

PART A INTRODUCTION

A1: DEVELOPMENT CONTROL PLAN 2013

This Plan is called the Port Macquarie-Hastings Development Control Plan (DCP) 2013. It has been prepared pursuant to the provisions of section 3.43 of the Environmental Planning and Assessment Act 1979 (the Act) and Clauses 16-24 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).

A2: PURPOSE OF PLAN

The purpose of the DCP is to support and give effect to the aims of Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 by expanding upon its aims, objectives and other provisions.

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

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

When assessing and determining development applications, the consent authority is required to take into consideration relevant matters under section 4.15 of the Environmental Planning and Assessment Act 1979. These matters include the provisions of any environmental planning instrument (i.e. the LEP and State Environmental Planning Policies), and the provisions of any Development Control Plan (DCP).

A3: COMMENCEMENT OF PLAN

Port Macquarie Hastings Development Control Plan 2013 commenced on 8 November 2013 and the Port Macquarie-Hastings Development Control Plan 2011 commenced on 13 May 2011. There have been a number of amendments to these Development Control Plans since this time. Please refer to Section A9 for Amendment History.

A4: LAND TO WHICH THIS PLAN APPLIES

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

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

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

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

A5: STRUCTURE

This plan currently contains four Parts, each containing:

- Part A - Introduction
- Part B - General Provisions
- Part C - Development Specific Provisions
- Part D - Locality Specific Provisions

A6: DEFINITIONS

Note:

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

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

- a) an environmental planning instrument (e.g. SEPP No 55 - Remediation of Land) or a Development Control Plan.
- b) development for the purposes of a scheduled activity at any premises under the Protection of the Environment Operations Act 1997 that is not State significant development or designated development (refer Part 1.4 Definitions in the Act).

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

Arborist - a person:

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

AUS-SPEC - the Port Macquarie-Hastings Council version Design and Construction Specifications for infrastructure works. The Specifications are available on Council's website.

Articulation Zone - an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from:

- a) one side boundary of the lot to the opposite side boundary of the lot, or
- b) if the lot is a corner lot—the secondary road boundary of the lot to the boundary opposite the secondary road boundary.

Business Cluster - an area characterised by a mix of residential and business uses, by the integrated design and development of live-work premises, home businesses, home industry, studios, workshops, etc.

Business Incubator - a business building type that provides an affordable working environment with a mix of flexible workspace types and sizes, often with shared services and meeting facilities. The role of the Business Incubator is focussed at the early stages of the workspace ladder, supporting the development of infant or fledgling businesses.

Certified practicing engineer - Someone who is certified as a member of the Institute of Engineers Australia (MIEA) or on the National Engineering register.

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

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

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

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

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

Gross leasable floor area - 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.

Indoor living room - includes habitable rooms frequently used for general recreation, entertainment and dining and includes living rooms, kitchen, dining, family, lounge, rumpus room and the like but excludes non-habitable rooms, bedrooms, study and other areas that are less frequently used.

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

Infill development - development within an existing developed urban zone.

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

A7: RELATIONSHIP TO OTHER PLANS AND POLICIES

This Plan is to be read in conjunction with the Port Macquarie-Hastings LEP 2011 and relevant Section 7.11 Contributions plans. It repeals the whole of Port Macquarie-Hastings Development Control Plan 2011 (Part 5 Area Based Provisions).

The Plan is applied in conjunction with other Council development guidelines, policy and/or technical manuals, where identified.

A8: COMMUNITY PARTICIPATION

Please refer to Council's [Community Participation Plan \(CPP\)](#), operational from 29 November 2019, which contains the community participation requirements relating to strategic land use planning matters and development applications.

A9: AMENDMENT HISTORY

Date adopted	Date commenced	Description	Version
20/04/2011	13/05/2011	Port Macquarie-Hastings Development Control Plan 2011	V20110513
	25/05/2011	Port Macquarie-Hastings Development Control Plan 2011 - Camden Haven (Area 15) Land Release (Amendment No 4)	
	26/08/2011	Port Macquarie-Hastings Development Control Plan 2011 - Sancrox Employment Lands (Amendment No 5)	
	04/11/2011	Port Macquarie-Hastings Development Control Plan 2011 - West Haven DCP Provisions (Amendment No 1)	
	04/11/2011	Port Macquarie-Hastings Development Control Plan 2011 - Port Macquarie Central Business District Block 11 (Amendment No 2)	
	04/11/2011	Port Macquarie-Hastings Development Control Plan 2011 - Environmental Management (Amendment No 3)	
	01/03/2013	Port Macquarie-Hastings Development Control Plan 2011 - Lake Cathie-Bonny Hills (Area 14) (Amendment No 6)	
17/07/2013	26/07/2013	Port Macquarie-Hastings Development Control Plan 2011 - Area Based Provisions for Wauchope Town Centre (Amendment No 7)	V20130726
16/10/2013	08/11/2013	Port Macquarie-Hastings Development Control Plan 2013 - Stage 1 Reformatting and housekeeping (Amendment No 0)	V20131108
	20/12/2013	Port Macquarie-Hastings Development Control Plan 2011 - Fernbank Creek Industrial Provisions (Amendment No 9)	
	04/07/2014	Port Macquarie-Hastings Development Control Plan 2011 - Settlement City Precinct (Amendment No 8)	
17/07/2013	11/07/2014	Port Macquarie-Hastings Development Control Plan 2011 - (Amendment No 8) - associated with LEP 2011 Amendment No 21)	V20140711
	11/07/2014	Port Macquarie-Hastings Council Development Control Plan 2013 - Settlement City Precinct (Amendment No 5)	
16/07/2014	15/08/2014	Port Macquarie-Hastings Development Control Plan 2013 - Thrumster (Amendment No 1)	V20140815
17/12/2014	02/04/2015	Port Macquarie-Hastings Development Control Plan 2013 - Liveable Neighbourhoods (Amendment No 3)	V20150402

Date adopted	Date commenced	Description	Version
15/04/2015	10/07/2015	Port Macquarie-Hastings Development Control Plan 2013 - Birdon Marine (Amendment No 2)	V20150710
15/07/2015	24/07/2015	Port Macquarie-Hastings Development Control Plan 2013 - Business Development at 18 John Oxley Drive, Port Macquarie (Amendment No 4)	V20150724
16/12/2015	15/01/2016	Port Macquarie-Hastings Development Control Plan 2013 - Liveable Neighbourhoods East (Amendment No 6)	V20160115
15/03/2017	29/03/2017	Port Macquarie-Hastings Development Control Plan 2013 - Lake Cathie Coastal Hazard) Amendment No 7)	
15/03/2017	12/04/2017	Port Macquarie-Hastings Development Control Plan 2013 - Rainbow Beach Precinct C (Amendment No 8)	V20170412
21/02/2018	21/12/2018	Port Macquarie-Hastings Development Control Plan 2013 - South Lindfield Urban Release (Amendment No 9)	V20181221
20/03/2019	31/05/2019	Port Macquarie-Hastings Development Control Plan 2013 - Homedale Road, Kew (Amendment No 10)	V20190531
19/06/2019	30/08/2019	Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites (Amendment No 11)	V20190830
03/06/2020	17/06/2020	Repeal of DCP 2011 (Area Based Provisions) and incorporation within Port Macquarie-Hastings Development Control Plan 2013 - Administrative Amendment (Amendment No 13)	V20200617
20/05/2020	10/09/2020	Port Macquarie-Hastings Development Control Plan 2013 - Airport Business Park (Amendment No 14)	V20200910
19/05/2021	30/06/2021	Port Macquarie-Hastings Development Control Plan 2013 - Houston Mitchell Drive Employment Lands (Amendment No 15)	V20210630