

E Schedules

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E1 Glossary

This **DCP** adopts the terms and definitions of the Standard Instrument - Principal **Local Environmental Plan**, unless otherwise defined in the Glossary.

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

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

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

2025 Australian Noise Exposure Forecast (ANEF) means the area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the **ANEF** 20 contour on the **RAAF** Base Williamtown & Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map and includes land that is within **ANEF** contours of 20 and greater.

Aboriginal heritage impact permit (AHIP) means the statutory instrument that the NSW Office of Environment and Heritage issues under section 90 of the *National Parks and Wildlife Act 1974* to manage harm or potential harm to Aboriginal objects and places

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

acoustic report means a report carried out to detail the noise or vibration intrusion related to aircraft, railway, restaurants, childcare centres, industrial buildings and the like

active street frontage means a building for which all premises on the ground floor:

- a. are used for the purposes of **business premises** or **retail premises** if the premises face the street, and
- b. have direct pedestrian access from the street.

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

adversely impact means a negative effect that goes against desired conditions

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

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

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

ancillary structure means for the purpose of this instrument, **development** that is incidental to an existing use being lawfully carried out on the land and includes a **swimming pool**, shed, fencing, retaining wall, shipping container or the like

annual exceedance probability (AEP) means the chance of a flood of a given or larger size occurring in any one year (for example, the **1% AEP flood event** has a 1% chance of occurring every year; the 5% **AEP** flood event has a 5% chance of occurring every year)

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

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

arterial road means an arterial road as defined by the current version of the Port Stephens Council Infrastructure Specification¹²

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

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

Note: **Asset Protection Zone** has the same meaning as in Planning for Bush Fire Protection

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

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

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

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

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

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

biosecurity impact has the same meaning as in the *Biosecurity Act 2015*

biosecurity risk means the risk of a biosecurity impact occurring

Note: **biosecurity risk** has the same meaning as in the *Biosecurity Act 2015*

bird strike zone means land identified as bird strike Group A, Group B or Group C by Figure BQ

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

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

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

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

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

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

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

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

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

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

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

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

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

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

collector road means a collector road as defined by the current version of the Port Stephens Council Infrastructure Specification¹²

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

compensatory planting means the planting of a tree to mitigate for the removal of a tree. Compensatory planting must be conducted in accordance with the Port Stephens Council **technical tree specification**¹

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

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

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

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

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

controlled activity means:

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

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

crime prevention through environmental design (CPTED) means a multi-disciplinary approach to deterring criminal behaviour through environmental design

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

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

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

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

development means any of the following:

- a. the use of land,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

flood compatible design refers to all proposed development on flood prone land must be of a flood-resistant design and construction. The design must take into account the hydrostatic

actions, hydrodynamic actions, debris actions, wave actions, erosion and scour. Materials used for structural purposes and located below the flood planning level must:

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

Note: Materials should be consistent with the:

- Construction of Buildings in Flood Hazard Areas – Standard, Australian Building Codes Board; and
- Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006.

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

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

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

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

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

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

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

floodplain risk management plan is developed from the **floodplain risk management**

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

Floodplain Risk Management Policy refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ground level (finished) has the same meaning as in the *Local Environmental Plan*

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

habitable room as defined by the current Building Code of Australia means a room used for normal domestic activities, and -

- a. includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- b. excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

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

heritage impact statement has the same meaning as in the *Local Environmental Plan*

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

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

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

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

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

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

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

infill means the **development** of land by the erection of or addition of a residential building

or buildings which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing allotment

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

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

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

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

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

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

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

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

local street means a local street as defined by the current version of the Port Stephens Council Infrastructure Specification¹²

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

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

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

mezzanine has the same meaning as in the **Local Environmental Plan**

minimal risk flood prone land refers to land on the floodplain that is above the **FPL**.

This means that there are no flood-related development controls that apply to residential development, but critical emergency response and recovery facilities, such as evacuation centres and vulnerable development types, such as aged care and child care facilities, may not be appropriate in this location.

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

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

mixed use development has the same meaning as in the *Local Environmental Plan*

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

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

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

native vegetation has the same meaning as in the *Local Environmental Plan*

nodes mean focal points, intersections or loci as Kevin Lynch in *The Image of the City*¹⁷. Examples include train stations, neighbourhood centres, bus depots or intersections.

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

non-rural areas for the purposes of Part B1 – Tree Management means the following land-use zones under the *Local Environmental Plan* and as specified in *SEPP (Biodiversity and Conservation) 2021*:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- MU1 Mixed Use
- W4 Working Waterfront
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- RE1 Public Recreation
- RE2 Private Recreation
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living

NSW Flood Risk Management Manual refers to the State Government manual relating to the

development of flood liable land for the purposes of section 733 of the *Local Government Act 1993*

NSW Weedwise refers to the Department of Primary Industries database which provides key information to identify weeds

occupation certificate means a certificate that authorises:

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

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

offensive noise means noise:

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

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

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

on-site infiltration means a system by which water on the ground surface enters the soil. Infiltration rate in soil science is a measure of the rate at which soil is able to absorb rainfall or irrigation. It is measured in inches per hour or millimetres per hour. The rate decreases as the soil becomes saturated.

on-site parking means parking required under Figure BU: On-Site Parking Requirements

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

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

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

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

operational land has the same meaning as in the *Local Environmental Plan*

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

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

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

permit means an approval from Council for clearing of trees and/or vegetation in accordance with Clause 10(1) of *(Biodiversity and Conservation) 2021*

pest has the same meaning as in the *Biosecurity Act 2015*

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

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

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

preferred koala habitat means all habitat areas identified by the Koala Habitat Atlas as Primary Habitat, Secondary Habitat and Community Based Survey Categories under the *Port Stephens Council Comprehensive Koala Plan of Management*¹⁰

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

privacy screen means a screen that:

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

private open space has the same meaning as in the *Local Environmental Plan*

probable maximum flood (PMF) refers to the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions.

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

public domain means land to be considered public property and would generally be understood to be streetscapes or **public open space**

public drainage means the drainage system that is under public ownership and is maintained by a public authority

public infrastructure means infrastructure, such as sewerage, electrical, water or similar that is under the ownership of a public authority, such as Council

public open space means a social space that is generally open and accessible to people,

including road reserves, public domain, parks and beaches

qualified arborist means:

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

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

Reduced Level (RL) has the same meaning as in the *Local Environmental Plan*

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

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

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

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

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

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

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

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

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

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

- RU1 Primary Production

- RU2 Rural Landscape
- RU3 Forestry

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

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

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

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

sensitive and hazardous development includes the following land uses -

- a. boarding houses;
- b. caravan parks;
- c. correctional centres;
- d. early education and care facilities;
- e. eco-tourist facilities;
- f. educational establishments;
- g. emergency services facilities;
- h. group homes;
- i. hazardous industries;
- j. hazardous storage establishments;
- k. hospitals;
- l. hostels;
- m. information and education facilities;
- n. respite day care centres;
- o. seniors housing;
- p. sewerage systems;
- q. tourist and visitor accommodation; and
- r. water supply systems

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

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

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

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

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

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

significant effect means there is likely to be a significant effect as determined under section

5A of the **EP&A Act** or development is on land which is, or is part of, critical habitat

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

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

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

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

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

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

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

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

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

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

splay corners means the corners of a road intersection

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

statement of environmental effects (SEE) means a document that demonstrates that the environmental impact of a development

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

- catchment boundaries;
- existing surface conditions;
- proposed surface contours;

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

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

stormwater requirement areas means land identified on a map on Councils website where additional stormwater control devices may be required

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

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

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

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

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

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

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

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

supplementary koala habitat means koala habitat that is supplementary to preferred koala habitat as defined under the *Port Stephens Comprehensive Koala Plan of Management*¹⁰

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

swimming pool means an excavation, structure or vessel:

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

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

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

traffic generating development means **development** defined as **traffic generating development** under Schedule 3 of the *SEPP (Transport and Infrastructure) 2021*

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

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

tree technical specification means the Port Stephens Council **tree technical specification**¹. The specification is available from the Port Stephens Council Website

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

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

vegetation management plan (VMP) means a **vegetation management plan** as described under the Port Stephens Council **tree technical specification**¹

virgin excavated natural material (VENM) means natural material (such as clay, gravel, sand, soil or rock fines):

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

and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an **EPA** Gazettal notice.

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

vistas means a view corridor to a distant view

waste includes:

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

operation from that which produced the substance, or

- d. any substance prescribed by the regulations to be **waste**.

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

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

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

water balance means an equation that can be used to describe the flow of water in and out of a system

waterfront land means:

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

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

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

water quality stripping targets means the following water quality targets:

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

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

weeds means a plant that is a pest

Note: **weeds** has the same meaning as in the *Biosecurity Act 2015*

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

E2 Acronyms

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHIMS	Aboriginal heritage information management system
AHIP	Aboriginal heritage impact permit
ANEF	Australian noise exposure forecast
APZ	Asset Protection Zone
AS	Australian Standard
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
CKPoM	Comprehensive Koala Plan of Management
CPTED	Crime prevention through environmental design
CRZ	Core Riparian Zone
DAF	Development Assessment Framework
DAREZ	Defence or Airport Related Employment Zone
dB(A)	A-weight decibels
DCP	Development Control Plan 2014
DCP 2013	Development Control Plan 2013
DPI	Department of Primary Industries (NSW)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
FFL	Finished floor level
FPL	Flood planning level
LEP	<i>Local Environmental Plan</i>
LLS	Local Land Services
MSD	Minimum sight distance
MUSIC	Model for urban stormwater improvement conceptualisation
NASAG	National Airport Safeguarding Advisory Group
NorBE	Neutral or beneficial effect on water quality
OSMS	On-site sewage management system

PMF	Probable maximum flood
PSC	Port Stephens Council
RAAF	Royal Australian Air Force
RL	Reduced level
SEE	Statement of environmental effects
SEPP	State Environmental Planning Policy
SIS	Species impact statement
SQIDs	Stormwater quality improvement devices
SSSQM	Small scale stormwater quality model
TIA	Traffic impact assessment
TSC Act	<i>Threatened Species Conservation Act 1995</i>
VENM	Virgin excavated natural material
VMP	Vegetation management plan
WSUD	Water sensitive urban design

E3 Reference List

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10. Hunter & Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter & Central Coast Regional Fauna & Flora Survey Guidelines'
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