building or structure is situated in relation to the surroundings. Components that may be part of a setting includes nearby buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees and parks, view corridors, vantage points and landmarks.

**Significance assessment** - an assessment of the heritage significance of predicted or known archaeological features.

**Site audit** - an independent review by a site auditor:

(a) that relates to investigation or remediation carried out in respect of the actual or possible contamination of land; and

(b) that is conducted for the purpose of determining any 1 or more of the following matters:
   - the nature and extent of any contamination of the land
   - the nature and extent of the investigation or remediation
   - what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.

Site audits are conducted in accordance with the Guidelines for the NSW Site Auditor Scheme (EPA, 1998).

**Site auditor** - a person accredited under the *Contaminated Land Management Act 1997* as a site auditor.

**Site audit statement** - a written statement by a site auditor that summarises the findings of a site audit. Site audit statements are prepared according to a standardised format prescribed in the *Contaminated Land Management Regulation 1998*.

**Site drainage line** - a piped drain that conveys stormwater from a development site to the public drainage system.

**Site History** - is a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.

**Site investigation process** - the process of investigating land that is or may be contaminated. The purpose of the site investigation is to provide the Council with sufficient information for it to make an informed decision as to whether it should authorise a proposed change of use of land. A site investigation may include up to 4 stages:
   - stage 1-preliminary investigation;
   - stage 2-detailed investigation;
   - stage 3-remedial action plan;
   - stage 4-validation and site monitoring.

**Site investigation report** - includes one or more of the following: a preliminary investigation report, detailed investigation report, remedial action plan and validation and site monitoring report.

**Social impact** - changes that occur in:
   - people’s way of life (how they live, work, play and interact with one another on a day-to-day basis)
   - their culture (shared beliefs, customs and values), and
   - their community (its cohesion, stability, character, services and facilities).
Soil and Water Management Plan - a plan lodged with a development application that illustrates how stormwater, runoff and soils will be managed on the site. The plan should demonstrate the feasibility of both the proposed stormwater management system, and the proposed erosion, sediment and water quality control measures. The plan should be supported by preliminary hydrological calculations and other information in the accompanying Statement of Environmental Effects.

Solar collectors - any building treatment or appliance specifically designed to capture or collect the sun’s rays for the benefit of the occupants eg. windows including clerestory (or highlight) windows, solar hot water collector panels, photovoltaic (solar-electricity) cells/panels.

Spa pool - has the same meaning as in the Swimming Pools Act 1992.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

Statutory requirement - a requirement under the provisions of an Act, Regulation, State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or other statutory instrument.

Street tree - trees identified by Council within the Street Tree Master Plan. These have been surveyed and mapped by Council.

Street tree vacancy site - sites identified by Council for future street tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.

Stormwater - the runoff from rainfall events.

Stormwater harvesting - the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.

Stormwater Management Plan - a plan lodged with a development application that details the proposed use of structural infrastructure and treatment techniques to both improve stormwater quality and mitigate excessive flows.

Stormwater surface flowpath - land that carries concentrated surface flow during a rainfall event, the width, shape and gradient of which is designed to cater for the flow produced by a 1% annual exceedance probability (AEP) rainfall event. Includes a flowpath from the spillway of an on-site detention system.

Strata subdivision - defined as ‘subdivision’ in the Environmental Planning and Assessment Act 1979. Strata subdivision can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. Those owning lots within the scheme have a proportional entitlement to use the common property and also a proportional responsibility for its maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot, owned and managed by the ‘Owners Corporation’.
Street alignment - the boundary between land allotments and a street or lane.

Street frontage height - the vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated. No part of the facade is to be less than 80 per cent of the height.

Streetscape - means the form, character and visual amenity of the street environment.

Street trees - trees within the road reserve.

Street tree vacancy site - sites identified by Council for future street tree planing. The sites have been identified from analysis of the Local Government Area based on criteria in the Street Tree Master Plan. The information on locations of street tree vacancy sites is available on request from Council.

Subdivision certificate - means a certificate referred to in section 109C (1) (d) of the Act.

Subdivision of land - has the meaning given by section 4B of the Act.

Subdivision work - means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, as referred to in section 81A (3) of the Act.

Subsidence - due to:
(a) the extraction of coal or shale;
(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding;

and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence.

Summary site audit report - a report prepared by a site auditor containing key information and considerations concerning the conduct and findings of a site audit.

Sunlight - direct sunlight onto the ground or into a building.

Swale - a deliberately formed surface depression for the storage of stormwater runoff. Some swales also have a delayed conveyance function.

SWMMP - Site Waste Minimisation and Management Plan

Temporary sign - an advertisement or advertising structure which is to be displayed for a period not exceeding two months, or such shorter period as Council may otherwise determine and specify in the terms of approval.

The Code (for heritage purposes only) - refers to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

Thermal mass - the heat storage capacity of a given assembly or system. Generally, the heavier and more dense a material is, the more heat it will store, and the longer it will take to release it. A concrete floor is an example of high thermal mass.
Three Ports SEPP - State Environmental Planning Policy (Three Ports) 2013.

Through site link - a pedestrian arcade or link that can be open to the air or enclosed and has a public character, providing a pedestrian right of way that is open and accessible at each end, at least during normal business hours.

Top hamper sign - Attached to the transom of a doorway or display window of a building.

Travel demand management - travel demand management is intervention (excluding the provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced.

Tree retention values - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:
1. Assess Tree Sustainability
2. Assess Landscape Significance.
3. Weigh Sustainability and Landscape Significance.

Tsunami - a series of ocean waves with very long wavelengths (typically hundreds of kilometres) caused by large-scale disturbances of the ocean, such as:
- earthquakes
- landslide
- volcanic eruptions
- explosions
- meteorites.

Under awning sign - a sign located below or otherwise supported from the underside of an awning.

Undesirable species - tree species listed in the Newcastle Urban Forest Technical Manual that are unsuitable for replanting.

Urban forest - the totality of trees and shrubs on all public and private land in and around urban areas (including bushland, parkland, gardens and street trees) measured as a canopy cover percentage of the total area and is recognised as a primary component of the urban ecosystem.

Urban structure - those features of the urban area which give identity and legibility of the city to people passing through its various districts. Structures include gateways, landmarks, edges, and routes.

Urban village - urban villages are essentially pedestrian scale, medium to high density, mixed use concentrations of urban development served by efficient public transport and often derived from traditional town centre planning principles. An appropriate example of an urban village is Glebe in Sydney. The urban village concept places a high value on the importance of human interaction and sense of community by providing places and activities for local interchange.

Urban heat island - The areas of a metropolitan area which are significantly warmer than suburban or rural areas due to less vegetation and more land coverage.
**Validation and site monitoring** - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Verge** - means the part of the street reserve between the carriageway and the boundary of adjacent lots (or other limit to street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and planting.

**View** - an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.

**View corridor** - generally take the form of cones of vision extending from a selected point towards the valued view.

**Vista** - a narrow view along a street terminated by a notable building or structure.

**Validation and site monitoring** - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication *Guidelines for Consultants Reporting on Contaminated Sites*, 2000, EPA.

**Verandahs** - located on the ground floor. Commonly seen on terrace houses and bungalows.

**VENM** - virgin excavated natural material is natural material, such as clay, gravel, sand, soil or rock fines that:

- has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities
- does not contain any sulfidic ores or soils or any other waste.

**Voluntary Planning Agreements** - an alternative to the payment of a Section 94 or Section 94A levy whereby the applicant may offer to enter into a Voluntary Planning Agreement with Council to fund or provide works in kind for providing infrastructure or facilities not otherwise required as part of the development. Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the Section 94 or Section 94A levy will be required.

**Waste** - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the *Waste Minimisation and Management Act 1995*. 

Newcastle Development Control Plan 2012
**Waterfront land** - has the same meaning as in the *Water Management Act 2000*.  

**Note:** The definition of waterfront land in the *Water Management Act 2000* is:

(a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or

(a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or

(a2) the bed of an estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or

(b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

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

**Water cycle management plan** - a plan that identifies additional opportunities to minimise reticulated mains water use. The plan should detail the whole of the water cycle and any public health issues. It may also include consideration of the storage and use of grey water and the installation of water efficient appliances.

**Water sensitive urban design** - the consideration of the water cycle, the incorporation of the values of natural aquatic systems and the recognition of the principles of the resource conservation and reuse in planning and design of the urban and built form.

**Window** - includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.

**Written notice** - a letter served on a person by post or personal delivery.

**Zero lot line** - a dwelling with no side boundary setback on one side of the lot - ie. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia (BCA).
CCL 14/03/17
SECTION 7.06 STORMWATER - ADOPTION OF AMENDMENTS TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Attachment A: Proposed amended Section 7.06 Stormwater and Section 9.00 Glossary
7.06 Stormwater

Amendment history

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<tr>
<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
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<td>1</td>
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<td>15/06/2012</td>
<td>New</td>
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Savings provisions

Any development application lodged but not determined prior to Version 3 of this section coming into effect will be determined as if Version 3 had not commenced.

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.

Development (type/s) to which this section applies

This control applies to all development which this DCP applies.

Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s and legislation also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)
- Water Management Act 2000

In the event of any inconsistency between this section and the above listed environmental planning instruments and legislation, the environmental planning instrument and legislation will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.
Related sections

The following sections of this DCP may also apply to development to which this section applies:

- Section 3.01 Subdivision
- Section 7.07 Water Efficiency
- Section 7.02 Landscape, Open Space and Visual Amenity

Associated technical manual/s

- Stormwater and Water Efficiency for Development Technical Manual, Newcastle City Council (check Council website for current version)

Additional information

Significant references

- AS/NZS 3500 Plumbing and Drainage 2013
- AS/NZS 3725 Design for installation of buried concrete pipes
- AS/NZS 4058 Precast concrete pipes (pressure and non-pressure)
- Australian Rainfall and Runoff, 1987, Engineers Australia
- Draft NSW MUSIC Modelling Guidelines (BMT WBM, 2010)
- Standard Drawings, Newcastle City Council
- Water sensitive design solutions for catchments above wetlands by Hunter and Central Coast Regional Environmental Management Authority
- Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (South East Queensland Healthy Waterways Partnership, 2009)
  http://healthywaterways.org/resources/documents/

Other references:

- Australian Guidelines for Urban Stormwater Management, 2000, ANZECC
- Guidelines for riparian corridors on waterfront land, Department of Primary Industries, Office of Water
- Hunter and Central Coast Regional Environmental Management Strategy website
Introduction to Urban Stormwater Management in Australia, 2002, Environmental Australia
- Managing urban stormwater: harvesting and reuse, 2006, Department of Environment and Conservation NSW (now Office of Environment and Heritage)
- Newcastle City-wide Floodplain Risk Management Study and Plan, Final Report, June 2012, Newcastle City Council
- Newcastle Environmental Management Plan, 2003, Newcastle City Council
- Newcastle Stormwater Management Plan, 2004, Newcastle City Council
- Water Sensitive Urban Design Book (Landcom)
  - Book 1: Policy
  - Book 2: Planning and Management
- Interim Reference Guideline, Concept Design Guidelines for WSUD (SMCMA, 2011), WSUD.org

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan, and include:

Absorption trench - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

Annual exceedance probability (AEP) - is the probability that a flood of a given or larger magnitude event being equalled or exceeded will occur within a period of one year.

Bioretention rain garden (or biobasin) - is a vegetated bed of filter media for the purpose of capturing stormwater runoff for water quality treatment through the filtration of sediment and biological uptake of nutrients.

Bioretention swales (or bioswales) - are deliberately formed surface depressions for the conveyance of stormwater runoff that include a vegetated infiltration trench within the channel invert for the purpose of water quality treatment through the filtration of sediment and biological uptake of nutrients.

Broad Scale Development - includes all development types other than dual occupancy and single dwelling houses.

Coastal Wetland - The wetlands identified in the Coastal Management SEPP, previously known as SEPP 14 wetlands.

Discharge Control - a device that stores water and limits the rate of discharge from the development site.

Dispersion trench - a 600mm x 600mm trench, 1m long for every 25m² of catchment draining to it (regardless of whether or not a discharge control is used) excavated into the ground for the purpose of dispersing overflows and discharges from stormwater systems. Dispersion trenches are only for single dwellings that drain to the rear.
Draft Newcastle Development Control Plan 2012

**Drainage** - means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Easement** - a legal right held by an owner of land or public authority in respect of another land parcel. Easements are commonly created to enable access across other properties, such as for drainage, pipelines, footways, etc.

**Erosion and Sediment Control Plan** - a plan lodged with a development application that illustrates how erosion and sediment control will be managed during the construction phase of the development.

**Exceedances per Year (EY)** - term used for events more frequent than 50% AEP. For example, 2 EY is equivalent to a design event with a 6 month recurrence interval when there is no seasonality in flood occurrence’

**Gravel filled absorption trench** - an absorption trench filled with gravel so as to achieve a minimum 30% void ratio and allowing the surface of the trench to be treated and used similarly to the surrounding surface.

**Impervious area** – an area of impermeable surface (excluding pools and porous paving).

**Impermeable surface** - a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.

**Infiltration** - the practice of discharging stormwater or drainage water to the ground.

**Infiltration trench** - a trench excavated into the soil for the purpose of dispersing all stormwater up to the 5% AEP event. Infiltration trenches will vary in volume depending on the permeability of the parent soil and should be designed by a qualified Civil Engineer based on soil permeability testing.

**Large Scale Development** - development sites that are larger than 5,000m².

**Major drainage system** - the part of the public drainage system in an urban area that carries relatively large flows. It consists of the system of streams, floodways, stormwater channels, retarding basins and street pavements. It is generally designed to protect people and indoor property from the effects of a flood with an annual exceedance probability (AEP) of 1%.

**Minor drainage system** - the part of the public drainage system in an urban area that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control flows which occur frequently, typically with an annual exceedance probability (AEP) of 10%.

**On-site stormwater detention (OSD)** - a stormwater management practice that limits the rate of discharge from a site using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device is temporarily stored either in tanks or surface depressions until the storm event recedes. Stormwater flows are therefore released at a controlled rate into the public drainage system.

**On-site stormwater retention** - stormwater management practices where on-site stormwater runoff is actually captured and retained within the site for re-use or infiltration and is not released to the downstream drainage system.
Overflow disposal - the disposal of flows that occur when the capacity of the site discharge controls is reached and such overflow.

Permeable surface - a surface treatment that allows rain water to infiltrate to the soil, such as grass, landscaping, gravel, porus pavement and coarse sand.

Permissible site discharge (PSD) - the maximum rate at which stormwater is permitted to be discharged from a given site area.

Porous Paving - paving that maintains a high degree of permeability to allow rainfall to infiltrate the substrate and not produce runoff in common rainfall events.

Public drainage system - a drainage system owned and operated by the Council or the Hunter Water Corporation.

Rainwater tank - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The Newcastle Local Environmental Plan 2012 defines a rainwater tank as a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

Riparian Zone - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

Runoff - the portion of rainfall that flows across the ground surface as water.

Site drainage line - a piped drain that conveys stormwater from a development site to the public drainage system.

Single Dwelling Houses - a dwelling house on a block of land with no other dwellings.

Small Scale Development - development sites that are smaller than 5,000m².

Soil and Water Management Plan - a plan lodged with a development application that illustrates how stormwater, runoff and soils will be managed on the site. The plan should demonstrate the feasibility of both the proposed stormwater management system, including water quality, conveyance and discharge controls. The plan should also demonstrate any proposed pre, during and post construction phase measures for the management of all site water including ground and surface waters. This will include and the proposed erosion, sediment and water quality control measures and dewatering controls as required. The plan should be supported by preliminary hydrological calculations and other information in the accompanying Statement of Environmental Effects.

Stormwater - the runoff from rainfall events.

Stormwater harvesting - the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.

Stormwater Management Plan - a plan lodged with a development application that details the proposed use of structural infrastructure and treatment techniques to both improve stormwater quality and mitigate excessive flows and may include dewatering controls as required.

Stormwater surface flowpath - land that carries concentrated surface flow during a rainfall event, the width, shape and gradient of which is designed to cater for the flow produced by a 1% annual exceedance probability (AEP) rainfall event. Includes a flowpath from the spillway of an on-site detention system.
Swale - a deliberately formed surface depression for the storage or conveyance of stormwater runoff. Some swales also have a delayed conveyance function. Swales can be lined with rock, turf or other vegetation.

Waterfront land - has the same meaning as in the Water Management Act 2000.

Note: The definition of waterfront land in the Water Management Act 2000 is:
(a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
(a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
(a2) the bed of an estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
(b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

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

Water cycle management plan – a plan that identifies additional opportunities to minimise reticulated mains water use. The plan should detail the whole of the water cycle and any public health issues. It may also include consideration of the storage and use of grey water and the installation of water efficient appliances.

Water sensitive urban design - planning and design of the urban and built form with the incorporation of the total water cycle and recognition of conservation principles and reuse.

Aims of this section
1. To outline Council’s requirement for stormwater management for development.
2. To adopt a whole of water cycle approach to development.
3. To ensure an appropriate quality and quantity of water enters waterways.

Note: Specialist advice
Applicants are encouraged to employ the services of an appropriately qualified and experienced professional, such as a Stormwater/Environmental Engineer or Hydrologist, to assist them with the development of appropriate plans and documents to meet the requirements of this DCP. Discharge controls should be considered and incorporated into development as early as possible to ensure a holistic, integrated and economical design. When considering engaging a specialist, applicants should have regard to the size and complexity of the proposed development.
7.06.01 Plan requirements

Objectives

1. Outline the stormwater documents that are required to be submitted with a development application.

2. Ensure appropriate plans and documents are provided to Council to adequately assess water management in proposed developments.

Controls

The following controls apply to all development to which this section applies

1. For the purpose of this section, the following documents are submitted with a development application for the development type listed in Table 1.

Table 1: Documents which are required to be submitted with a development application

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required documents</th>
<th>Modelling</th>
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</table>
| 1. Development proposals that are the scale of a dual occupancy or smaller (see note 2) | • Stormwater management plan  
• Erosion and sediment control plan                                                                                                                              | Not required                                                                               |
| 2. Development proposals that:                        | • Water cycle management plan  
• Soil and water management plan  
• Broad scale development assessment checklist for water sensitive urban design (see Note 2)                                                                 | For large scale development hydrological and hydraulic modelling assessment is required in accordance with Section 7.06.02 of this DCP and the Stormwater and Water Efficiency for Development Technical Manual. Modelling shall be in accordance with Newcastle MUSIC-link. |
| • Incorporate 20 or more dwellings; or                |                                                                                                                                                                                                                 |                                                                                                                                                           |
| • Accommodate 50 or more employees or clients, or     |                                                                                                                                                                                                                 |                                                                                                                                                           |
| • Involves the use of more than 1 hectare of land for commercial, industrial or special use purposes.                                                        |                                                                                                                                                                                                                 |                                                                                                                                                           |
| 3. All other development                              | • Stormwater management plan  
• Erosion and sediment control plan  
• Broad scale development assessment checklist for water sensitive urban design (see Note 2)                                                                 | For large scale development hydrological and hydraulic modelling assessment is required in accordance with Section 7.06.02 of this DCP and the Stormwater and Water Efficiency for Development Technical Manual. Modelling shall be in accordance with Newcastle MUSIC-link. |
Note 1: Plans submitted to Council should be drawn in accordance with the requirements in Council’s checklists for development applications.

Note 2: The broad scale development assessment checklist for water sensitive urban design can be found in the Stormwater and Water Efficiency for Development Technical Manual. This is generally only required for development of a scale greater than dual occupancies in size. However site circumstances may require a checklist to be submitted after lodgement.

Note 3: Definitions of each of the plans in Table 1 is provided in the definitions section at the start of this section and in Section 9.00 Glossary of this DCP.

7.06.02 All Development

Objectives

1. Ensure stormwater is controlled in a way that minimises nuisance to adjoining properties.

2. Match post development runoff to the pre development or natural water runoff regime as closely as possible.

3. Minimise soil erosion and sedimentation from site disturbance.

4. Prevent pollutants such as litter, sediment, nutrients and oils from entering waterways.

5. Minimise the potential impacts of development and other associated activities on the aesthetics, recreational and ecological values of receiving waters.

6. Ensure appropriate easements are provided over drainage systems on private properties.

7. Ensure easements are unimpeded by development for maintenance purposes.

8. Protect natural watercourses and their associated ecosystems and ecological processes.

9. Incorporate water sensitive urban design elements into the landscape in a manner that provides multiple benefits including: water quality protection; stormwater retention and detention as well as ecological enhancement.

10. Provide objectives, targets and controls (where appropriate) for the management of waterfront lands, water use, stormwater and groundwater.

11. Ensure stormwater infrastructure is identified on site and can be appropriately maintained.

12. To clearly define the stormwater disposal requirements for development located in coastal wetland catchments and minimise the impacts of stormwater run-off on coastal wetlands.

Controls

The following controls apply to all development to which this section applies and is specific to catchments within and outside of SEPP 14 wetland areas [see parts 1. (c), (d), (e) and (f)]

1. The water cycle management plan or stormwater management plan (whichever is submitted with the development application) includes the following items:
(i) the location of all buildings, driveways and impervious surfaces

(ii) the location of any watercourses or bushland passing through or adjacent to the property

(iii) any overland flowpaths which drain through the property or adjacent to the property

(iv) the location, size and depth of easements or drainage pipelines

(v) the discharge point of the site into the public drainage system.

(vi) cross section and long sections of major drainage structures.

The water cycle management plan or stormwater management plan shows the appropriate design elements to achieve compliance with the requirements set out in the following subclauses relating to:

(a) Stormwater collection

i) surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity

ii) drainage pits are to be installed so that nuisance water does not collect at low points

iii) gutters, down pipes and pits are to be connected to the stormwater management system for the site.

Note: Australian Standard 3500.3 sets appropriate standards for stormwater collection and is to be followed when constructing new development. Part 3 of the Stormwater and Water Efficiency for Development Technical Manual provides more guidance on stormwater collection and should also be considered.

(b) Flooding and runoff regimes

i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing 12mm of rainfall from a minimum of 90% of the impervious area of the site.

ii) Runoff generated by more intense rainfall needs to be managed so that downstream drainage systems are not compromised beyond their design criteria. In general runoff from the development up to and including the 5% AEP shall be collected and drained underground. Public drainage (minor system) has a design capacity of the 10% AEP and connections from private development shall be made subject to the 10% AEP hydraulic grade line of the public drainage being lower than the property drainage system.

iii) Runoff from the development up to the 1% AEP shall be drained to the major drainage system in a manner that poses nil adverse impact to neighbouring property.

iv) Development is to be designed so that peak runoff from the site for all events is not greater than the ‘natural’ drainage conditions of the site.
(c) Storage

i) General

For sites of less than 50% impervious area, development shall provide 12mm of storage to meet the peak runoff requirements. Where the proposed development covers 100% of the site area, the interception and storage of 25mm of rainfall will achieve the peak runoff requirement. The rainfall depth storage can be linearly interpolated between 12mm and 25mm for sites between 50% and 100% of the impervious area of the site. Where there is a change in the impervious area of an existing site, the entire site is to be considered as pre developed or in a natural condition in regard to impervious areas for design purposes. The recommended storage provisions to satisfy the storage requirements for are shown diagrammatically in Figure 1. Examples of suitable site storage provisions, for some standard sized sites with particular impervious area coverage are shown in Table 2.

Figure 1: Impervious area to storage requirement relationship

![Figure 1: Impervious area to storage requirement relationship](image)

Table 2: Minimum storage requirements

<table>
<thead>
<tr>
<th>Site Area (m²)</th>
<th>Impervious Area (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100m²</td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
</tr>
<tr>
<td>100m²</td>
<td>2.5</td>
</tr>
<tr>
<td>250m²</td>
<td>1.2</td>
</tr>
<tr>
<td>500m²</td>
<td>1.2</td>
</tr>
<tr>
<td>600m²</td>
<td>1.2</td>
</tr>
<tr>
<td>750m²</td>
<td>1.2</td>
</tr>
<tr>
<td>1000m²</td>
<td>1.2</td>
</tr>
<tr>
<td>1500m²</td>
<td>1.2</td>
</tr>
<tr>
<td>2000m²</td>
<td>1.2</td>
</tr>
</tbody>
</table>

Storage requirements (cubic metres). Note 1 cubic metre = 1,000L
For a single dwelling house, a rainwater tank with a minimum capacity of 4,000L is required in order to reduce mains water demand and to assist in minimising stormwater discharge from the site. In some cases BASIX will require a larger tank that will further reduce mains water demand.

The roof area directed to a rainwater tank should be maximised, to both increase the effectiveness and reliability of the reuse system, and reduce the degree of stormwater treatment required for those areas not draining to the rainwater tank.

Rainwater tanks are not required for additions to existing houses, however, where rainwater tanks are provided, the volume of the tank can be used to offset any additional discharge control storage that is required.

All rainwater tanks must be fitted with a first flush device to prevent contaminates fouling water and to prolong the life of the tank.

For large scale development it will be necessary to undertake a more rigorous hydrologic and hydraulic assessment to demonstrate that the flooding and runoff regimes are being satisfied in accordance with Council’s requirements and the Stormwater and Water Efficiency for Development Technical Manual.

ii) SEPP 14 Coastal wetland catchments

To meet the hydrology objectives for development draining to SEPP 14 coastal wetlands a deemed to comply solution has been developed where specific rainwater tank configurations are required. The tank sizes shall be adopted for all small scale development and can be used as a guide for large scale development.

Rainwater tanks to be configured such that:
- All roofs greater than 10m² drain to a rainwater tank
- 100% of the roof area drains to the rainwater tank
- Only roof areas are connected to the tank
- 50% of the rainwater tank is to be provided as air space. The top half of the rainwater tank is to drain to a small 5mm weep hole. The weep hole is to be located at the mid-point of the tank and is to drain to the overflow pipe for the rainwater tank.

The size of the tank is based on the roof area. Refer to Table 3 below for details.


### Table 3 SEPP-14 Coastal Wetland Rainwater Tank Size (Deemed to comply)

<table>
<thead>
<tr>
<th>Roof Area (m²)</th>
<th>Total Tank Size Required (kL)</th>
<th>Leaky tank volume (kL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-50</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>51-100</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>101-150</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>151-300</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>301-500</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>&gt;500</td>
<td>Min: Roof Area x 0.04</td>
<td>50% of Tank Volume</td>
</tr>
</tbody>
</table>

Note: Where a large scale storage solution, such as on-site detention is provided as part of the subdivision, individual tank storage volumes may be reduced by a commensurate amount.

(d) Storage drawdown

i) General

In order to provide sufficient capacity to accommodate subsequent rainfall events, the stored water must be drawn down at a minimum rate of 2mm of rainfall per day (0.023L per second per 1000m² contributing catchment). In general, this can be achieved by using the water internally in the development by connection to toilet cisterns and washing machine taps, or by disposing to groundwater. While the stored water can be used for garden irrigation, there are few additional benefits to stormwater management due to the intermittent nature of garden watering (especially during rain). Notwithstanding the above, use of stored water for garden irrigation is encouraged.

Alternatively, the stored water may be released back to the catchment. In order to ensure flows do not form erosive velocities downstream, the maximum discharge rate must not exceed 2mm of rainfall per hour (0.5L per second per 1000m² contributing catchment).

ii) SEPP-14 Coastal wetlands catchments

Note: Refer to Appendix 2 of the Stormwater & Water Efficiency for Development Technical Manual for SEPP-14 Coastal wetland catchments.

The rainwater tanks must be plumbed into the following non potable uses with a separate pipe connection to that of the potable water supply:

- irrigation
- outside taps
- all toilets
- washing machine taps and all laundry basin taps
- hot water service

Stored water shall not be released back to SEPP-14 coastal wetlands catchments.
(e) Site discharge controls

i) General

The above requirement relating to storage and drawdown can be achieved by installing ‘site discharge controls’. Selection of appropriate ‘site discharge controls’ will largely depend on the constraints and opportunities presented by the site and are a matter for the applicant to integrate with the development proposal.

Alterations and additions within the existing building footprint, such as building a second floor, do not require additional discharge controls. The requirement to manage runoff regimes does not apply for additions less than 50m² or 20% of the existing ground floor area (whichever is greater), up to a maximum addition of 150m². For additions larger than 50m², additional discharge controls are required at a rate of 1.8m³ for every 100m² of additional impervious area.

Additional discharge controls may be selected from a combination of one or more of the following measures:

- rainwater tanks
- absorption trenches
- on-site retention
- swales
  - vegetated swales
- bioretention rain gardens or biobasins
- bioretention swales or bioswales
- porous paving (this is not a discharge control but it reduces the overall impervious area on a site)
- Sand filters with basins (not recommended for single dwelling houses)
- Constructed wetlands (not recommended for small scale development)
- Sediment basins (not recommended for small scale development)

Details for certain ‘site discharge controls’ can be found in Part 4 of the ‘Stormwater and Water Efficiency for Development Technical Manual’.

Site discharge controls are to be designed and installed for each impervious segment of a site’s catchment and include appropriate storage and water quality devices for that segment.

ii) SEPP 14 Coastal wetland catchments

| Note: Refer to Appendix 2 of the Stormwater & Water Efficiency for Development Technical Manual for SEPP 14 coastal wetland catchments. |

In order to meet the hydrology objectives in Table 4, site discharge controls are required for the following:

- Rainwater tanks only for single dwelling houses having a lot area of less than 600m².
For other small scale development either bioretention systems or on-site retention systems with sandfilter in addition to the rainwater tanks.

For large scale development a site specific solution is to be prepared. Rainwater tanks are to be provided at a lot scale and additional site discharge controls are required in other areas. All controls shall be located within the site boundary of the development.

Details for certain site discharge controls can be found in Part 4 of the Stormwater and Water Efficiency for Development Technical Manual.

(f) Water Quality and Quantity Targets

i) All development covered by this section of the DCP is to achieve the targets set out in Table 4. These targets relate to post-construction. The site discharge controls in Part 4 of the ‘Stormwater and Water Efficiency for Development Technical Manual’ have been designed with inbuilt mechanisms to filter pollutants. Where one or more of the prescribed site discharge controls are applied according to the technical manual, the pollutant load in stormwater runoff is reduced and is deemed to comply to the pollutant targets.

Table 4: Water quality and water quantity targets

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Target Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Suspended Solids</td>
<td>85% reduction in the average annual load of Total Suspended Solids.</td>
</tr>
<tr>
<td>Total Nitrogen</td>
<td>45% reduction in the average annual load of Total Nitrogen.</td>
</tr>
<tr>
<td>Phosphorous</td>
<td>65% reduction in the average annual load of Total Phosphorus.</td>
</tr>
<tr>
<td>Gross Pollutants</td>
<td>90% reduction in the average annual load of Gross Pollutants (&gt;5mm).</td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td>100% removal.</td>
</tr>
<tr>
<td>Stream Flows</td>
<td>The Stream Erosion Index (SEI) is to be no greater than 2, where the SEI is expressed as the ratio of ‘post development flow exceeding the stream forming flow’ to ‘pre development flow exceeding the stream forming flow’.</td>
</tr>
</tbody>
</table>

1Hydrology Objectives for developments in SEPP 14 coastal wetland catchments

The post development 7 day flooding hydrology (high flow) is to match the pre development 7 day flooding hydrology (high flow) up to the 80th percentile

The post development 30 day drying hydrology (low flow) is to match the pre development 30 day drying hydrology (low flow) up to the 80th percentile

Note 1: Refer to the Stormwater and Water Efficiency for Development Technical Manual for further information on hydrology targets for development in SEPP 14 coastal wetland catchments. A map of the SEPP 14 coastal wetlands catchment area is shown in Appendix 2.

Note 2: Refer to the Stormwater and Water Efficiency for Development Technical Manual for further information on water quality and water quantity.
The reduction in loads is relative to the stormwater pollution loads expected from conventional urban development without stormwater treatment measures. The stream forming flow is defined as 50% of the 2-year flow rate estimated for the catchment under natural conditions.

For developments larger than 5,000m², or development which will become a Council asset, it will be necessary to undertake a more rigorous modelling assessment to demonstrate that the pollutant (water quality and water quantity) reduction targets in Table 4 will be met.

ii) Gross Pollutant Traps. The objective of Gross Pollutant Traps (GPT’s) is to remove contaminants such as sediment, oil and other pollutants before it discharges into the receiving system. GPTs must be installed for the following developments:
- residential developments with more than four dwellings
- all commercial developments that may involve the use, storage or transportation of contaminants
- commercial developments on allotments greater than 2,000m²
- all industrial developments
- upstream of all bioretention devices.

(g) Overflow disposal

The objective of overflow disposal is to ensure that development is designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible. Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.

A dwelling house that drains to the rear of the property is not required to obtain an easement over downstream lands. Dispersion trenches may be used where an easement cannot be obtained for single dwelling houses only.

Note: Part 5 of the Stormwater and Water Efficiency for Development Technical Manual provides more advice on the disposal of overflows.

(h) Existing drainage systems

Where a drainage system serving other lands is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement. Where necessary, upstream lots are to be given a legal right to drain through a development site.

New buildings are not to be constructed over or compromise the integrity of drainage lines or easements including those originating from outside the site.

Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created. Where an existing drainage system across the site is retained, access to the existing system is not to be
affected by the proposed development. The development is to be designed so as not to degrade the structural integrity of the system.

Note: Extinguishing or creating an easement will need to be carried out in accordance with the Conveyancing Act 1919.

Pollution reduction devices are to be retrofitted to existing development where practical. Preliminary advice should be sought from Council should the applicant believe such measures are impractical.

(i) Installation and maintenance requirements

i) Erosion and sediment controls are to be installed prior to the commencement of work, maintained throughout the course of the work and are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

ii) All drainage elements and water saving fixtures and appliances nominated in the application or required by conditions of consent are to be installed and operational prior to the issue of the occupation certificate for the new building. Drainage elements and water saving fixtures and appliances must be appropriately maintained throughout the life of the building.

2. Structures are not to be located within a drainage easement or where there is no easement, within 1.5m of the centreline of a drainage pipe. Eave overhangs are permitted subject to at least 4.5m clearances to ground level. Footings for buildings should not be founded on material that is shallower than a line drawn at 45° to the vertical from the bottom edge of the existing drainage system.

Note: The stormwater storage, infiltration or water quality system may need to be endorsed on any associated subdivision certificate for the development with a positive covenant. Council shall be nominated as the sole authority to modify, vary or release the covenant.

3. Maintenance manuals are to be provided for all devices in large scale development and selected devices for other types of development that include on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues including routine monitoring and maintenance as well as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc) of the system that could impact on device performance. Periodic monitoring and maintenance is to ensure the system functions as designed, and meets water quality and quantity targets as indicated in the DCP (see Table 4) over the life cycle of the device. The manual is to be kept onsite.

Note: See the Stormwater and Water Efficiency for Development Technical Manual for a Maintenance Manual example.

4. Each on site stormwater management system shall be indicated on site by fixing a marker plate or sign in a prominent position. The marker plate or sign is to be provided in accordance with the Stormwater and Water Efficiency for Development Technical Manual.

5. First order streams within Newcastle LGA require assessment for their riparian corridor function and proposed development is designed to protect such first order streams and their contribution to reduction of stream erosion index (SEI).
6. Stormwater treatment measures are integrated into the urban design and landscaped areas.

7. Stormwater treatment measures are located, and configured, to maximise the impervious area that is treated. Devices are to be located within the property boundary.

8. Structural stormwater treatment measures must be able to bypass flows in excess of the design discharge with negligible concentrated flows resulting from overtopping or blockage of the device to protect property life and maximise infrastructure performance and useful life.

9. Water use within open spaces (for uses such as irrigation and water features) is supplied from non potable sources such as recycled water, roof water, harvested stormwater or other non licensed water sources to meet a minimum of 50% of the demand and treated to an appropriate standard in accordance with NSW State Government and Commonwealth Standards.

Note: Development which discharges to natural waterways or is carried out on water front land is to meet the requirements of the Water Management Act 2000 and the Department of Primary Industry Office of Water guidelines for riparian corridors on waterfront land.

7.06.03 Infrastructure

Objectives

1. To set a minimum standard for public assets that are to be dedicated to Council.

2. To ensure discharge controls can be easily maintained.

3. To set minimum standard for stormwater devices and riparian corridors that are to remain in private ownership.

4. To ensure maintenance is undertaken for private assets.

Controls

The following controls apply to development that creates a Council (public) stormwater asset

1. A maintenance plan is submitted to Council as part of the development application. The maintenance plan addresses the issues described in Part 4c of the Stormwater and Water Efficiency for Development Technical Manual.

2. All weather access is provided to site discharge controls for maintenance purposes.

3. Site discharge controls designed in accordance with the Stormwater and Water Efficiency for Development Technical Manual.

4. Devices are designed to be easily accessible and avoid the need for fencing.

5. Hydrologic and hydraulic assessment modelling is required to demonstrate that the flooding and runoff regimes are being satisfied in accordance with Council’s requirements and the Stormwater and Water Efficiency for Development Technical Manual.
6. All filter media used in stormwater treatment measures is to meet the current specifications of the Bioretention Filter Media Guidelines produced by the Facility for Advancing Water Biofiltration or demonstrated equivalent and verified by a soil laboratory registered by the National Association of Testing Authorities.

76. Discharge controls are to be considered and incorporated into a development as early as possible to ensure a holistic, integrated and economical design.

87. Devices are designed in accordance with the Newcastle City Council Standard Drawings.

98. All new subsurface drainage works assets shall be inspected by CCTV following construction. CCTV and the footage and associated reports submitted are to be provided to Council upon prior to asset hand-over. This is to be in accordance with any consent conditions and Council specifications provided in the consent conditions.

9. Works as executed plans are to be provided to Council prior to asset handover for all drainage assets in accordance with any consent conditions and Council specifications.

Note: The Newcastle City Council Standard drawings can be found on Council's website.

The following controls apply to development that creates a shared private asset such as stormwater devices, discharge controls and riparian corridors

10. A maintenance plan is to be submitted to Council as part of the development application.

11. All weather access tracks are to be provided to private assets for maintenance purposes.

12. Where fencing is installed it shall not preclude access for maintenance.

13. All stormwater devices shall be designed and constructed to meet the water quality and quantity targets of this DCP.

14. All stormwater devices and riparian corridors shall observe the any additional requirements of the NSW Office of Water.
9.00 Glossary

Amendment history

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<th>Date Adopted by Council</th>
<th>Commencement Date</th>
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Aboriginal cultural heritage - means Aboriginal objects and declared Aboriginal places as defined under the National Parks and Wildlife Act, 1974.

Note: The National Parks and Wildlife Act, 1974 defines Aboriginal objects as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place means any place declared to be an Aboriginal place under Section 84.

Above awning sign - a sign on top of an awning.

Absorption trench - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

Act of prostitution - has the meaning ascribed to it under Section 20 of the Summary Offences Act, 1988.

The Act - the Environmental Planning and Assessment Act 1979.

Active solar energy systems - systems which combine the sun’s energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

Activity centres - areas where commercial, retail and entertainment facilities are focused.

Activity nodes - see Activity centres.

Accessible path of travel - a continuous accessible path of travel is an uninterrupted part of travel to or within a building, providing access to all required facilities. It does not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

Adaptable Housing - refers to the means of designing a house/unit that enables easy and relatively cheap adaptation to make it comply fully with access standards (refer AS 4299 Adaptable Housing - Class C). This housing is designed in such a way that it can be easily modified in the future to meet changing needs of occupants.
**Adjoining occupiers** - persons who appear to the Council to occupy land abutting a development proposal.

**Adjoining owners** - persons who appear to the Council to own land abutting a development proposal.

**Advertised development** - has the same meaning as in the Act.

Note: The term is defined as development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan.

Advertised development includes any development for the purposes of a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not designated development.

**Advertisement** - has the same meaning as in the Act.

Note: The term is defined as 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.

**Advertising area** - the entire surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign. In the case of an advertising structure with more than one sign face, the maximum surface area of the combined faces. The area of skeleton letter signs shall be the total area within which the letters and associated graphics are displayed and not the area of the individual letters added together.

**Advertising panel** - any other advertising structure which is unilluminated, including a hoarding or bulletin board.

**Advertising sign** - a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which is visible from any public place or public reserve, or from any navigable waterway, and is not a road traffic signal or sign.

**Advertising structure** - has the same meaning as in the Act.

Note: The term is defined as a structure used or to be used principally for the display of an advertisement.

**Affordable housing** - has the same meaning as in the Act.

Note: The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**Allotment** - the legal parcel of land which has been created via subdivision and registered with the Land Property Information service, normally having a Lot Number and Deposited Plan (ie Torrens Title subdivision).

**Alter** - in relation to a heritage item, or to a building or work within a heritage conservation area, means:

(a) make structural changes to the outside of the heritage item, building or work; or

(b) make non-structural changes (other than maintenance) to the detail, fabric, finish or appearance of the outside of the heritage item, building or work.
Amenity - is the term used to describe the features, facilities or services that make for a comfortable and pleasant life. Amenity is not only enjoyed by residents in their homes and gardens but also in the street and public places.

Annual exceedance probability (AEP) - is the probability that a flood of a given or larger magnitude event being equalled or exceeded will occur within a period of one year.

Archaeological Assessment - a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment & Heritage.

Archaeological site - (or site) a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the NSW Heritage Act 1977 as amended.

Articulation zone - building articulation is the treatment of a facade of a building which forms part of the public domain (ie the relation to streets, view corridors, open space, the harbour foreshore) and how it is emphasised architecturally. The facade of a building can be articulated using distinctive building treatments including:

- balconies
- verandahs and porches
- recessed terraces
- bay windows and French (or juliet) balconies
- external sun shading
- building facades can also be articulated using
- variations in setbacks
- fenestration
- materials and detailing
- entrances at ground level
- punctuated walls with recognisable patterns and features.

Australian Height Datum (AHD) - a standard datum for expressing vertical information.

Average recurrence interval (ARI) - the average period between the recurrence of a storm event of at least a given rainfall intensity. The ARI represents a statistical probability. For example, a 10 year ARI indicates an average of 10 events over 100 years. The ARI is not the period between actual events.

Awning - is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.

Awning sign - attached to an awning (other than a fascia or return wall).

Balcony - is an open area, not being an enclosed room or area, attached to or integrated with and used for the exclusive enjoyment of the occupant or occupants of a dwelling.

BASIX - Building Sustainability Index (BASIX) is an online rating system used to ensure residential buildings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.

Basement garage - is a garage normally used for the parking of vehicles with the floor constructed below the street level.

Battle-axe lot - means a lot that has access to a road by an access laneway.
Bioretention rain garden (or biobasin) - is a vegetated bed of filter media for the purpose of capturing stormwater runoff for water quality treatment through the filtration of sediment and biological uptake of nutrients.

Bioretention swales (or bioswales) - are deliberately formed surface depressions for the conveyance of stormwater runoff that include a vegetated infiltration trench within the channel invert for the purpose of water quality treatment through the filtration of sediment and biological uptake of nutrients.

Broad Scale Development - includes all development types other than dual occupancy and single dwelling houses

Building - has the same meaning as in the Act.

Note: The term is defined to include part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

Building Code of Australia - has the same meaning as in the Act.

Note: The term is defined as the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:

(a) such amendments made by the Board
(b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.

Building envelope - the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.

Building envelope (for heritage purposes) - the volume of the building on the site of the heritage item.

Building elements (for heritage purposes) - doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, and stairs.

Building height (or height of building) - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Building line or setback - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) a building wall
(b) the outside face of any balcony, deck or the like
(c) the supporting posts of a carport or verandah roof

whichever distance is the shortest.

Bulk - the total effect of the arrangement, volume, size and shape of the building.
**Bush fire prone land** - has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**Bush fire hazard reduction work** - has the same meaning as in the *Rural Fires Act 1997*.

Note: Bush fire hazard reduction work means:

(a) the establishment or maintenance of fire breaks on land, and
(b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**Car pooling** - car pooling (also known as ride-sharing or lift-sharing) is a system by which participants coordinate their trips (for example, trips to work) so that they can travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.

**Car sharing** - car sharing allows a member of the car sharing scheme (such as an individual or a business) to access a fleet of shared vehicles, as needed, paying a usage fee each time. Characteristics of a typical car sharing scheme include a provider with a centralised system for booking and billing, clients (individuals/organisations), a fleet of vehicles, and parking spaces at key locations within a defined catchment area.

**Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.

**Catchment** - is the entire area of land drained by a river and its tributaries.

**Category 1 remediation work** - remediation work that needs development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 2 remediation work** - remediation work that does not need development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 1 vegetation** - appears as orange on the map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Category 2 vegetation** - appears as yellow on the map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (ie as indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Certifying authority** - has the same meaning as in the Act.

Note: The term is defined as a person who:

(a) is authorised by or under section 85A to issue complying development certificates, or
(b) is authorised by or under section 109D to issue Part 4A certificates.

**Character** - the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.
Circumference breast height - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.

City Centre - area defined on the Newcastle City Centre map of the Newcastle Local Environmental Plan 2012

Classified advertisement - a notice appearing in the public notices section of a newspaper.

Coastal Wetland - The wetlands identified in the Coastal Management SEPP, previously known as SEPP 14 wetlands

Community land - has the same meaning as in the Local Government Act 1993.

Community title subdivision - form of title created under the Community Land Development Act 1989 and the Community Land Management Act 1989. Community title provides individual ownership of lots (with buildings and structures erected on the lots as in conventional subdivision) and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected. Association property can include land for roads and driveways, swimming pools and other common facilities, common open space areas and common infrastructure facilities, such as water treatment plants and the like.

Compliance certificate - has the same meaning as in the Act.

Note: Refer to section 109C (1) (a) of the Act.

Complying development - has the same meaning as in the Act.

Note: Development for which provision is made as referred to in section 76A (5) of the Act.

Complying development certificate - means a complying development certificate referred to in section 85 of the Act.

Conventional or Torrens title subdivision - the traditional or ‘single lot’ form of subdivision, common in many residential estates. The Torrens title system is based on a plan of survey, or a plan compiled from survey, which defines the boundaries of a parcel of land at the date upon which it was registered.

Consent authority - has the same meaning as in the Act.

Note: The term is defined in relation to a development application or an application for a complying development certificate, means:

(a) the council having the function to determine the application, or

(b) if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.

Conservation (in relation to heritage) - all of the processes of conserving a place to retain heritage significance.


Construction certificate - means a certificate referred to in section 109C (1) (b) of the Act.
**Contaminated land** - land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.


**Contamination** - concentration of substances above that which should be naturally present, and which poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**Contaminated wastes** - includes any substance or item that has become or may have become contaminated by body fluids (refers to Sex Services Establishments section).

**Contributions plans** - plans specify the circumstances in which the Council may impose developer contributions (generally known as 'Section 94/94A contributions'). These plans may apply to the whole of the Council area, to a particular district or to a specific site.

**Contributory building** - a building that is associated with a significant historical period, substantially intact; and a building associated with a significant historical period, altered yet readily identifiable.

**Contributory item** - a feature, including a building, work, relic, tree or place within a conservation area which in the opinion of the Council has cultural significance and whose loss would be detrimental to the overall heritage significance of the conservation area.

**Council** - means The City of Newcastle

**Covenant** - a restriction on the use of land recorded on the property title and binding upon successive landowners. Covenants may be 'negative' (imposing restrictions) or 'positive' (imposing positive obligations). Covenants are imposed under the *Conveyancing Act 1919*.

**Curtilage** - the area of land surrounding a heritage item that is essential in retaining the heritage significance of the item.

**Deep soil zone** - an area of natural ground with relatively natural soil profiles within a development. Deep soil zones should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

**Designated development** - has the meaning given by Section 77A of the Act.

**Detailed investigation** - an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required. Reporting requirements for a detailed investigation are as outlined in the publication *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997).

**Development** - has the same meaning as in the Act.

Note: The term is defined as:

(a) the use of land, and
(b) the subdivision of land, and
(c) the erection of a building, and
(d) the carrying out of a work, and
(e) the demolition of a building or work, and
(f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

**Development application** - has the same meaning as in the Act.

Note: The term is defined as an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.

**Development control plan** (or DCP) - has the same meaning as in the Act.

Note: The term is defined as a development control plan made, or taken to have been made, under Division 6 of Part 3 and in force.

**Development footprint** – the area of ground to be covered by structures, including pathways and driveways.

**Development site** - includes all area within which the development will occur and can extend across several lots or development blocks.

**Discharge control** - a device that stores water and limits the rate of discharge from the development site.

**Dispersion trench** - a 600mm x 600mm trench, 1m long for every 25m² of catchment draining to it (regardless of whether or not a discharge control is used) excavated into the ground for the purpose of dispersing overflows and discharges from stormwater systems. Dispersion trenches are only for single dwellings that drain to the rear.

**Drainage** - means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Easement** - a legal right held by an owner of land or public authority in respect of another land parcel. Easements are commonly created to enable access across other properties, such as for drainage, pipelines, footways, etc.

**Ecologically sustainable development** - has the same meaning it has in Section 6 (2) of the Protection of the Environment Administration Act 1991.

**Edges** - define the boundaries of precincts and areas of special character.

**Environmental amenity** - the harmony of urban life provided through compatible land uses, sensitive design and the control of activities and processes that impinge on the wellbeing of reasonable people.

**Environmental impact statement** - a document describing the likely impacts of proposed development on the environment, and prepared in accordance with clauses 71-76 of the Environmental Planning and Assessment Regulation 2000. Environmental impact statements are required to be prepared in the following instances:
- development applications relating to 'designated development';
- activities subject to Part 5 of the Environmental Planning and Assessment Act 1979 that are likely to significantly affect the environment.

**Environmental planning instrument** - has the same meaning as in the Act.
Note: The definition is defined as an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

**Erosion and Sediment Control Plan** - a plan lodged with a development application that illustrates how erosion and sediment control will be managed during the construction phase of the development.

**Excavation Permit** - a permit provided under section 140 or section 60 of the *NSW Heritage Act 1977*.

**Exceedances per Year (EY)** - term used for events more frequent than 50% AEP. For example, 2 EY is equivalent to a design event with a 6 month recurrence interval when there is no seasonality in flood occurrence.

**Exempt development** - is development for which provision is made as referred to in Section 76 (2) of the *Act*.

**Exemption Notification Form S57(2)** - a permit provided under Section 57 of the *NSW Heritage Act 1977*.

**Exhibition period** - the period during which a person may inspect exhibited documents relating to a notifiable matter.

**Fabric** - the physical material of the place (including the building, site or area).

**Facade** - the exterior walls of a building.

**Facadeism** - the practice of demolition of a building, retaining only the facade.

**Fascia Sign** - attached to the fascia or return end of an awning.

**Fenestration** - arrangement of windows and other patterns on a building.

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

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

(b) the use of land as a waste disposal facility.

**Fin Sign** - erected on or above the canopy of a building.

**Fine Grain** - a variety of different land uses in proximity to one another or a series of narrow building elements as opposed to a large consolidated land use or a broad, unbroken building form.

**Flashing sign** - illuminated (as to any part of the advertising area) at frequent intervals by an internal source of artificial light and whether or not included in any other class of advertising structure.

**Floodlit sign Illuminated** - (as to any part of the advertising area) by an external source of artificial light and whether or not included in any other class of advertising structure.
**Flood fringe areas** - the remaining area of the Hunter River Floodplain not included in flood storage areas and floodways. Flood fringe areas can usually be developed without reference to how that development will affect the flood behaviour either upstream or downstream.

**Flood information certificate** - is a certificate issued by Council that provides information about the likelihood, extent or other characteristics of flooding known to affect a specified parcel of land.

**Floodling** - is relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river estuary, lake or dam, and/or local overland flooding associated with major drainage, and/or coastal inundation resulting from super-elevated sea levels and/or waves, excluding tsunami. Accordingly, flooding may occur due to a variety of reasons, either separately or in combination including:
- river flooding - caused by a river or stream overtopping its banks onto the surrounding floodplain
- urban flooding - caused by urban stormwater flows during an intense rainfall event, such as surface flows, surcharge from piped drainage systems or overflow from man-made stormwater channels.
- coastal inundation - caused by sea water inundation due to king tides, storm surge, barometric effects, shoreline recession, subsidence, the enhanced greenhouse effect or other causes.

**Flood liable land** - is synonymous with flood prone land (i.e.) land susceptible to flooding by the PMF event on the basis of flood information held by Council. Note that the term flood liable land covers the whole floodplain, not just that part below the FPL (see flood planning area).

**Floodplain** - an area of land along the course of a river that is subject to periodic inundation due to the river overtopping its bank. It is commonly delineated by the area that would be flooded by an event with a given average recurrence interval.

**Flood planning area** - the area of land below the FPL. Note that development controls that mainly relate to risk to property apply to the flood planning area, but other development controls mainly relating to risk to life and floodways and flood storages may apply to the remainder of flood liable (prone) land.

**Flood planning level (FPL)** - is the level of the planning flood plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% Annual Exceedance Flood, and the freeboard is generally 500mm.

**Flood prone land** - is land that, on the basis of flood information held by Council, is estimated to be inundated by the probable maximum flood.

**Flood refuge** - is an area free of flooding. It can be either higher ground or it could be in the form of an area of the building, either constructed specifically for the purpose or as an intrinsic part of the building.

**Flood storage area** - is an area where flood water accumulates and the displacement of that floodwater will cause a significant redistribution of floodwaters, or a significant increase in flood levels, or a significant increase in flood frequency. Flood storage areas are often aligned with floodplains and usually characterised by deep and slow moving floodwater.

**Floodway** - those areas of the floodplain where a significant discharge of water flows during floods; often aligned with obvious naturally defined channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow or increase in flood levels, which may in turn adversely affect other areas.
Floorplate - total enclosed area of a floor measured from the outside of the external walls, inclusive of all internal walls, service areas, stores, ducts, circulation and the like.

Footpath - the paved area in a footway.

Footway - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and legal cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.

Form - the overall shape and parts of the building.

Freeboard - is a margin applied to the estimation of flood levels to compensate for factors such as wave action, localised hydraulic behaviour, climatic change and modelling confidence.

Frontage - the street alignment at the front of a lot and, in the case of a lot that abuts two or more streets, the boundary of which, when chosen, would enable the lot to comply with this document.

Formed void absorption trench - an absorption trench formed by installing a series of void formers, usually plastic or fibreglass that maximise the storage volume of the absorption trench while supporting the surface of the trench such that it can be treated and used similarly to the surrounding surface.

Freeboard - is a margin applied to the estimation of flood levels to compensate for factors such as wave action, localised hydraulic behaviour, climatic change and modelling confidence.

Gateways - areas containing structures and/or fauna, which provide a sense of entry to the city through access and visual impact.

Geodiversity - soils and geology. Management of geodiversity is essential to sustain biodiversity and human ecology.

Gravel filled absorption trench - an absorption trench filled with gravel so as to achieve a minimum 30% void ratio and allowing the surface of the trench to be treated and used similarly to the surrounding surface.

Greenfield estate - land that has been subdivided with consideration of the controls listed in this DCP for greenfield sites.

Greenfield site - undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.

Green Travel Plan - a Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.

Gross Display Area (GDA) - the sum of the area intended to be used for the display or showing of product, including all access ways within these areas and any storage areas where the products can be viewed by the public/customers.

Gross floor area - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined by the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes:

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

**Gross leasable floor area (GLFA)** - GLFA is the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas. Gross leasable floor area relates to the sum of the commercially leasable floor area and is also often referred to as Net Floor Area.

**Ground level (existing)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the existing level of a site at any point.

**Ground level (finished)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**Ground level (mean)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**Habitable room** - a room used for normal domestic activities including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom. A habitable room excludes a bathroom, laundry, water closet, food-storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods. In commercial buildings a habitable room means any room used for normal commercial activities, including offices, kitchens, lunch rooms, common rooms and any other rooms occupied frequently.

**Heritage Act 1977** - an Act of the NSW Parliament providing for conservation orders and other controls over items having heritage significance. The Act is administered by the Heritage Council of NSW.

**Heritage significance** - has the same meaning as in the Newcastle Local Environmental Plan 2012.
Draft Newcastle Development Control Plan 2012

Note. The definition is defined as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**Heritage conservation area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as an area of land of heritage significance:
(a) shown on the Heritage Map as a heritage conservation area, and
(b) the location and nature of which is described in Schedule 5, and includes any heritage items situated on or within that area.

**Heritage conservation management plan** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**Heritage impact statement** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as a document consisting of:
(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
(b) an assessment of the impact that proposed development will have on that significance, and
(c) proposals for measures to minimise that impact.

**Heritage item** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Heritage buildings, sites and elements** - heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation areas and heritage streetscapes.

**Mean high water mark** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**Historic parking deficiency** - the historic parking deficiency is determined by calculating the number of parking spaces required under the provisions of this DCP for an existing building or use and subtracting the number of spaces currently provided for that building or use.

**Hydraulic behaviour threshold** - is a set of circumstances (that may or may not be present at some locations at some time in any particular sized flood) that constitutes a particular level of hydraulic impact.

**Host building** - the existing building on the land that is the subject of an alteration or addition.

**Human scale streetscape** - means a streetscape that is scaled for the pedestrian.
Impervious area – an area of impermeable surface (excluding pools and porous paving).

Impermeable surface - a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.

Infill development - new urban development within existing developed areas. Often involves a more intensive use of the site. Infill development may encompass housing, retail, business, education, community service, and industrial activities.

In the vicinity - the surrounding context, environment or setting of a heritage item.

Infiltration - the practice of discharging drainage water to the ground.

Infiltration trench - a trench excavated into the soil for the purpose of dispersing all stormwater up to the 5% AEP event. Infiltration trenches will vary in volume depending on the permeability of the parent soil and should be designed by a qualified Civil Engineer based on soil permeability testing.

Initial evaluation - an assessment of readily available factual information to determine whether contamination is an issue requiring further investigation prior to:

▪ the preparation of a local environmental plan, development control plan or plan of management for community land; or
▪ the determination of a development application or Council activity assessed under Part 5 of the Act

that would have the effect of authorising a proposed change of use of land or the carrying out of earthworks.

Intactness - the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.

Integrated development - has the meaning given by section 91 of the Act.

Internal fabric - the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.

Interpretation Plan - a plan that presents the significant archaeological heritage of a site or property that is the subject of a development application.

Intrusive building - a building that has a negative effect on the character or heritage significance of a heritage conservation area.

Investigation area - land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Investigation order - an order issued by the Environment Protection Authority under Division 2 of Part 3 of the Contaminated Land Management Act 1997 to investigate contamination within an investigation area.

Landmarks - prominent or distinguishing buildings or features by which people orient themselves and identify places within the City.

Landscaped area - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The Landscape Area is defined as a part of the site used for growing plants, grasses and trees, is open to the sky but does not include any building, structure or hard paved area. The landscaped area should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.
Under this DCP paving wider than 1m, impervious or otherwise, will not be considered as landscaping. Structures include, but are not limited to, such features as air conditioning systems, awnings, cubby houses, decks, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, patios, swimming pools, tennis courts, verandas, water tanks (eg. rainwater) and the like.

The first metre (ie. 1m) of a landscape area which falls under an awning, overhang, under croft (or similar) may be included within the landscape area calculations where it forms part of continuous landscape area 3m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (ie. ‘2m plus 1m’) (see Figure 1-Landscape area and awnings).

Lane - a publicly accessible narrow street that is open to the sky and which provides permanent pedestrian and/or vehicle connections through the city fabric at all hours.

Large Scale Development - development sites that are larger than 5,000m².

Local Environmental Plan - is a type of environmental planning instrument under Part 3 of the Environmental Planning and Assessment Act 1979. Local environmental plans regulate development having local environmental significance. They are prepared by the Council and approved by the Minister for Planning.

Living area - of a dwelling includes habitable rooms frequently used for general recreation, entertainment and dining and includes living rooms, dining, family, lounge, rumpus room and the like but excludes non-habitable rooms, bedrooms, study, kitchen and other areas that are less frequently used.

Lot - refer to 'Allotment'.
Major alteration and addition - any alteration and addition where the area of the building which is the subject of the application, equals or exceeds 40% of the floor area of the existing building when measured to the outside surface of the existing walls. This includes areas of the existing building such as kitchens and bathrooms when these are included in the works within the application.

Major development - major development means residential development of any kind containing more than 50 dwellings; any new hospital, or additions to an existing hospital, where the new building or addition contains more than 100 beds; any new educational or training facility, or additions to an existing facility, that will cater for more than 50 students; any other form or type of development where the gross floor area will be more than 2000m² and/or involve more than 50 employees.

Major drainage system - the part of the public drainage system in an urban area that carries relatively large flows. It consists of the system of streams, floodways, stormwater channels, retarding basins and street pavements. It is generally designed to protect people and indoor property from the effects of an extreme flood with an annual exceedance probability (AEP) of 1%.

Massing - the size and volume of a building.

Microgram - unit of mass equal to 1 millionth of a gram or 1 thousandth of a milligram.

Micron - unit of length equal to 1 millionth of a metre or 1 thousandth of a millimetre.

Milligram - unit of mass equal to 1 thousandth of a gram.

Minor drainage system - the part of the public drainage system in an urban area that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control 'nuisance flows' which occur on a day-to-day basis typically with an annual exceedance probability (AEP) of 10%.


Manufactured home - has the same meaning as in the Local Government Act 1993.

Movement network - refers to access ways for pedestrian, cycles and vehicles.

Moving sign - Attached to a building and capable (as to any part of the advertisement or advertising structure) of movement by any source of power (whether or not included in any other class of advertising structure).

NABERS - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.

NatHERS or equivalent - a computer simulation tool for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NatHERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed 'NatHERS or equivalent'.

Natural Light – daylight received into a building
Nominated integrated development - integrated development that fits into 1 of 3 categories. The first category is if it requires approval by the Heritage Council under the *Heritage Act 1977*. The second category is if it requires an environmental protection licence from the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*. The third category is if it requires certain licences or approvals from the Department of Planning and Infrastructure.

Non-habitable room - means spaces of specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

North point - in any discussion relating to orientation of a dwelling or part thereof, a reference to 'north' is a reference to true solar north and not magnetic, or compass north. True solar north varies from magnetic north depending upon the location. In Sydney, for example, magnetic north is approximately 12º east of true solar north.

Notice of completion - a notice, required under State Environmental Planning Policy No.55, that is given to the consent authority when remediation work has been completed.

Notification plan - a plan showing:
- the height and external configuration of a proposed building in relation to the site and adjoining buildings; or
- in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.

Noxious Weeds - trees and plant species declared as 'noxious weeds' within the Newcastle local government area, under the *NSW Noxious Weeds Act 1993*.

Objectives - statements describing desired outcomes.

Occupation certificate - means a certificate referred to in section 109C (1) (c) of the Act.

Occupiable rooms (from flooding perspective) - rooms of buildings where people may be present in the normal use of the building.

Occupper - has the same meaning as in the *Act*.

Note: The definition is defined as a tenant or other lawful occupant of premises, not being the owner.

On-site stormwater detention (OSD) - a stormwater management practice that limits the rate of discharge from a site using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device is temporarily stored either in tanks or surface depressions until the storm event recedes. Stormwater flows are therefore released at a controlled rate into the public drainage system.

On-site stormwater retention - stormwater management practices where on-site stormwater runoff is actually captured and retained within the site for re-use or infiltration and is not released to the downstream drainage system.

Open space - is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for outdoor purposes.

Operational land - has the same meaning as in the *Local Government Act 1993*. 
Organic material - any matter that is comprised in part of carbon. It includes, but is not limited to garden waste such as grass clippings and leaves, animal wastes such as faeces, and any foodstuffs or their wastes.

Other advertised development - advertised development that is not nominated integrated development.

Other occupiers - persons who appear to the Council to occupy land, but who are not adjoining occupiers. This includes persons who occupy land directly across a public road from the site of a development proposal.

Other owners - persons who appear to the Council to own land, but who are not adjoining owners. This includes persons who own land directly across a public road from the site of a development proposal.

Overflow disposal - the disposal of flows that occur when the capacity of the site discharge controls is reached and such overflow.

Owner - has the same meaning as in the Local Government Act 1993 and includes, in Division 2A of Part 6, in relation to a building, the owner of the building or the owner of the land on which the building is erected.

Owner-builder - has the same meaning as in the Home Building Act 1989.

Parapet height - the parapet level is the horizontal plane in which at least 2/3 of the length of the top of the facade of the building adjacent to the street is situated.

Passive solar energy systems - systems which combine the sun’s energy with local climate characteristics, to achieve thermal comfort inside buildings without the use of mechanical devices. In a passive system, the building itself is a solar collector, as well as a heat storage and transfer medium.

Pedestrian amenity - the capacity of walking routes, usually public footpaths on streets, to be comfortable along their entire lengths, with frontage development that is inviting and interesting to pedestrians.

Permeable surface - a surface treatment that allows rain water to infiltrate to the soil, such as grass, landscaping, gravel, porous pavement and coarse sand.

Permissible site discharge (PSD) - the maximum rate at which stormwater is permitted to be discharged from a given site area.

Plan depth - means the width of a building measured from the inside face of wall to inside face of wall or from the inside face of glass to inside face of glass. Plan depth is measured along the hortest axis, ie from front to back or side to side depending on the shape of building.

Planning flood - is the flood event from which the flood planning level is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see annual exceedance probability).

Pole or pylon sign - erected on a pole or pylon independent of any building or structure

Porte cochere - a covered drive-through porch, often used in hotel development, large enough to accommodate vehicles such as tourist coaches.

Porous Paving - paving that maintains a high degree of permeability to allow rainfall to infiltrate the substrate and not produce runoff in common rainfall events.
**Potential archaeological site** - a place or site suspected of having a relic or relics present.

**Preliminary Archaeological Assessment** - a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.

**Principal area of private open space** - is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.

**Principal area of private open space for single dwellings** - is a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.

Note: Private open space areas are able to be covered. If private open space areas are enclosed on all sides with walls greater than 1.4m they will not be considered private open space but form part of the gross floor area.

**Private open space** – has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

Note: Under this DCP the definition excludes from private open space features such as, but not limited to awnings/overhangs, conditioning systems, cubby houses, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, tennis courts, water tanks (eg rainwater) and the like.

1 The first metre (ie. 1m) of private open space area which falls under an awning, overhang, under croft (or similar) can be included as private open space and where it forms part of continuous private open space area 4m** wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (see **Figure 2: Private open space and awnings**).

**Private open space areas need to be at least 3m wide unobstructed and open to the sky. The first metre adjacent this 3m is allowed – ‘3m plus 1m’.

**Figure 2: Private open space and awnings**
**Preliminary investigation** - an investigation to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination, and if required, provide a basis for a detailed investigation. Reporting requirements for a preliminary investigation are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Principal certifying authority** - means a principal certifying authority appointed under section 109E of the Act.

**Principal contractor** - for building work means the person responsible for the overall co-ordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the Home Building Act 1989.

**Proponent** - a person or body seeking to carry out development on land.

**Probable maximum flood (PMF)** - is the largest flood that could conceivably occur at a particular location.

**Probable maximum flood level** - the flood level calculated to be the maximum which is likely to occur.

**Projecting wall sign** - Attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3m from the wall.

**Property hazard** - is the 'risk to property hazard category' as a combination of hydraulic behaviour threshold and its effect on property. The risk to property hazards are based on the peak hydraulic behaviour thresholds \(H_1-H_5\) determined for the 1 in 100 annual chance flood.

**Public art** - (also known as town art or environmental art) is artwork that is commissioned to enrich the public domain.

**Publicly accessible space** - private or public land, which allows 24-hour access to the public in the form of walkways, outdoor dining or gardens.

**Public domain** - means the sum of public and private places and space including streets, roads, footways, plazas, promenades, squares, parks, beaches and reserves.

**Public drainage system** - a drainage system owned and operated by the Council or the Hunter Water Corporation.

**Published notice** - an advertisement placed in a newspaper.

**Public open space** - land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist access ways, playgrounds and sports grounds.

**Public place** - has the same meaning as in the *Local Government Act 1993*.

**Public reserve** - has the same meaning as in the Local Government Act 1993.

**Public tree** - any tree species growing on public land of any size.

**Public road** - has the same meaning as in the Roads Act 1993.
Rainwater tank - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

Recyclable - any matter capable of being reprocessed into useable material or re-used providing facilities exist to do so.

Reduced Level (RL) - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

Registered community group - a community group which is registered with the Council under the Public Participation Section.

Remedial action plan - a plan which sets remediation goals and documents the process by which it is proposed to remediate a site. Reporting requirements for a remedial action plan are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

Remediation - works carried out for the purpose of:
▪ removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land; or
▪ eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

Remediation order - a remediation order made by the Environment Protection Authority and in force under Part 3 of the Contaminated Land Management Act 1997.

Remediation site - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the Contaminated Land Management Act 1997.

Regulation - means a regulation made under the Act.

Relic - the same as in the NSW Heritage Act 1977 (as amended).

Remediation site - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the Contaminated Land Management Act 1997.

Research Design - refers to the set of research questions and methodology developed for a site within a wider research framework.

Restoration - means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.

Retainable tree - a tree that has been subjected to and passed the relevant assessment tests noted in Section 4 of the Technical Manual.

Note: that these tests are to be undertaken by a suitably qualified arborist.

Retention tank - a water tank, whether above ground or below ground designed to retard the discharge of runoff from an impervious surface to a rate not harmful to the environment.
**Riparian Zone** - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

**Road** - means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**Road/street reserve** - the land incorporating the full width from property line to opposite property line.

**Roof sign** - erected on or above the roof or parapet of a building

**Roof terrace** - the flat roof of a lower level building, which is both directly accessible for the exclusive use from the dwelling it adjoins and also open to the sky except for a pergola or similar sun control devices.

**Routes** - roads or paths along which major movements occur and which provide the framework within which individual project sites are accessed.

**Runoff** - the portion of rainfall that flows across the ground surface as water.

**Scale** - the size of a building in relation to its surroundings.

**Section 94 Developer Contributions** - Section 94 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by either:

(a) dedication of land
(b) monetary contribution
(c) material public benefit
(d) combination of the above.

**Setting** - the context within which a building or structure is situated in relation to the surroundings. Components that may be part of a setting includes nearby buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees and parks, view corridors, vantage points and landmarks.

**Significance assessment** - an assessment of the heritage significance of predicted or known archaeological features.

**Single Dwelling Houses** - a dwelling house on a block of land with no other dwellings.

**Site audit** - an independent review by a site auditor:

(a) that relates to investigation or remediation carried out in respect of the actual or possible contamination of land; and

(b) that is conducted for the purpose of determining any 1 or more of the following matters:
   - the nature and extent of any contamination of the land
   - the nature and extent of the investigation or remediation
   - what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.

Site audits are conducted in accordance with the Guidelines for the NSW Site Auditor Scheme (EPA, 1998).
**Site auditor** - a person accredited under the *Contaminated Land Management Act 1997* as a site auditor.

**Site audit statement** - a written statement by a site auditor that summarises the findings of a site audit. Site audit statements are prepared according to a standardised format prescribed in the *Contaminated Land Management Regulation 1998*.

**Site drainage line** - a piped drain that conveys stormwater from a development site to the public drainage system.

**Site History** - is a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.

**Site investigation process** - the process of investigating land that is or may be contaminated. The purpose of the site investigation is to provide the Council with sufficient information for it to make an informed decision as to whether it should authorise a proposed change of use of land. A site investigation may include up to 4 stages:

- stage 1-preliminary investigation;
- stage 2-detailed investigation;
- stage 3-remedial action plan;
- stage 4-validation and site monitoring.

**Site investigation report** - includes one or more of the following: a preliminary investigation report, detailed investigation report, remedial action plan and validation and site monitoring report.

**Small Scale Development** - development sites that are smaller than 5,000m².

**Social impact** - changes that occur in:

- people's way of life (how they live, work, play and interact with one another on a day-to-day basis)
- their culture (shared beliefs, customs and values), and
- their community (its cohesion, stability, character, services and facilities).

**Soil and Water Management Plan** - a plan lodged with a development application that illustrates how stormwater, runoff and soils will be managed on the site. The plan should demonstrate the feasibility of both the proposed stormwater management system, including water quality, conveyance and discharge controls. The plan should also demonstrate any proposed pre, during and post construction phase measures for the management of all site water including ground and surface waters. This will include any proposed erosion, sediment and water quality control measures and dewatering controls as required. The plan should be supported by preliminary hydrological calculations and other information in the accompanying Statement of Environmental Effects.

**Solar collectors** - any building treatment or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants eg. windows including clerestory (or highlight) windows, solar hot water collector panels, photovoltaic (solar-electricity) cells/panels.

**Spa pool** - has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**Statutory requirement** - a requirement under the provisions of an Act, Regulation, State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or other statutory instrument.
Street tree – trees identified by Council within the Street Tree Master Plan. These have been surveyed and mapped by Council.

Street tree vacancy site – sites identified by Council for future street tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.

Stormwater - the runoff from rainfall events.

Stormwater harvesting - the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.

Stormwater Management Plan - a plan lodged with a development application that details the proposed use of structural infrastructure and treatment techniques to both improve stormwater quality and mitigate excessive flows.

Stormwater surface flowpath - land that carries concentrated surface flow during a rainfall event, the width, shape and gradient of which is designed to cater for the flow produced by a 1% annual exceedance probability (AEP) rainfall event. Includes a flowpath from the spillway of an on-site detention system.

Strata subdivision - defined as ‘subdivision’ in the Environmental Planning and Assessment Act 1979. Strata subdivision can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. Those owning lots within the scheme have a proportional entitlement to use the common property and also a proportional responsibility for its maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot, owned and managed by the ‘Owners Corporation’.

Street alignment - the boundary between land allotments and a street or lane.

Street frontage height - the vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated. No part of the facade is to be less than 80 per cent of the height.

Streetscape - means the form, character and visual amenity of the street environment.

Street trees - trees within the road reserve.

Street tree vacancy site – sites identified by Council for future street tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Street Tree Master Plan. The information on locations of street tree vacancy sites is available on request from Council.

Subdivision certificate - means a certificate referred to in section 109C (1) (d) of the Act.

Subdivision of land - has the meaning given by section 4B of the Act.

Subdivision work - means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, as referred to in section 81A (3) of the Act.
**Subsidence** - due to:

(a) the extraction of coal or shale

(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding

and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence.

**Summary site audit report** - a report prepared by a site auditor containing key information and considerations concerning the conduct and findings of a site audit.

**Sunlight** – direct sunlight onto the ground or into a building.

**Swale** - a deliberately formed surface depression for the storage of stormwater runoff. Some swales also have a delayed conveyance function.

**SWMMP** - Site Waste Minimisation and Management Plan

**Temporary sign** - an advertisement or advertising structure which is to be displayed for a period not exceeding two months, or such shorter period as Council may otherwise determine and specify in the terms of approval.

**The Code** (for heritage purposes only) - refers to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

**Thermal mass** - the heat storage capacity of a given assembly or system. Generally, the heavier and more dense a material is, the more heat it will store, and the longer it will take to release it. A concrete floor is an example of high thermal mass.

**Through site link** - a pedestrian arcade or link that can be open to the air or enclosed and has a public character, providing a pedestrian right of way that is open and accessible at each end, at least during normal business hours.

**Top hamper sign** - Attached to the transom of a doorway or display window of a building.

**Travel demand management** - travel demand management is intervention (excluding the provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced.

**Tree retention values** - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:

1. Assess Tree Sustainability
2. Assess Landscape Significance.
3. Weigh Sustainability and Landscape Significance.
Tsunami - a series of ocean waves with very long wavelengths (typically hundreds of kilometres) caused by large-scale disturbances of the ocean, such as:
- earthquakes
- landslide
- volcanic eruptions
- explosions
- meteorites.

Under awning sign - a sign located below or otherwise supported from the underside of an awning.

Undesirable species - tree species listed in the Newcastle Urban Forest Technical Manual that are unsuitable for replanting.

Urban forest - the totality of trees and shrubs on all public and private land in and around urban areas (including bushland, parkland, gardens and street trees) measured as a canopy cover percentage of the total area and is recognised as a primary component of the urban ecosystem.

Urban structure - those features of the urban area which give identity and legibility of the city to people passing through its various districts. Structures include gateways, landmarks, edges, and routes.

Urban village - urban villages are essentially pedestrian scale, medium to high density, mixed use concentrations of urban development served by efficient public transport and often derived from traditional town centre planning principles. An appropriate example of an urban village is Glebe in Sydney. The urban village concept places a high value on the importance of human interaction and sense of community by providing places and activities for local interchange.

Urban heat island - The areas of a metropolitan area which are significantly warmer than suburban or rural areas due to less vegetation and more land coverage.

Validation and site monitoring - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

Verge - means the part of the street reserve between the carriageway and the boundary of adjacent lots (or other limit to street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and planting.

View - an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.

View corridor - generally take the form of cones of vision extending from a selected point towards the valued view.

Vista - a narrow view along a street terminated by a notable building or structure.

Validation and site monitoring - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites, 2000, EPA.

Verandahs - located on the ground floor. Commonly seen on terrace houses and bungalows.
VENM - virgin excavated natural material is natural material, such as clay, gravel, sand, soil or rock fines that:

- has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities
- does not contain any sulfidic ores or soils or any other waste.

Voluntary Planning Agreements - an alternative to the payment of a Section 94 or Section 94A levy whereby the applicant may offer to enter into a Voluntary Planning Agreement with Council to fund or provide works in kind for providing infrastructure or facilities not otherwise required as part of the development. Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the Section 94 or Section 94A levy will be required.

Waste - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the Waste Minimisation and Management Act 1995.

Waterfront land - has the same meaning as in the Water Management Act 2000.

Note: The definition of waterfront land in the Water Management Act 2000 is:

(a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or

(a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or

(a2) the bed of an estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or

(b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

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

Water cycle management plan - a plan that identifies additional opportunities to minimise reticulated mains water use. The plan should detail the whole of the water cycle and any public health issues. It may also include consideration of the storage and use of grey water and the installation of water efficient appliances.

Water sensitive urban design - the consideration of the water cycle, the incorporation of the values of natural aquatic systems and the recognition of the principles of the resource conservation and reuse in planning and design of the urban and built form.

Window - includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.

Written notice - a letter served on a person by post or personal delivery.
**Zero lot line** - a dwelling with no side boundary setback on one side of the lot - ie. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia (BCA).