

Amendment history

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1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	28/05/2013	10/06/2013	Amended
4	28/10/2014	10/11/2014	Amended
5	27/09/2016	24/10/2016	Amended
6	14/03/2017	03/04/2017	Amended
7	27/06/2017	10/07/2017	Amended
8	28/11/2017	11/12/2017	Amended
9	12/12/2017	19/02/2018	Amended
10	24/10/2017	17/04/2018	Amended

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.

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 event being equalled or exceeded 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.

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

which ever 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.

Clear vegetation - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This term is defined to include:

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

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.

Conservation Management Plan - a document prepared to conform with the publication *The Conservation Plan; A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, 1990, J.S.Kerr.

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.

Contaminated Land Planning Guidelines - guidelines notified in accordance with Section 145C of the Act (See Reference Section Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land).

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 Newcastle City Council.

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.

Dead tree - is where the biological function of the tree has ceased, no leaves are present and visible evidence of trunk, root plate and canopy desiccation.

Declared vegetation - trees and shrubs to which Part 3 of *State Environmental Planning Policy (Vegetation in Urban Areas) 2017* applies.

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 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.

Dying tree - demonstrates reduced growth rates, sparse foliage and reduced response to damage or stress over subsequent growing seasons.

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*.

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'

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.

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.

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 tsunamis. 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 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.

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.

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

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

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.

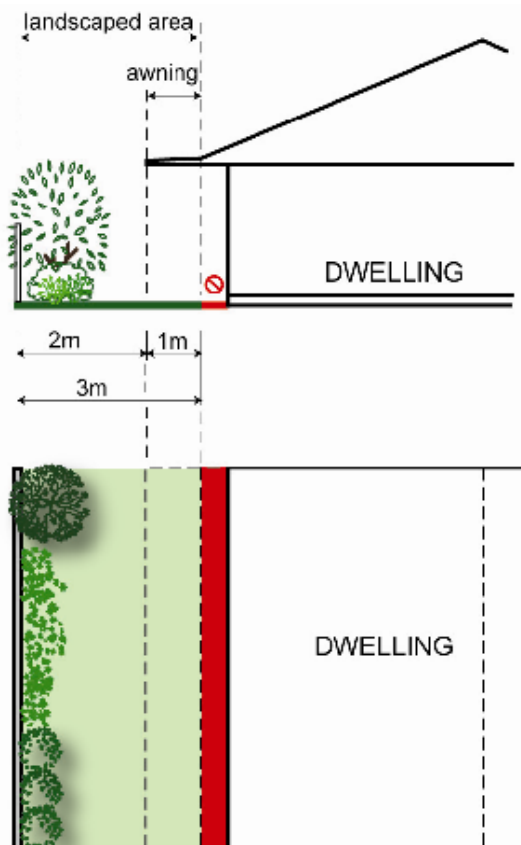
Landscaped area - has the same **meaning** as in the Newcastle Local Environmental Plan 2012.

Note: The Landscape Area is defined as a part of the site used for growing plants, grasses and trees, is open to the sky¹ 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 (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**).

Figure 1: Landscape area and awnings



Laneway – means a narrow road and is either a:

- (i) **Council Laneway** - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'.
- (ii) **Private Laneway** - a laneway that is not a council laneway.

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

Licensed premises - means premises licensed under the *Liquor Act 2007*.

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.

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.

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 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 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%.

Mine subsidence district - means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

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'.

Native vegetation - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This term has the same meaning as in Part 5A of the *Local Land Services Act 2013* and means:

any of the following types of plants native to New South Wales:

- (a) trees (including any sapling or shrub or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

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.

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 shortest axis, ie from front to back or side to side depending on the shape of building.

Plan of management - means a document that provides a framework for the management of a particular development/event.

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).

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.

Porte cochere - a covered drive-through porch, often used in **hotel** development, large enough to accommodate vehicles such as tourist coaches.

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.

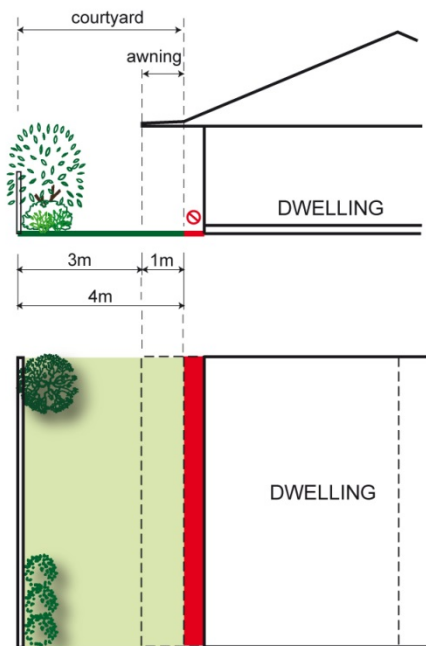
Private open space - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

Note: Under this DCP the definition excludes from private open space features such as, but not limited to awnings/overhangs¹, 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, 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.

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 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 - trees/shrubs located on land managed by Council (trees under Council's care and control).

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.

RFB - Residential Flat Building

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 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.

Row housing - a form of multi dwelling housing consisting of three or more detached and/or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

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.

Shrub - a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.

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 ~~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.

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.

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.

Street tree vacancy site - sites identified by Council for future 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.

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

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.

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.

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 - a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.

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.

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*, 2000, EPA.

Vegetation - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

This term means

A tree or other vegetation, whether or not it is native vegetation.

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.

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

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.

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).