

PART C DEVELOPMENT SPECIFIC PROVISIONS

C1: LOW DENSITY RESIDENTIAL DEVELOPMENT

Application

This section applies to applications for development consent for the erection of, or additions to the following low density residential development types:

- Dwellings (where not part of a high density residential, commercial or industrial development)
- Dwelling houses
- Terrace housing (attached housing)
- Secondary dwellings
- Exhibition homes
- Exhibition villages,
- Semi-detached dwellings
- Dual occupancies
- Multi dwelling housing
- Ancillary development associated with these developments as defined by State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008.

Purpose

The purpose of this section is to encourage development to:

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

Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other sections of this Plan. Refer to Part A5: Structure for the list of Parts.

Development Guide

Front Setbacks

44. Objective

- Front setbacks should support an attractive streetscape.

Development Provisions

- a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:
 - an entry feature or portico;
 - a balcony, deck, patio, pergola, terrace or verandah;
 - a window box treatment;
 - a bay window or similar feature;
 - an awning or other feature over a window;
 - a sun shading feature.
- b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.
- c) In all other cases the primary road front setback should be provided in accordance with the requirements in Table 4:

Table 4: Street setbacks to Dual Occupancy or Attached Dwellings

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

Note:

- *The primary frontage is that which addresses the road with the higher volume of traffic.*
- *Primary frontage means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face, and includes any road that intersects with that road at an angle of more than 135 degrees and with which the dwelling house or main building has contiguous boundaries.*
- *Secondary frontage means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.*

45. Objective

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.
- To provide safe and functional vehicular access.

Development Provisions

a) A garage, carport or car parking space should:

- be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or
- be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m.

Note: The distance to the garage/carport or parking space may be measured to the entry point of the garage/carport or parking space or front posts or walls.

- b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.
- c) Driveway crossovers are no greater than 5.0m in width.
- d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.

Side and Rear Setbacks

46. Objective

- To ensure no adverse overshadowing or privacy impacts to neighbouring properties.
- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space.

Development Provisions

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

Note:

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

47.Objective

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

Development Provisions

- a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.
- b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.
- c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.

Private Open Space

48.Objective

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

Development Provisions

- a) All dwellings should have a minimum area of private open space of 35m², which includes a principal private open space area with:
 - a minimum dimension of 4m x 4m, and
 - a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and
 - direct accessibility from a ground floor living area and orientated to maximise use.
- b) Private open space may include clothes drying areas and garbage storage.

Public Domain and Fencing

49.Objective

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

Development Provisions

- a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.
- b) Solid Front fences up to 1.2m high should be:
 - Setback 1.0m from the front boundary, and
 - Suitably landscaped to reduce visual impact, and
 - Provide a 3m x 3m splay for corner sites.

- c) Front fences proposed to be more than 1.2m high should be a maximum of 1.8m in height, above existing front property boundary level, and either:
 - Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or
 - be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage,
- d) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);
- e) provide a 3m x 3m splay for corner sites, and
- f) provide a 900mm x 900mm splay for vehicle driveway entrances.

50.Objective

- To define the boundaries between areas within the development having different functions or owners.
- To minimise the visual impact of fencing.

Development Provisions

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

Bulk and Scale

51.Objective

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

Development Provisions

- a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:
 - Ground and first floor (and above) indoor living room windows are within a 9m radius.
 - Direct views between principal private open space areas where within a 12m radius.
 - Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius.
- b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:
 - Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or
 - Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius.

- c) Privacy protection is not required for:
 - Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height.
- d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):
 - 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space
 - Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials.
 - A window, the whole of which has translucent glass and is not able to be opened.

Roof Terraces

52.Objective

- To encourage minimum impact from noise and light from roof terraces.
- To encourage maintenance of visual privacy of adjoining properties.
- To promote an interesting and articulated building form.
- To minimise the impact on building design of temporary or non-fixed structures.

Development Provisions

- a) Direct views between roof terraces and indoor living room windows or principal areas of private open space of adjacent dwellings should be screened where:
 - Ground and first floor (and above) indoor living room windows are within a 9m radius of the trafficable area of the roof terrace;
 - Direct views between roof terraces principal areas of private open space within a 12m radius of the trafficable are of the roof terrace.
- b) Screening should only be considered where:
 - the height of the screen does not exceed the maximum building height; and
 - the screening contributes to the building form, and
 - the screening is integrated into the design of the roof; and
 - is constructed and designed with materials complementary to the building.
- c) Lighting installations on roof terraces should be:
 - contained within the roof terrace area and located at a low level, and
 - appropriately shaded and fixed in a non-adjustable manner so that light is projected downwards onto the floor surface of the terrace.
 - designed in compliance with Australian Standards AS4282 - *Control of obtrusive effects of outdoor lighting*.

Note:

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

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

53.Objective

- To facilitate private boat usage, where a reasonable depth of water exists without dredging.

Development Provisions

- a) The design of any jetty or boating structure will require engineering certification.

54.Objective

- To maintain the amenity and function of waterways through appropriately designed and constructed waterfront infrastructure.
- To ensure structures do not increase flood risk or become an obstruction in a flood event.

Development Provisions

- a) Mooring piles are to be set at a level no lower than the level which ensures that the floating structure is retained during the design 1:100 year flood event.
- b) The width of a jetty walkway leading to a platform should not be greater than 1.0 metres.
- c) The area of a platform at the end of a walkway should not exceed 16m².
- d) The overall length of a jetty when measured from the existing revetment wall should not exceed 17metres.
- e) Boating ramps should have a maximum overall width of 3 metres and a maximum overall length of 10.0 metres when measured from the existing revetment wall unless associated with a boatshed where the boat ramp should not exceed 2.7m in width.
- f) pontoons moored at right angles to the revetment wall should not extend beyond a point 17 metres from the wall.
- g) Pile cut off levels should not be lower than RL3.0 metres AHD.
- h) Fixed jetties may only extend to a point 7 metres from the revetment wall.
- i) Any extension beyond a point 7 metres from the revetment wall is to be by way of a pivoting walkway to a floating pontoon.
- j) The deck of the jetty is to be above and not resting on the revetment wall and the top surface is not to be above RL 1.4m AHD.
- k) pontoons moored parallel to the revetment wall should not extend beyond a point 12 metres from it.
- l) Floating moorings should be located between 17 metres from the revetment wall.
- m) Fixed mooring poles should not be greater than 17 metres from the revetment wall.

55.Objective

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

Development Provisions

- a) Jetties and moorings (both fixed and floating) should be located a minimum of 10m from any jetty or mooring (both fixed and floating) located on any adjacent property.

- b) Boat ramps and jetties should be located in such a way that vessels using the boat ramp or moored on a jetty do not project past a line which is a prolongation of the side boundaries of the development site.
- c) For multi dwelling housing and residential flat building development only one boat ramp and one jetty should be permitted, however where such development is carried out on a site with a frontage to a waterway exceeding 25m, then one additional jetty and one additional boat ramp may be permitted.

Ancillary Development

56.Objectives

- To facilitate and sustain certain development as ancillary development.
- Have regard to the desired scale, bulk and height of existing residential development as well as streetscape in the locality.

Development Provisions

- a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones:
 - The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing).
 - The building should be single storey construction with a maximum roof pitch of 24 degrees.
 - The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots.
 - Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools.

C2: RESIDENTIAL FLAT DEVELOPMENT, TOURIST AND VISITOR ACCOMMODATION, AND MIXED USE DEVELOPMENT

Application

Section C2 applies to applications for development consent for the erection of, or additions to the following residential development types as defined by the *Port Macquarie-Hastings Local Environment Plan 2011*:

- Residential flat buildings (both SEPP 65 and non-SEPP 65) hostels and shop top housing,
- Tourist and visitor accommodation (which encompasses Backpackers' accommodation, Bed and breakfast accommodation, Farm stay accommodation and Serviced apartments), and
- Any residential component of a mixed-use development.

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

- Erection of a new residential flat building,
- Substantial redevelopment or the substantial refurbishment of an existing residential flat building, and
- Conversion of an existing building to a residential flat building.

Applications for residential flat buildings must address the SEPP.

Purpose

The purpose of the provisions in this section are to encourage development to:

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

- Provide optimum solar access to public open spaces within the development and adjoining properties.
- Ensure ongoing privacy of neighbouring properties.
- Ensure view-sharing opportunities from nearby properties and vantage points to minimise adverse impacts.

Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other sections of this Plan. Refer to Part A5: Structure for the list of other Chapters Parts.

Development Guide

Site Design and Analysis

57.Objective

- To encourage consideration of site attributes and constraints during the design phase of the development.
- To promote consideration of characteristics of adjacent and surrounding sites and the neighbourhood at the outset of the design process.

Development Provisions

- a) A site analysis plan is required for all development and should illustrate:
 - microclimate including the movement of the sun and prevailing winds
 - lot dimensions
 - north point
 - existing contours and levels to AHD
 - flood affected areas
 - overland flow patterns, drainage and services
 - any contaminated soils or filled areas, or areas of unstable land
 - easements and/or connections for drainage and utility services
 - any existing trees and other significant vegetation, including major and significant trees on adjacent properties, particularly those within 9 m of the site
 - the location, height and use of buildings surrounding the site, and those across any road adjacent to the site, including their setback distances
 - heritage and archaeological features
 - the built form, scale and character of surrounding and nearby development, including fencing, boundaries and landscaping
 - pedestrian and vehicle access
 - views and solar access to surrounding residents
 - private open space and windows of habitable rooms of nearby properties which have an outlook to the site
 - difference in levels between the site and adjacent properties at their boundaries
 - street frontage features including poles, trees, kerb crossovers, bus stops and other services
 - heritage features and buildings of the surrounding locality and landscape
 - direction and distance to local facilities including local shops, schools, public transport and recreation and community facilities
 - characteristics of, and distance to any nearby public open space
 - any nearby bushland or environmentally sensitive land
 - any significant local noise, odour or pollution sources

- any other notable features or characteristics of the site

Site Layout

58.Objective

- To achieve a layout that provides a pleasant, manageable and functional living environment that integrates with the neighbourhood.
- To encourage consideration of energy-efficiency and solar access issues at the outset of the design process.

Development Provisions

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

Streetscape and Front Setback

59.Objective

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

Development Provisions

- a) In an established street, the primary setback should be within 20% of the average setback of the adjoining buildings in a R1 General Residential zone.
- b) A minimum setback of 3.0m is required from all street frontages in a R3 Medium Density Residential and R4 High-Density Residential zone.
- c) Where tourist accommodation is proposed a maximum setback of 9 metres is permitted to allow for a swimming pool within the front setback.

60. Objective

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

Development Provisions

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

Side and Rear Setbacks

61. Objective

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

Development Provisions

- a) The following setbacks (Refer Figure 7) apply to all sites, except where the side boundary is a secondary street frontage:
 - Buildings should be set back a minimum of 1.5m from side boundaries, for a maximum of 75% of the building depth.
 - Windows in side walls should be set back 3m from side boundaries.
 - Where the site is adjacent to an existing strata-titled building, buildings should be set back a minimum of 3m from side boundaries.
- b) Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.
- c) A minimum rear setback of 6.0m from the building and sub basements is required.

62. Objective

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

Development Provisions

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

63. Objective

- To encourage good interim building design for party walls.

Development Provisions

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

64.Objective

- To provide good streetscape for secondary streets.
- To encourage quality urban design outcomes for corner sites.

Development Provisions

- a) Corner sites should be consolidated with adjacent sites, so that the building turns the corner.
- b) If this is not possible, a minimum setback of 6.0m should extend to the secondary street. Refer Figure 8 and Figure 9.

65.Objective

- To encourage good quality urban design outcomes for sites that address open space.
- To encourage casual surveillance of public spaces.

Development Provisions

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

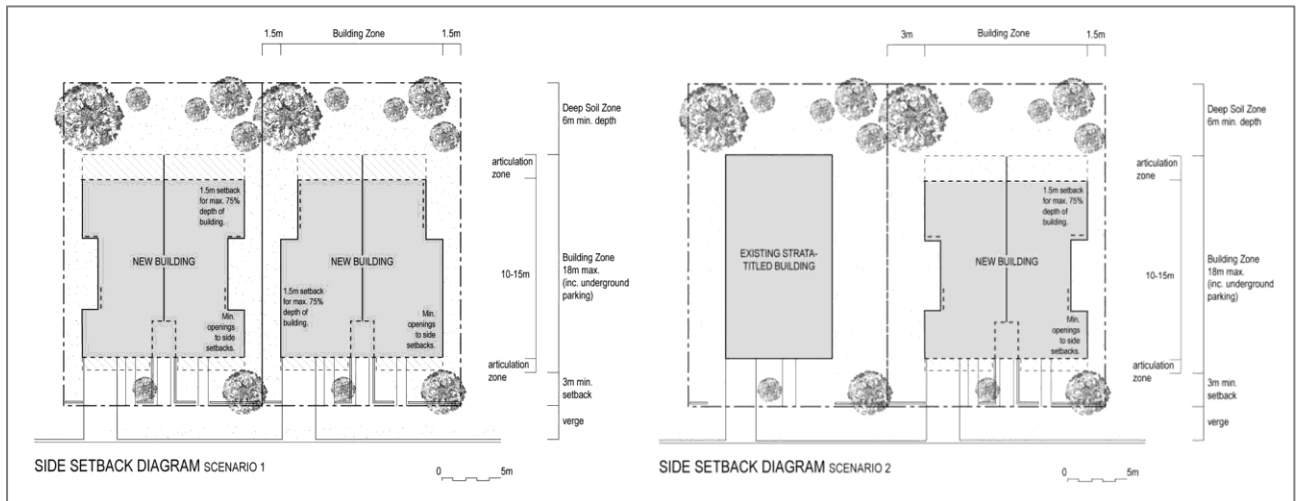


Figure 7: Side setback provisions for two scenarios

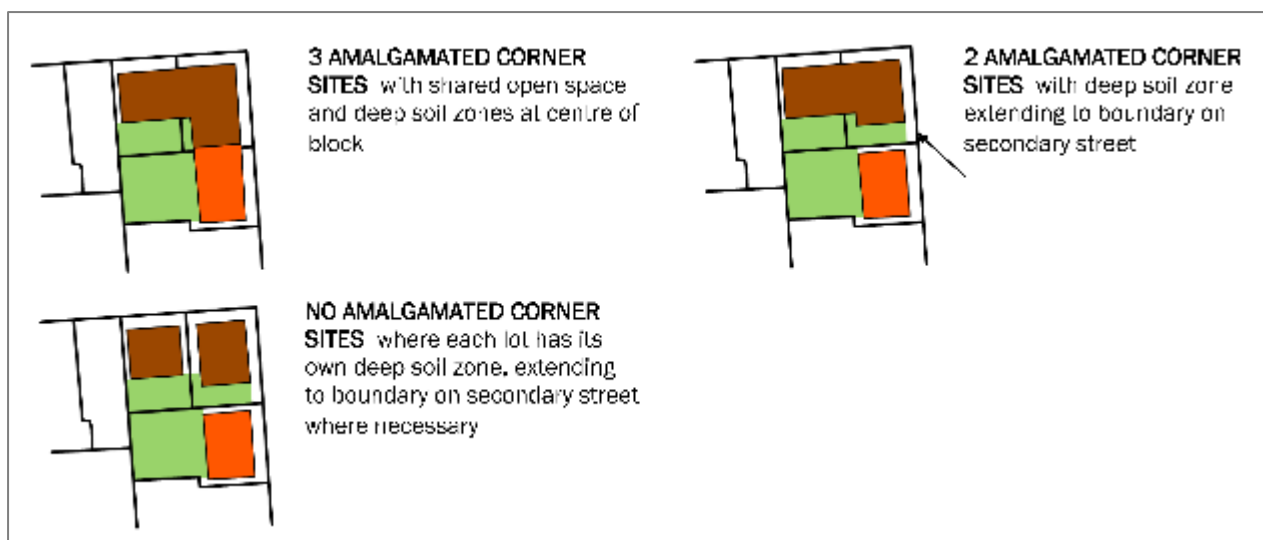


Figure 8: Deep soil requirements for development scenarios on corner lots

Deep Soil Zone (only applicable to non-SEPP 65 buildings)

66.Objective

- To enhance the appearance, amenity and energy and water efficiency of housing through integrated landscape design.
- To preserve natural drainage and subsoil water.

Development Provisions

- Deep soils zones are to meet the minimum requirements set out in Table 5 below.
- Deep soil zones are to be contiguous across sites and within blocks.

Refer to Figure 9.

Table 5: Deep Soil Zones

Site area	Minimum dimensions	Deep soil zone (% of site area)
Less than 650m ²	-	7
650m ² - 1,500m ²	3m	7%
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:

- Basement and sub-basement car park design that is consolidated beneath building footprints
- Use of increased front and side setbacks
- Adequate clearance around trees to ensure long term health
- Colocation with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.

67.Objective

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

Development Provisions

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

68.Objective

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

Development Provisions

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

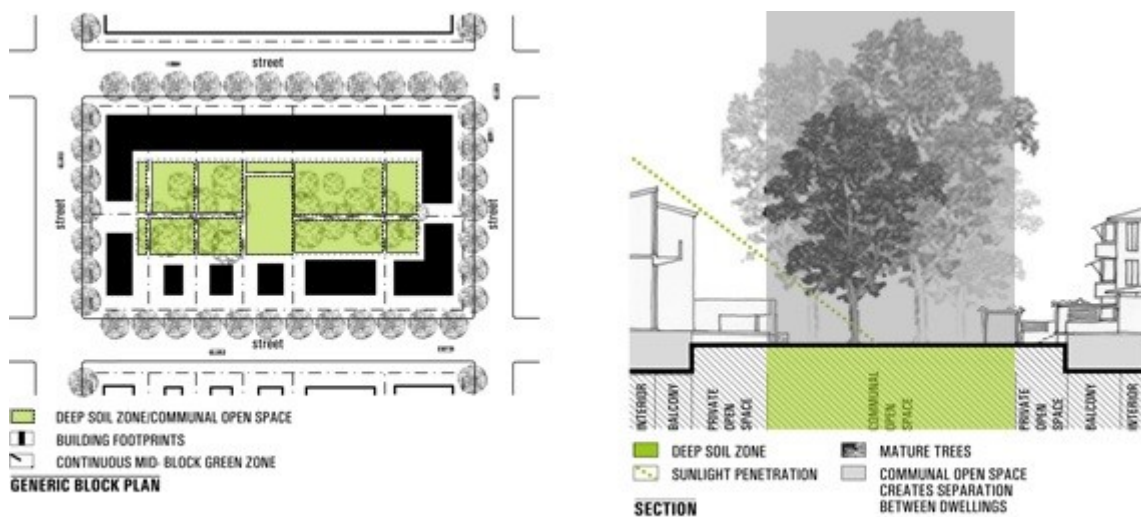


Figure 9: Preferred Deep Soil Zone Provision

Energy Conservation and Solar Access (only applicable to non-SEPP 65 buildings)

69.Objective

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

Development Provisions

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

70.Objective

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

Development Provisions

- a) Apartments are to provide an internal clothes drying space to discourage the use of mechanical clothes drying. Refer to Figure 10 below.

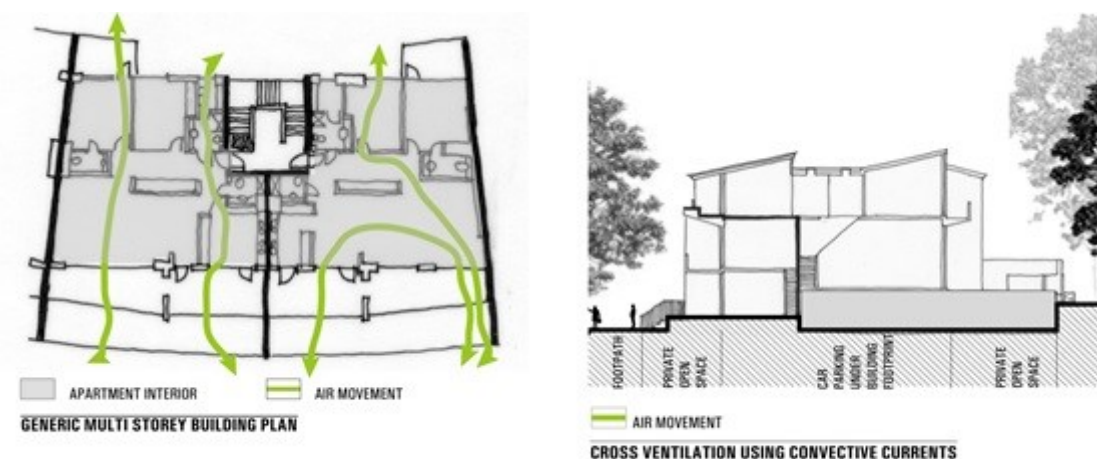


Figure 10: Building plan demonstrating how acceptable cross ventilation can be achieved

Landscape

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

Private open space should be designed to be:

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

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

Front fences and walls should be designed to:

- Enable outlook from buildings to the street for safety and surveillance;
- Assist in highlighting entrances and in creating a sense of communal identity within the streetscape;
- Provide visual interest to the streetscape;
- Be constructed of materials compatible with the proposed development and have regard to other good examples in the street;

- Be compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas;
- Be appropriate to the heritage or environmental context of the site.

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

Landscaping (only applicable to non-SEPP 65 buildings)

71.Objective

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

Development Provisions

- a) Plans for the design and planting of open space areas should be submitted with the development application and include:
- b) Existing vegetation and proposed general planting and landscape treatment (including species).
- c) Design details of hard landscaping elements and major earth cuts, fills and any mounding.
- d) Location and design of any communal recreational facilities, including methods of protecting the privacy of nearby dwellings, where applicable.
- e) Street trees in accordance with Council's Indigenous Street and Open Space Planting List.

72.Objective

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

Development Provisions

- a) Existing vegetation is to be retained and habitat and ecology enhanced where practical.

73.Objective

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

Development Provisions

- a) Street trees are to be provided along the full frontage/s of the site, generally at a rate of 1 per 20m interval, in accordance with Council's *Indigenous Street and Open Space Planting List*.

Private Open Space (only applicable to non-SEPP 65 buildings)

74.Objective

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

Development Provisions

- a) All dwellings at ground floor level are encouraged to have a total minimum area of 15m² in one area with minimum dimension of 3m:
 - have a maximum grade of 5%; and
 - be directly accessible from a ground floor living area.
- b) Private open space may include clothes drying and garbage storage areas.

75.Objective

- To discourage inappropriate or ill configured open space.

Development Provisions

- a) Dwellings located on or above the first floor are to have balconies with a minimum clear, unobstructed area and width according to apartment type as follows:
 - Studio - 4m²
 - 1 bedroom - 8m², minimum 2m wide
 - bedroom - 10m², minimum 2m wide
 - bedroom - 12m², minimum 2.4m wide

76.Objective

- To clearly distinguish private open space from communal open space.

Development Provisions

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

Fences and Walls

77.Objective

- To define the edges between public and private land and to provide privacy and security.
- To ensure that fences, courtyard walls and privacy screens do not adversely impact on the streetscape and public domain areas
- To encourage surveillance of the street and other public areas.

Development Provisions

- a) Solid front fences built on or near boundaries should be:
 - setback 1.0m from the front boundary;
 - suitably landscaped to reduce visual impact, and.
 - provide a 3m x 3m splay for corner sites.

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

78.Objective

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

Development Provisions

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

Note:

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

Amenity

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

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

- Proper consideration of privacy outcomes at the site planning stage;
- Screening;
- Offset windows;
- Separation by distance

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

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

Acoustic Privacy

79.Objective

- To protect the acoustic privacy of onsite and nearby residents.

Development Provisions

- Buildings are designed so that:
 - busy noisy areas within the apartment face the street; and
 - quiet areas face the rear or side of the lot
 - bedrooms have line of sight separation of minimum 3m from parking areas, streets and shared driveways.
- Openings of adjacent dwellings should be separated by a distance of at least 6m.

80.Objective

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

Development Provisions

- Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. Refer to Figure 11 below.



Figure 11: Noisy spaces coupled

Visual Privacy (only applicable to non-SEPP 65 buildings)

81.Objective

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

Development Provisions

- Direct views between living area windows of adjacent dwellings should be screened where:
 - ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling;
 - other floor windows are within a 12m radius;
 - direct views from living rooms of dwellings into the principal area of private open space of other dwellings should be screened or obscured where they are within a 12m radius.

- b) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):
- 1.8m high fence or wall between ground-floor level windows or between a dwelling and open space;
 - Screening that has 25% openings (max), is permanently fixed and is made of durable materials.
- Note: Living area includes lounge room, dining room or kitchen but does not include a bedroom, bathroom or utility room.*
- c) A window in a dwelling(s) should have a privacy screen if:
- It is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
 - The wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - The window has a sill height of less than 1.5m.
- d) A balcony, deck, patio, pergola, terrace or veranda should have a privacy screen if it:
- Has a setback of less than 3m from a side or rear boundary, and
 - Has a floor area more than 3m², and
 - Has a floor level more than 1 metre above ground level (existing).

Accessibility

82.Objective

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

Development Provisions

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

83.Objective

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

Development Provisions

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

Social Dimensions and Housing Affordability

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

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

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

84.Objective

- To respond to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.
- To maximise development densities in areas identified for medium and high density residential.

Development Provisions

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

85.Objective

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

Development Provisions

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

86.Objective

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

Development Provisions

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

Aesthetics

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

Roof Form

87.Objective

- To encourage visually interesting and harmonious roof scapes and skylines

Development Provisions

- a) Lift over-runs and service plants should be integrated within roof structures.

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

Facade Composition and Articulation

88.Objective

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

Development Provisions

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

Entries and Corridors (only applicable to non-SEPP 65 buildings)

89.Objective

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

Development Provisions

- a) Entrances should be clearly identifiable from street level.
- b) Entries should provide a clear line of transition between the public street, the shared private circulation spaces and the residential apartments.
- c) Entries should provide clear line of sight between one circulation space and the next.
- d) Entries should avoid ambiguous and publically accessible small spaces in entry areas.
- e) Entries should be sheltered and well lit.
- f) Entries and circulation spaces should be sized appropriately to encourage adequate area for the movement of furniture.
- g) Lobby widths should be a minimum of 1.8m wide and 3.0m high.
- h) Lobby lengths should be minimised and avoid tight corners.
- i) Longer lobbies should be articulated by:
 - changing the direction or width of a corridor;
 - using a series of foyer areas;
 - providing windows along or at the end of corridor.

Balconies (only applicable to non-SEPP 65 buildings)

90.Objective

- To encourage enjoyment of indoor/outdoor living.
- To encourage useable outdoor living areas.

Development Provisions

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

91.Objective

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

Development Provisions

- a) Balconies should include sunscreens, pergolas, shutters and operable walls.
- b) Balconies should be recessed to provide shadowing to the facade of the building to create visual interest and articulation.
- c) Solid balustrades are discouraged but may be considered where it is demonstrated that outlook and privacy is achieved and that there is sufficient articulation or visual interest in the building facade to accommodate the solid element.

Security, Site Facilities and Services

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

Laundries and Clothes Drying Facilities

92.Objective

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

Development Provisions

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

Mailboxes

93.Objective

- To encourage integration of mailboxes into the building design.

Development Provisions

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

Safety and Security

94.Objective

- To encourage safe and secure housing for residents and visitors.

Development Provisions

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

Site Storage (only applicable to non-SEPP 65 buildings)

95.Objective

- To encourage sufficient storage space.
- To encourage dwellings with dedicated storage areas.

- To encourage safe and secure storage space.

Development Provisions

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

Utilities

96.Objective

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

Development Provisions

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

C3: BUSINESS AND COMMERCIAL DEVELOPMENT

Application

Section C3 applies to business and commercial development proposed for land within business zones (B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B7 Business Park) in the *Port Macquarie-Hastings Local Environment Plan 2011*.

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

Purpose

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

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

Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other sections of this Plan. Refer to Part A5: Structure for the list of Parts.

Strategic Context

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

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

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

The **B3 Commercial Core** zone is applied exclusively to the Port Macquarie Town Centre and the Settlement City Precinct. The role of the commercial core is to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and regional community in a centralised (and established) location.

The function of business and commercial zones is largely to service the retail and commercial needs of the area's residents; however, they also provide a range of other functions that are imperative to economic, social and environmental health of the Port Macquarie-Hastings. Commercial and business zones create an environment that provides opportunities for social

interaction and engagement, for recreation and for entertainment. This occurs formally in designated venues such as hotels, cafes and restaurants and informally and spontaneously on the street, in public places and in shopping centres.

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

The Port Macquarie Town Centre has a very specific function. It services the highest order retail and commercial needs of the LGA's 81,000 residents as well as being the area's premier tourist precinct. The need to access services and employment places specific demands on CBD infrastructure such as roads, parking and access. Providing this infrastructure, particularly additional parking, whilst maintaining a highly aesthetic and attractive urban realm is an ongoing challenge.

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

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

Development Guide

Setbacks

97.Objectives

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

Development Provisions

- a) A zero metre setback to ground floor is preferred for B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre and B4 Mixed Use zone developments.
- b) Any front setback for other commercial zones to be considered on merit, having regard to existing streetscape.

98.Objective

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

Development Provisions

- a) Where a zero setback cannot be achieved, such as where parking can only be provided between the building and the street, a minimum 3 metre pedestrian setback is provided between the edge of the car park and the building.
- b) The 3 metre pedestrian setback:
 - is open and accessible for pedestrians for its entire length and width;
 - is clear of columns (other than awning posts where provided) and other obstructions;

- has a pavement matching the gradient of the adjoining footpath and connects pedestrian areas on neighbouring sites; and
 - connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.
- c) Where steps, escalators, ramps or lifts are set back, a further 1.2m should be provided to maximise pedestrian flow and safety and allow for adequate waiting space.
- d) Any automatic teller machine does not protrude onto the footpath.

Roof Form

99. Objective

- To provide visually interesting and harmonious roofscapes and skylines.

Development Provisions

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

Building Facades, Materials and Finishes

100. Objective

- To encourage and reinforce character and continuity of streetscapes.

Development Provisions

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

101. Objective

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

Development Provisions

- a) Shopfront widths are to be between 15m and 20m.
- b) Widths up to a maximum of 30metres may be considered where the building achieves superior built design and streetscape outcomes.
- c) The maximum length of any similar facade treatment is 22m.

- d) Side and rear facades are to be treated with equivalent materials and finishes to the front facade.
- e) Building facades should be designed to reflect the orientation of the site incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.
- f) An articulation zone of between 1.8m - 4.0m is provided for the front facade of all floors containing residential and tourist uses.

102. Objective

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

Development Provisions

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

103. Objective

- To create a coherent streetscape,

Development Provisions

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

Active Frontages

104. Objective

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

Development Provisions

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

105. Objective

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

Development Provisions

- a) Active frontages should consist of one or more of the following:
 - A shop front.
 - Commercial and residential lobbies.
 - Café or restaurant if accompanied by an entry from the street.
 - Public building if accompanied by an entry from the street.
- b) A minimum of 50% of the ground floor level front facade should be clear glazed.

- c) Active ground floor uses are to be accessible and at the same level as the footpath.
- d) Restaurants, cafés and the like should provide openable shop fronts to the footpath but should not encroach into footpath.
- e) Colonnade structures should not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.

Arcades

106. Objective

- To provide connections to enhance the pedestrian network and to link between shopping areas, public spaces and car parking.
- To encourage the use of parking at the rear of the development by providing good permeability to the front of the site.
- To encourage activity within arcades.

Development Provisions

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

Awnings

107. Objective

- To provide pedestrian amenity by the provision of weather protection.

Development Provisions

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

108. Objective

- To provide a consistent building element within the streetscape.

Development Provisions

- a) Awnings should be horizontal or near horizontal (maximum pitch of 10%).

- b) Awnings should be consistent with the existing streetscape or be between 3.2m and 4.2m from the finished front property boundary level at the building edge to the underside of the awning.
- c) A minimum awning width of 2.5m is required unless this cannot be achieved because of narrow pavements and street tree planting, traffic signals, traffic signage or utility poles.
- d) New awnings should be set back at least 1.0m from the kerb line.
- e) Awnings along sloping streets should step down in horizontal steps (a maximum of 700mm per step) to follow the slope of the street.
- f) All contiguous awnings should be of consistent height and depth and of complementary design and materials.
- g) Awnings and/or canopies should be provided elsewhere to define public entrances to buildings, including residential flat buildings.
- h) Awning should wrap around street corners and contribute to the articulation and focal design of corner buildings.
- i) Materials should encourage high quality design and amenity in the public domain.
- j) New awning fascias should be coordinated with adjacent awning fascias where they exist. In all other instances fascias are to be solid, flat and between 300mm and 700mm in height.

109. Objective

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

Development Provisions

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

110. Objective

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

Development Provisions

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

Landscaping

111. Objective

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

Development Provisions

- a) A landscape plan should be submitted with the development application and include:
 - Existing vegetation; and
 - Existing vegetation proposed to be removed; and

- Proposed general planting and landscape treatment; and
 - Design details of hard landscaping elements and major earth cuts, fills and any mounding; and
 - Street trees; and
 - Existing and proposed street furniture including proposed signage.
- b) Vegetation is provided on top of podium levels, on tops of car parks, and on balconies and verandahs fronting the street below podium level.

112. Objective

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

Development Provisions

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

113. Objective

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

Development Provisions

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

114. Objective

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

Development Provisions

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

115. Objective

- To ensure that fencing does not detract from the streetscape.
- To avoid privatisation of public places.

Development Provisions

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

116. Objective

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

Development Provisions

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

117. Objective

- To ensure that street furniture is coordinated with existing street furniture.
- To ensure that street furniture does not create clutter and obstacles in the public realm.

Development Provisions

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

118. Objective

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

Development Provisions

- a) Any ramps are to be integrated into the overall building and landscape design.

Gateways and Landmark Sites

119. Objective

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

Development Provisions

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

Vehicular Access Location and Design

120. Objective

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

Development Provisions

- a) No direct vehicular access to at grade or basement car parking from the active street frontage should be permitted in B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones.
- b) The number of vehicular crossovers should be kept to a minimum and appropriate sight lines provided to encourage safe integration of pedestrian and vehicular movement.
- c) Any car park ramps are located largely within the building footprint.
- d) Underground car parks should be designed to enable all vehicles to access and egress in a forward direction.
- e) Vehicular entrances to underground car parks are to be:
 - Located on minor streets;
 - Have a maximum crossover of 6.0m;
 - Should be signed and lit appropriately;
 - Should be designed so that exiting vehicles have clear sight of pedestrians and cyclists.
- f) At-grade / surface car parking areas adjacent to streets should be generally avoided or at least adequately softened by appropriate landscaping.
- g) All stairs and elevators in the parking structure are clearly visible.

121. Objective

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

Development Provisions

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

122. Objective

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

Development Provisions

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

Pedestrian Entries and Access

123. Objective

- To separate and clearly distinguish between pedestrian and vehicle access ways.
- To minimise potential conflict between pedestrians and vehicles.

Development Provisions

- a) Pedestrian and vehicle movement areas are separated to minimise conflict.
- b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.

124. Objective

- The design of buildings and spaces should promote legibility to help users find their way.

Development Provisions

- a) Pedestrian and vehicle movement areas are separated to minimise conflict.
- b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.
- c) Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open.
- d) Signage is provided at the entries to the development detailing the services available within the centre and where they are located.
- e) Signage to key public spaces accessible from the centre such as car parks, food courts should be provided within the centre.
- f) Signage to key facilities such as rest rooms, Centre Management, baby change rooms should be provided within the centre.
- g) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.

125. Objective

- To encourage walking and cycling.

Development Provisions

- a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.

Outdoor Dining

126. Objective

- To encourage appropriate outdoor dining associated with food and drink premises on public footpath areas.
- To promote vitality and interest in the streetscape.
- To promote security by activating streets.

- To allow the unobstructed movement of people and goods along all public footpaths.
- To minimise conflict between vehicles and diners.

Development Provisions

- A minimum footpath clearance width of:
 - 1.8m for high volume pedestrian areas; or
 - 1.5m in all other circumstances;

is to be maintained between the immediate front of the building (shoreline) and the proposed outdoor dining area.
- A risk assessment should accompany any application for footpath dining that considers the risk of conflict between vehicles and diners. The assessment should recommend adequate measures to minimise any risk identified.
- The suitability of the footpath for outdoor dining is at Council's discretion.

Note:

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

Commercial Development Adjoining Residential Land Uses

127. Objective

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

Development Provisions

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

Mixed Use Development

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

An assessment against Section C2 and C3 for any residential component of any mixed use development is required.

128. Objective

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

Development Provisions

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

129. Objective

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

Development Provisions

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

130. Objective

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

Development Provisions

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

131. Objective

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

Development Provisions

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

Public Art - Additional Requirements for Land Zoned for Business and Tourism

132. Objective

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

Development Provisions

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

Hotel Developments

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

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

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

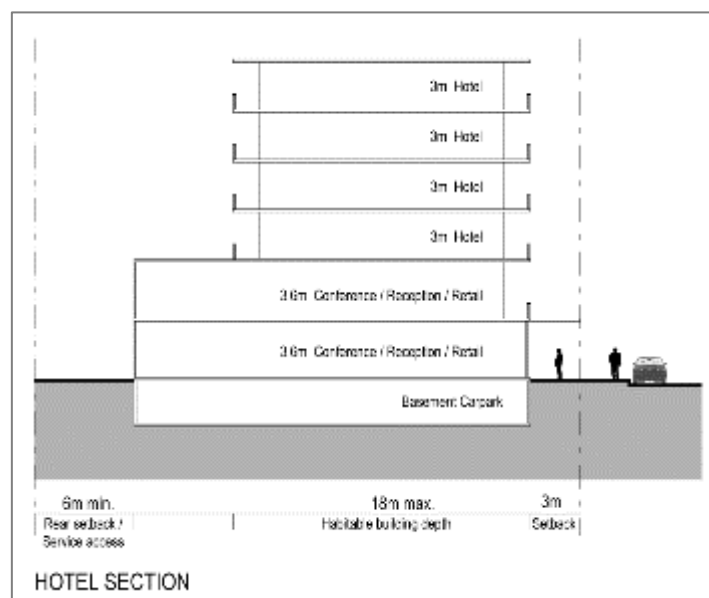


Figure 12: Hotel section

C4: INDUSTRIAL DEVELOPMENT

Application

Section C4 applies to:

- All development in land zoned IN1 General Industrial, IN2 Light Industrial, IN3 Heavy Industrial, IN4 Working Waterfront and W3 Working Waterways, and
- Industries, Heavy industrial storage establishments and Storage premises, Boat building and repair facilities, Vehicle body repair workshops and Vehicle repair stations in any zone.

It does not apply to Rural Industries.

Purpose

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

Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other sections of this Plan. Refer to Part A5: Structure for the list of Parts.

Strategic Context

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

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

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

The amenity of industrial areas including the design of buildings and streetscape works is often considered secondary to function. However, industrial areas are an important part of the urban fabric, they are the sites of public transactions and employ 15% of the Port Macquarie-Hastings' workforce. Therefore, it is important that the amenity and aesthetics are considered in addition to the functioning of the site.

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

Development Guide

Setbacks

133. Objectives

- To promote an aesthetic streetscape that reflects the functions and characteristics of the street and the land use.
- To ensure buildings and parking do not dominate the streetscape.
- To ensure adequate area is available at the front of buildings to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles.
- To reduce the visual impact of development on the streetscape.

Development Provisions

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

Building Design

134. Objective

- Industrial development is attractive and functional.

Development Provisions

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

Open Storage Work Areas

135. Objective

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

Development Provisions

- a) Where storage of materials is proposed to be undertaken outside the confines of a building, full details of the areas to be used and the materials/volumes to be stored should be provided with the application.
- b) Where a work area is proposed to be undertaken outside the confines of a building, full details of the areas to be used and activities to be undertaken should be provided with the application.
- c) Open work and storage areas are to be located at the rear of industrial developments and should be screened from public view by the use of landscaping and/or screen fencing.

Such fencing is to be constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2m.

Landscaping and Fencing

136. Objective

- To improve the visual quality and amenity of Port Macquarie-Hastings' industrial areas through low maintenance landscape treatment of development sites.
- To provide a natural buffer between development on industrial and adjoining or adjacent non-industrial land uses.
- To encourage planting in scale with the height and bulk of the building.
- To contribute to the creation of functional corridors between different vegetation communities through the urban realm.

Development Provisions

- a) A detailed landscaping plan should be submitted with the development application and include:
 - All existing trees and those proposed to be removed clearly highlighted;
 - Proposed general planting and landscape treatment (including species); and
 - Design details of hard landscaping elements and major earth cuts, fills and any mounding; and
 - Street trees in accordance with Council's Indigenous Street and Open Space Planting List.
- b) A landscaped strip at least 3m wide covering a minimum of two thirds of each street frontage.
- c) Front fences shall be black chain wire or Diplomat® to a maximum of 3m (consistent with the exemption under SEPP Exempt and Complying Development Codes).

Industrial Land Adjoining Sensitive Land Uses

137. Objective

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

Development Provisions

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

Retailing and Offices in Industrial Areas

138. Objective

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

Development Provisions

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

Note:

Industries include:

- *Heavy industries, hazardous industry, offensive industry, light industries, high technology industries, home industry, general industries*
- *Heavy industrial storage establishments include:*
 - *Hazardous storage establishments, liquid fuel depots, offensive storage establishments*
- *Storage premises include:*
 - *Self-storage units.*

C5: SUBDIVISION

Application

Section C5 applies to any application to subdivide land unless exempt under the Codes SEPP.

Table 6 should be used as a guide in determining which section should be addressed in an application.

Table 6: Considerations for Applications

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

Purpose

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

This includes:

- A choice of good quality affordable housing.
- Promoting a compact urban form.
- Access to community and commercial facilities.

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

Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other sections of this Plan. Refer to Part A5: Structure for the list of Parts.

Strategic Context

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

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

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

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

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

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

Development Guide

Site Analysis

139. Objective

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

Development Provisions

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

Urban Structure and Lot Layout

140. Objective

- To provide a range of lot sizes to suit a variety of dwelling and household types
- To ensure the lot layout plan reflects the site's opportunities and constraints.

Development Provisions

- a) Any residential allotments created by Torrens title subdivision should satisfy the following standards:
 - A minimum width of 15 metres when measured at a distance of 5.5 metres from the front property boundary;
 - A minimum width of 7 metres measured when side boundaries are extended to the kerb line; A minimum depth of 25 metres;
 - For lots where the average slope of the development site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.

141. Objective

- To ensure subdivision design and road layout responds to the topography of the land and the site constraints.
- To prevent servicing costs (associated with access, utilities and services) from being transferred to the land owner because of poor subdivision design.
- To reduce the impacts of battleaxe allotments in infill areas on adjoining landowners, the streetscape and the final landowner.
- To ensure that development of rear lots of battleaxe allotments does not result in the impacts greater than would be expected from a single dwelling in terms of:
 - Traffic generation
 - Noise
 - Privacy
 - Utilities
 - Waste management
 - Amenity.

Development Provisions

- a) Battleaxe allotments are discouraged in greenfield development.
- b) Council may consider permitting Torrens Title battleaxe allotments for “infill” development where it is demonstrated that:
 - A Torrens Title lot, that is not a battleaxe lot, cannot be achieved; and
 - the number of crossovers do not reduce the amenity of the street or on street parking; and
 - the impact of noise, dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and
 - addresses privacy between the rear lot and the rear open space of the front lot by the provision of adequate screening, larger lot size and setbacks; and
 - extends utilities to the end of the axe handle; and
 - There is sufficient space for garbage collection on the frontage.

142. Objective

- To ensure that subdivision layout responds to the gradient of the land and does not:
 - result in lots that require excessive cut and fill to achieve development areas;
 - create a land slip risk;
 - result in soil creep or slip;
 - result in adverse drainage conditions;
 - reduce the life of water, sewer, drainage or road infrastructure;
 - result in un-usable private open space.

Development Provisions

- a) The subdivision of land with slopes exceeding 25% is generally discouraged.

143. Objective

- To provide lot orientation that maximises energy efficiency and conservation principles.
- To create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles

Development Provisions

- a) Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots.
- b) Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60 - 80 metres by 120 - 150 metres as illustrated in Figure 14.
- c) Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.

144. Objective

- To provide a legible network for infrastructure, cycle, pedestrian and motor vehicle movement.
- To provide a clear grid layout with street connectivity and through streets.

Development Provisions

- a) The site analysis, including the lot orientation, layout, and natural topography should inform and aid the design of the street pattern.
- b) The street plan should provide:
 - Street network, including those existing (adjacent or opposite);
 - Cycleways and pathway network
 - Indicative gradients and cross-sections of roads, cycle ways and pathways, particularly those with steep slopes that may present access and mobility constraints. Provide notional road batters for steep areas
 - General intersection traffic dampening, related landscape features and constriction points;
 - Notional drainage pattern and works where affected by road works
 - Car parking
 - Consideration of existing and proposed street trees
 - Existing and proposed fire trails
 - Street and Service Plans should need to show how the proposal should integrate with the existing system.

145. Objective

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

Development Provisions

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

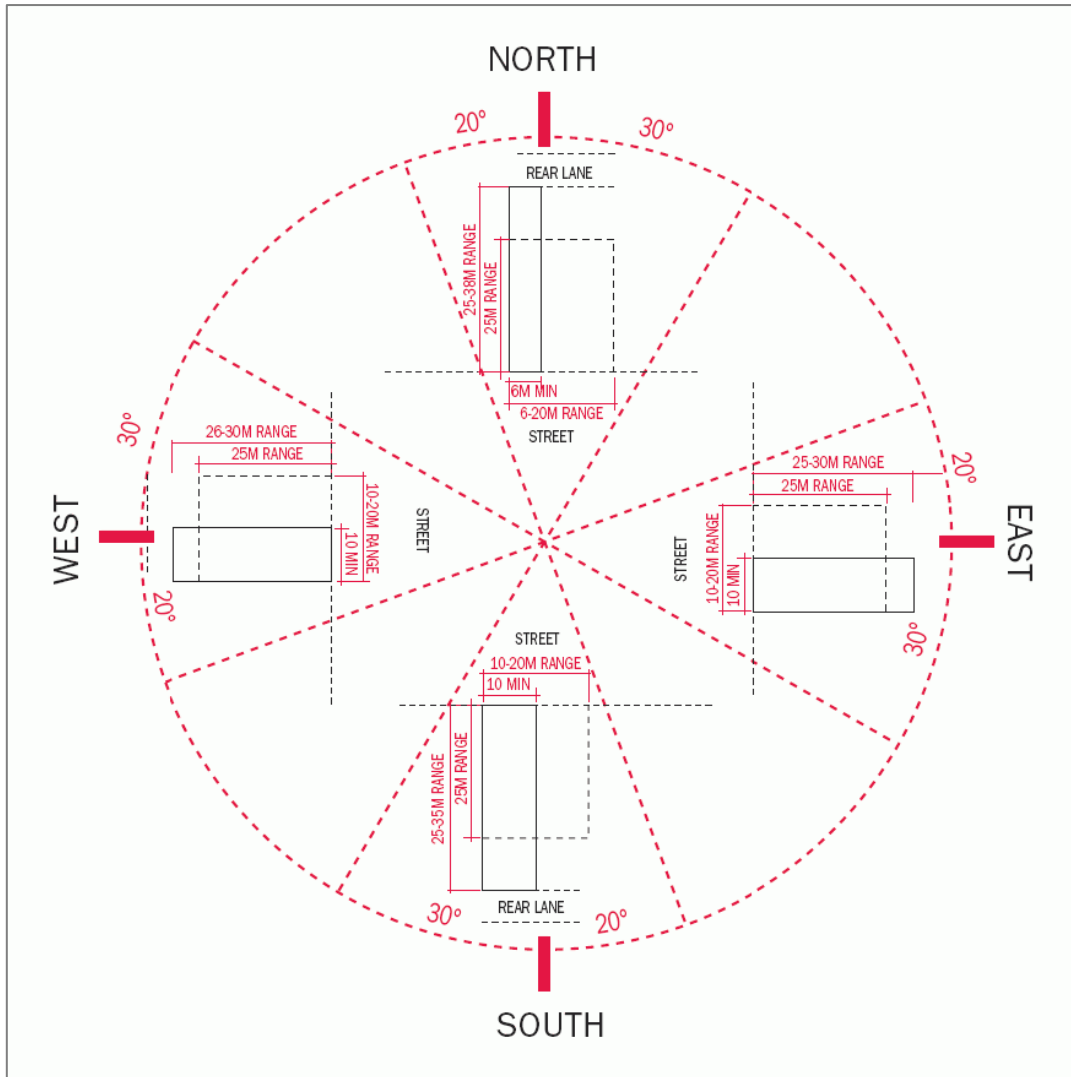


Figure 13: Indicative Block Configurations

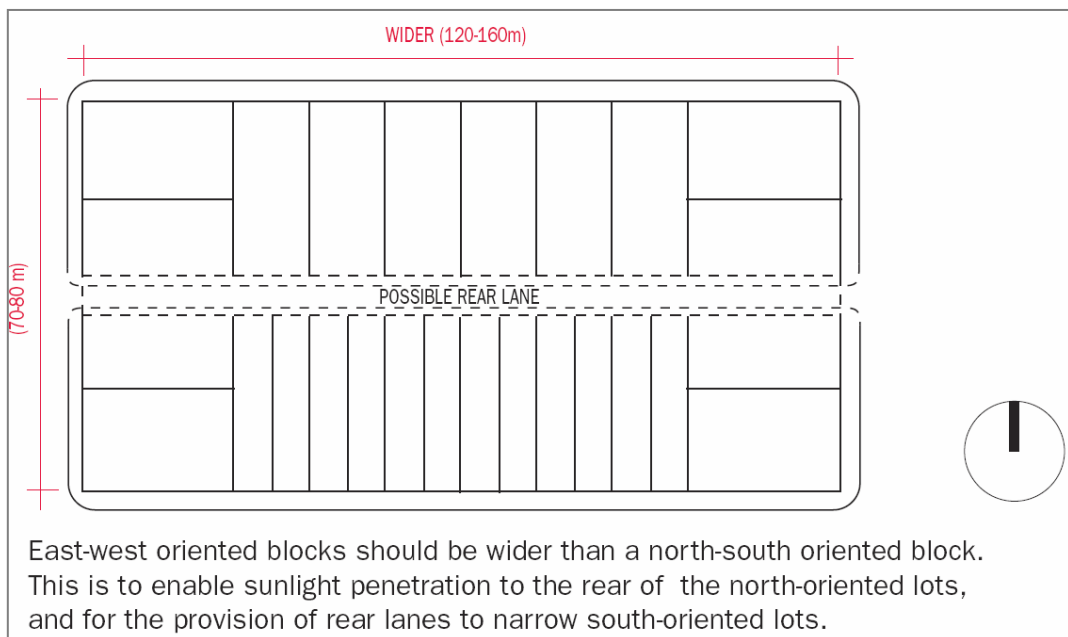


Figure 14: Preferred lot layout and orientation

Infrastructure - Road Design and Construction

146. Objective

- The street network is to provide convenient and safe access to all allotments for pedestrians, vehicles and cyclists.
- To provide safe, logical and hierarchical transport linkages with existing street system.
- To provide appropriate access for buses, emergency and service vehicles.
- To provide for a quality product that minimises maintenance costs.
- To provide a convenient way for public utilities. and co-ordinate the location of public utility services and drainage systems without adversely affecting road pavements.
- To provide an opportunity for street landscaping.
- To provide convenient parking for visitors.
- To have appropriate regard for the climate, geology, flora, fauna and topography of the area.

Development Provisions

- a) All new roads are to be dedicated to Council designed in accordance the Council's adopted AUS-SPEC design specification documents. All applications to subdivide land should include a road layout plan that meets the Council's design requirements including providing connectivity and access for all land parcels consistent with Council's road hierarchy.
- b) The design of roads identified for bus routes should comply with the AUSTRROADS standards, including the design of bus bays and stops.
- c) Development should provide the bus stops, including bus bays and shelters not more than 600m apart.
- d) The design of roads shall be in accordance with Council's AUS-SPEC specifications.
- e) At a minimum all new roads should include:
 - street trees at a rate of 1 per 20m along the street frontage and in accordance with Council's *Indigenous Street and Open Space Planting List*;
 - underground utilities;
 - formed kerb and guttering in accordance with AUS-SPEC requirements;
 - pedestrian path
- f) Perimeter roads adjoining bushland should be designed in accordance with current Planning for Bushfire Standards and may be considered part of the APZ requirements for the adjoining land.

Infrastructure - Pedestrians and Cycleways

147. Objective

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

Development Provisions

- a) Development for the subdivision for land or major residential development should provide footpaths on both sides of all collector and arterial roads. A shareway/cycleway may be permitted on one side of collector roads in lieu of footpath on both sides, provided it has a width of 2.5m or greater, has paved footpath connections to bus stops

on both sides, and is located along natural edges (e.g. perimeter roads, vegetative corridors, or drainage reserves).

- b) Footpaths should be provided on one side of the street for access places and local streets in accordance with Council's adopted AUS-SPEC design specification documents.
- c) Off street share-ways and on road cycle ways should be provided.
- d) Footpaths and cycleway are to have regard for Crime Prevention Through Environmental Design (CPTED) principles.
- e) The choice of direction and possible routes should be maximised, with streets and footpaths substantially capable of surveillance by residents.

148. Objective

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

Development Provisions

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

149. Objective

- To provide a commuter cycle network.

Development Provisions

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

Infrastructure - Integrated Water Cycle Management

Port Macquarie Hastings Council are developing a 30-year Integrated Water Cycle Management (IWCM) strategy. The IWCM strategy uses a transparent evidence-based analysis to develop the water utilities strategy for the provision of appropriate, affordable, cost-effective and sustainable urban water services that meets the community needs and protects public health and the environment. IWCM seeks to integrate water supply, wastewater and stormwater thereby promoting the sustained health and maintenance of waterways and catchment areas.

Water Sensitive Urban Design (WSUD) is a key component of IWCM using sustainable management of water in urban areas through intelligent and integrated design. This is done by minimising impervious surfaces and mitigating changes to the natural water balance through on-site reuse of water and temporary storage.

WSUD seeks to ensure that development is designed, constructed and maintained to minimise impacts on the natural water cycle. It includes a wide range of technologies to reduce the pollution from stormwater ending up in local waterways. These can include rainwater tanks, gross

pollutant traps, on site stormwater retention and reuse, landscaped swales and infiltration systems.

150. Objective

- To reduce the lifecycle cost of public infrastructure (potable water supply, reclaimed water supply, waste water and stormwater) through efficient and effective resource use.

Development Provisions

- a) An application for subdivision should include a WSUD prepared by a certified practicing engineer and in accordance with Council's adopted design specification documents.

Infrastructure - Stormwater Management

The urban environment alters the natural flow of storm water by increasing impervious surfaces, reducing groundwater infiltration, reducing evapo-transpiration by vegetation and by introducing pollutants such as sediment and nutrients to waterways. This results in increased rates and volumes of runoff and pollutant loadings which in turn create a range of management issues including, a potential for flooding, erosion, scour and sedimentation of natural watercourses and stormwater quality impacts, all of which need to be considered and addressed in any new subdivision.

151. Objective

General

- To protect property and infrastructure against flooding as a result of the surcharge of stormwater systems, or uncontrolled overland stormwater flows.
- To reduce risks to the public associated with stormwater flows and related infrastructure.
- To provide stormwater drainage infrastructure that protects and where possible improves the quality of the downstream environment.
- To incorporate principles of Ecological Sustainable Development (ESD) into the stormwater infrastructure constructed as part of urban development.
- To provide an effective legal point of discharge for all collected stormwater, from the development to a natural watercourse, Council drainage system or approved outfall.
- To achieve these objectives without detrimentally affecting the environment, surface and subsurface water quality, groundwater infiltration characteristics, the adjoining landowners and other landowners near the drainage outlet and watercourses either upstream or downstream of the subdivision.
- To ensure the protection and enhancement of natural watercourses, aquatic habitat and riparian vegetation.
- To ensure that stormwater runoff meets specified quality objectives during all phases of a development.

Development Provisions

- a) An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted AUS-SPEC design specification documents.
- b) The Designer should adopt the 'major/minor' approach to urban drainage systems as outlined in the current version of Australian Rainfall and Runoff utilising local parameters and factors where necessary and as defined in AUS-SPEC.

- c) The 'Minor' system generally refers to a pipeline network with sufficient capacity to contain nuisance and low flows from nominated storm events. These pipelines prevent stormwater damage to properties and also limit the frequency and quantity of surface water to a level that is acceptable to the community.
- d) A 'Major' drainage system caters for the runoff from rarer storms of higher intensity than for which the minor drainage system has been designed. refers to overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The 'Major' drainage system generally refers to a system of safe is designed to handle flows resulting from rare storm events up to and including a 100-year ARI. These flows should follow a designated overland flow paths that are to be designed to convey the major storm flows when the capacity of the minor system is exceeded. The major drainage system is designed to handle flows resulting from rare storm events up to and including a 1% AEP event.
- e) The design AEP storm events are defined in AUS-SPEC D5
- f) Freeboard to buildings, structures, property boundaries above major stormwater flows shall be provided in accordance with the council's current flood policy.

152. Objective

- In addition to the objectives outlined above:
 - To provide detailed design provisions in line with ecologically sustainable development, WSUD and total water cycle management and principles.
 - To provide an effective major and minor stormwater system that is cost effective and incorporates life cycle costs of investigation, design, operation, maintenance and replacement of stormwater infrastructure.

Development Provisions

- a) All Council owned stormwater infrastructure is designed in accordance with the Council's AUS-SPEC Design Specification Documents.

Infrastructure - Water Supply

Port Macquarie-Hastings Council is responsible for the provision of a reliable, safe, clean and cost effective water supply to Council's customers in a manner sympathetic and responsible to the environment.

In the Local Government Area, the delicate balance between harvesting water and the commitment to its preservation depends on a three-tiered approach – conservation through education and application of water efficiency regulations, environmentally sustainable infrastructure and water reclamation.

A separate reticulated reclaimed water supply network should be provided in suitable areas to provide fit for purpose (non drinking) water to new and existing customers.

Clause 7.13 of LEP 2011 requires the consent authority to be satisfied that essential utility infrastructure is available or adequate arrangements have been made for it to be available. This includes the supply of water.

153. Objective

- To provide a regular supply of potable water, with sufficient capacity for peak usage, fire fighting and long term development in line with Council's Water Supply Policy.

Development Provisions

- a) A reticulated water supply should be required for all subdivisions except rural zoned areas greater than 40 hectares or where deemed financial unviable by the Water and Sewer Planning Manager or equivalent.
- b) For all applicable subdivisions, provision is to be made to provide a separate metered water connection to Council's main for each lot. All work will need to comply with the requirements of Council's adopted AUS-SPEC Design and Construction Guidelines and Policies. Details to be provided on a hydraulic plan submitted to Council.
- c) A water supply strategy should be required where there are more than 20 lots and may be required for sub-divisions of less than 20 lots as directed by the Water and Sewer Planning Manager or equivalent. The water supply strategy is to detail any subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.
- d) All water supply systems should be designed to meet Council's design specification documents for infrastructure external to the property.
- e) Public areas such as parks created by the subdivision, are to be connected to a potable water reticulation system.
- f) Proponents are required to extend and meet full cost of water reticulation.
- g) Any water supply assets required prior to the timing in Council's Corporate Plan are to be funded by the developer.

Infrastructure - Reclaimed Water

154. Objective

- To provide a regular supply of reclaimed water in suitable areas, with sufficient capacity for peak usage and long term development.

Development Provisions

- a) A reclaimed water supply should be constructed in accordance with Council's strategy for the provision of reclaimed water supply.
- b) Where a reclaimed water reticulation system is available to the site, connection to that system should be provided and a reclaimed reticulation system within the site should be provided.
- c) Where a reclaimed water reticulation system is planned to be available to the site a reclaimed reticulation system should be provided within the site.
- d) Public areas such as parks created by the subdivision, are to be connected to a reclaimed water reticulation system.
- e) Any amenities provided in public areas, such as toilets, should maximise the utilisation of reclaimed water where appropriate.
- f) Where a reclaimed water reticulation system is available or planned to be available to the site, reclaimed water should be used for:

- Garden watering/irrigation
 - Toilet flushing
 - Washing machine cold water tap
 - Outdoor use
 - Other non potable uses as permitted.
- g) Ensure infrastructure is designed to minimise the risk of cross-connection of potable and non-potable systems, for both public and private infrastructure.
- h) Proponents should be required to extend and meet full cost of water reticulation.
- i) Any water supply assets required prior to the timing in Council's Corporate Plan are to be funded by the developer.

Infrastructure - Sewerage

A sewerage system is primarily intended to efficiently remove all domestic and other approved wastes and to dispose of treated wastes in an environmentally satisfactory way.

Council maintains an up-to-date comprehensive dynamic simulation of the system to determine sewer main sizes required for new subdivisions, augmentation or amplification of existing reticulation, and requirements for future treatment works, pumping stations and rising mains. This should ensure that development is not projected for areas which are beyond the capacity of available sewerage disposal systems and that there are adequate sites for sewerage installations.

Council has a number of schemes for contribution to the installation of sewer mains and for the upgrading of headworks. Reference should be made to the detail of such applicable area schemes.

Clause 7.13 of PMH LEP 2011 requires the consent authority to be satisfied that essential utility infrastructure is available or adequate arrangements have been made for it to be available. This includes the disposal and management of sewage.

155. Objective

- Sewerage systems should be designed to achieve the following:
 - A level of service to Councils' customers in accordance with Councils' policies
 - A single gravity connection for each property
 - Relatively immune from breakdown or blockage
 - Zero level of infiltration on commissioning of sewers
 - Minimise installation and maintenance costs
 - Keep sewage aerobic
 - Adequate hydraulic capacity to service the full catchment
 - Allow for the impact of the total discharge on the downstream system outside the subdivision.

Development Provisions

- a) A sewer system is required for all subdivisions with proposed lots smaller than 5000m², where Onsite Sewage Management requirements cannot be demonstrated to Council or where deemed financial viable by the Water and Sewer Planning Manager or equivalent.
- b) For all applicable subdivisions, provision is to be made to provide a separate sewer junction and connection to Council's main for each lot. All work will need to comply with

the requirements of Council's adopted AUS-SPEC Design and Construction Guidelines and Policies. Details to be provided on an Engineering plan submitted to Council.

- c) A sewerage strategy should be provided for an application for subdivision of 20 or more lots and may be required for subdivisions of less than 20 lots as directed by the Water and Sewer Planning Manager or equivalent. The sewer strategy is to detail any subdivision staging and include the proposed method of servicing necessary to support each stage. The strategy is to incorporate the latest changes in sewer design requirements as well as being modelled on software compatible with that used by Council.
- d) All sewer systems to be designed to meet the NSW Code of Practice Plumbing & Drainage and Australian Standard AS3500 and related standards for infrastructure within property boundaries.
- e) All sewer systems to be designed to meet Council's AUS-SPEC specification documents for infrastructure external to the property.
- f) Sewerage systems should be planned to provide for anticipated future requirements over a period of at least twenty (20) years.
- g) Proponents should be required to extend and meet full cost of sewerage systems.
- h) Any sewerage system required prior to the timing in Council's Corporate Plan is to be funded by the developer.

Soil Management

Urbanisation affects the quality and quantity of runoff. Peak discharges and velocities are increased causing a greater potential for scouring of land surfaces.

During construction, the removal of vegetation and reshaping of the land creates a surface which is prone to erosion. Runoff contains sediment, oxygen-demanding organic matter, nutrients, bacteria, toxic organic chemicals, oil and litter.

There is an acute risk of impact on water quality and the aquatic environment during the construction phase and a lower, ongoing risk during the occupation of the site.

156. Objective

- To minimise erosion and sediment loss before, during and after construction.
- To minimise water pollution due to erosion, siltation, sedimentation and acid sulfate soils.
- To minimise the requirement for imported fill for landscaping.

Development Provisions

- a) An erosion and sediment control plan should be provided for a development application to subdivide land in accordance with Council's adopted AUS-SPEC design specification documents
- b) An erosion and sediment control plan should be provided for a development application to subdivide land in accordance with Council's adopted AUS-SPEC design specification documents.
- c) Land identified on the acid sulfate soils map are subject to the provisions under clause 7.1 the LEP.
- d) Saving and re-using top soil and the incorporation of additives to improve existing soils is preferred to the importation of soils for landscaping.

Public Open Space

157. Objective

- To provide active and passive open spaces areas that are accessible and meet the needs of the population.

Development Provisions

- a) Neighbourhood parks area to be provided so that all residential areas are generally within 500m of the nearest park.
- b) The location of neighbourhood parks is to be optimised so that a minimal number of parks are required.
- c) Neighbourhood parks and playing fields should be connected to the cycleway and pedestrian path networks.
- d) Neighbourhood parks should provide a range of facilities.
- e) Sports fields should be located close to school facilities.
- f) As a minimum 1.5 hectares active open space (sports fields); 5000m² neighbourhood park; 1 hectare of linkage/amenity space (total 3 hectares open space) to be provided per 1,000 people.

158. Objective

- To ensure that new, public open space is of a high quality that is sustainable into the future.

Development Provisions

- a) Neighbourhood parks are to be dedicated as development occurs, and are to include the following:
 - Minimum size of 5,000m².
 - At least 2000m² should be level to gently sloping land.
 - Street frontage to the same standard as adjoining residential areas (i.e. kerb and gutter, or drainage swales where appropriate).
 - Any landform grooming to ensure the park is to a standard to suit Council's maintenance regime.
 - Any drainage works to ensure the functionality of the park.
 - Access via more than one street.
 - Integration with other community facilities.
 - Should be located to cause minimal disruption to traffic.
- b) Neighbourhood park embellishment is to incorporate:
 - Park furniture including seats with shelters, barriers and any appropriate path and cycleway linkages along desire lines or linking to the cycleway network.
 - Any boardwalks necessary to achieve the required functionality of the park.
 - Works should generally be required to be undertaken prior to dedication to Council.

159. Objective

- To develop open space that connects to natural linkages, drainage and wildlife corridors; and that also enhances these natural values through appropriate protective measures and management.

Development Provisions

- a) An open space management strategy should accompany any subdivision application where open space that connects to natural linkages, drainage and wildlife corridors.

160. Objective

- To provide open space in locations that benefit from casual surveillance to promote user safety.

Development Provisions

- a) Lot layout should address areas of open space or public environmental management areas.
- b) Perimeter roads should border any area of open space or public environmental management areas.
- c) An assessment against the generic elements of crime prevention through environmental design described in the Crime Prevention Through Environmental Design (CPTED) principles is provided with the subdivision application.

Service Infrastructure and Information Technology

161. Objective

- The proposed lots are adequately serviced by service infrastructure including electricity and telecommunications and provision for fibre optic cabling.

Development Provisions

- a) All service infrastructure should be underground unless otherwise approved by Council.
- b) All service infrastructure should be installed in a common trench.
- c) Conduits for the main technology network system should be provided in all streets.
- d) Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.
- e) Access pits are to be installed at appropriate intervals along all streets.

Industrial Subdivision

162. Objective

- To provide industrial lots that are sufficient in size to cater for construction and building development, vehicle parking, access and loading facilities.

Development Provisions

- a) Any industrial allotment created by Torrens title subdivision should satisfy the following standards:
 - Comply with minimum subdivision requirements of clause 4.1 of LEP 2011.
 - Minimum width of 20m.
 - Minimum depth of 40m.
 - The depth to width ratio should not exceed 3 to 1.
- b) Lots are to be generally rectangular in shape and lot boundaries should have regard to the landform and the character of the site.

- c) Battleaxe allotments should not be permitted.
- d) Industrial subdivision should not be supported on land with slope greater than 15%.

Rural Subdivision

163. Objective

- To ensure site suitability and adequate access, including for emergency vehicles.

Development Provisions

- a) A minimum gate width of 3.6m should be provided to any property.
- b) Land with a slope greater than 15 degrees is not to be proposed for house construction or effluent disposal.
- c) Unless created under clause 4.2 of LEP 2011 or clause 9 of SEPP (Rural Lands) 2008, lots in rural areas should:
 - have an identified building platform for a dwelling house.
 - have appropriate area and dimensions for the siting and construction of a dwelling and any ancillary outbuildings.
 - demonstrate that an environmentally sensitive, 2 wheel drive standard access can be located between the driveway (referred to above) and the nominated building platform on each lot and in accordance with Council's adopted design specifications.
 - have a sealed driveway, constructed from the road to 3m inside the property boundary.
 - have access to a public road that is readily upgraded to all weather two wheel drive standard;
 - not impact on rural activities on nearby land.
- d) Where access is on a right of way over another property, the maximum number of allotments that may share in the above right of way access arrangements is 2.
- e) For battleaxe or hatchet shaped allotments access width should be a minimum of pavement width (including width required for earthworks, batters, retaining walls, longitudinal drainage and services etc) as specified in Council's adopted design specification documents.

164. Objective

- Lot boundaries should not undermine the agricultural or environmental qualities of the site.

Development Provisions

- a) Lot boundaries should be suitably located taking into the relevant criteria slope of the land:
 - natural boundaries;
 - existing fencing and paddock structure;
 - protection of natural or cultural features;
 - site environmental constraints;
 - retention of special features such as trees and scenic topographical features.

165. Objective

- To ensure that the rural road network complements rural subdivision structure, lot layout and environmental constraints.

Development Provisions

- a) Rural roads should be designed in accordance with Council's adopted design specification documents.

166. Objective

- To ensure that roads servicing rural residential development are designed to support sustainable transport such as cycling and walking and access by buses.

Development Provisions

- a) Rural residential roads should be designed in accordance with Council's adopted design specification documents.
- b) Pathways and cycleways are to be provided in large lot residential subdivisions.

Strata / Community Title Subdivision

167. Objective

- To promote consideration of strata subdivision with the development application.
- To clearly identify future ownership patterns for private and communal spaces.

Development Provisions

- a) Strata subdivision may be applied for:
 - as part of a development application for a new proposal.
 - existing development, currently not subject to a strata.

Note:

For new developments applicants are advised to apply for strata title subdivision at the development application stage. Otherwise a separate and new application is required, accompanied by new fees.

Applicants are to submit an indicative concept plan with the development application showing private and common property. This does not have to be a formal strata plan at this stage. Where it is proposed to develop in stages, this should be indicated on the concept plans. The development should be completed in accordance with the consent prior to the release of the linen plan.

168. Objective

- Dividing land in parts by lease or subdivision of existing or approved buildings, whether or not including land, should not create a situation where, as a result of the subdivision:
 - the use/s or building/s become/s unlawful.
 - dependent activities of use/s become separated by means of titling.
 - the functioning of use/s or the relevant development approval is compromised.

Development Provisions

- a) The use/s of the land are lawful and any existing buildings are lawfully built, and use/s and/or building/s comply with the development approval/s;

OR

- b) Where, for the subdivision of approved buildings yet to be constructed, the subdivision is consistent with the development approval/s.

Note: (moved from under 3.6.2)

Staged subdivision

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

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

Lot layout

Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m² if:

- Each allotment to be created is part of a community or strata title scheme, or is carried out as part of an integrated Torrens title housing development.*

C6: RURAL AND AGRITOURISM

Application

Section C6 is to guide rural and agritourism development where a proposal does not meet the criteria for exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - The Codes SEPP and development consent is required.

Purpose

The purpose of this section is to provide controls in relation to agritourism and related development as a form of agriculture in rural zones, requiring consent. Refer to the definitions term in the dictionary within the Port Macquarie-Hastings Local Environmental Plan 2011.

The following activities are included:

- **Farm stay accommodation** – used to provide temporary accommodation to paying guests on the farm in buildings or moveable dwellings.
- **Farm gate premises** – involves visitors interacting with produce from a farm, including fruit picking, sales, tastings, workshops and cafes / restaurants.
- **Farm experience premises** – involves visitors engaging in farm experiences, such as tours, horse riding, weddings, functions, retreats and other events.
- **Roadside stalls** – a temporary structure for the retail sale of agricultural produce and/or hand-crafted goods.

Relationship to other sections of the DCP

These provisions apply in addition to any other applicable provisions within other sections of this Plan.

Strategic Context

Agricultural land uses are an important economy within our Local Government Area, which provide cascading benefits to our local community by providing jobs and promoting health and well-being from fresh produce.

The NSW Government proposed planning system reforms for small business activities and low impact agricultural development on NSW farms. These reforms will:

- help landowners add value to their existing agricultural operations and encourage the next generation to farm the land;
- help make farms more resilient to the economic impacts of natural disasters and other unexpected events; and
- support sustainable tourism, giving people more reasons to visit regional and rural NSW.

The intent of these controls is to guide farmers in setting up an agritourism business should they wish to use their land for new income streams.

Development Guide

General Provisions

169. Objective

- To allow for tourism development on farms that complements the agricultural use of the land.
- To ensure farm gate premises, farm experience premises and farm stay accommodation are secondary to a commercial farm and do not constrain the commercial agricultural activities on the property from remaining the primary use of the land.
- To ensure farm gate premises, farm experience premises and farm stay accommodation are compatible with the rural character and heritage of the property and do not intrude on the landscape.
- To respond to environmental values, risks and constraints including environmentally sensitive lands that involve native vegetation and habitats, waterways and water sources.

Development Provisions

- a) Development for farm experience premises, farm gate premises or farm stay accommodation must be ancillary (secondary) to the agriculture undertaken on the commercial farm and is not to restrict the day to day functions of the commercial farm from remaining the primary use of the land.
- b) A site analysis plan is to be submitted with the development application for farm experience premises, farm gate premises or farm stay accommodation to demonstrate how the existing attributes and constraints of the site and surrounds have been considered, including rural character, heritage, environment, landscape and scenic values.
Note:
Additional requirements for a site analysis plan are set out in [Port Macquarie-Hastings Development Control Plan (DCP) 2013, Part B, Part C Residential Flat development, Part C5 Subdivision].
- c) The site design and layout for farm experience premises, farm gate premises or farm stay accommodation is to complement the proportions and design features of existing buildings that contribute to the character of the rural locality, and should not be placed on a ridgeline, peak of a hill or other visually prominent areas.

Neighbouring Land Uses

170. Objective

- To ensure farm gate premises, farm experience premises and farm stay accommodation are sensitive to adjoining land uses and minimise noise, odour and visual impacts, especially in areas close to residential development.
- To reduce land use conflicts by separating farm experience premises, farm gate premises or farm stay accommodation development from existing land uses on the property or on nearby land.

Development Provisions

- a) The development is not to restrict the day-to-day functions of adjacent farms or other existing activities or known future uses on adjoining land.
- b) The design and placement of buildings, structures and moveable dwellings should minimise and mitigate any potential impact on the amenity of nearby residents.

- c) A building, structure, moveable dwelling or activity for farm experience premises, farm gate premises or farm stay accommodation is to be located as follows:

Activity / Land Use	Separation (m)
From agricultural land uses on the landholding	100m
From residential accommodation on adjacent land or on land that is separated from the landholding by a road	250m
From a property boundary or road	50m
From a waterway	50m
From a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.	250m

- d) A development may be closer than the above distances to property boundaries and roads if it can be demonstrated through a Land Use Conflict Risk Assessment prepared in accordance with the NSW Department of Primary Industries' Buffer Zones to Reduce Land Use Conflict with Agriculture: An Interim Guideline (2018) that measures incorporated into the design, will appropriately mitigate impacts.

Vegetation and Landscaping

171. Objective

- To ensure buildings, structures and moveable dwellings are sited and designed to complement, enhance and protect existing native vegetation, features and landscapes.
- To minimise the impacts of a development on the environment, including existing vegetation, features, natural resources and biodiversity.
- To ensure landscaping is visually complimentary to the development.

Development Provisions

- a) A vegetation management plan is to demonstrate how:
- existing native flora (including tree canopies and underground roots systems) and fauna will be protected and maintained during the construction or erection of any new buildings, structures, moveable dwellings or facilities for farm gate premises, farm experience premises or farm stay accommodation and during the ongoing operation of the premises or accommodation.
 - landscaping using plants native to the local area will be used to minimise the physical and visual dominance of development for farm gate premises, farm experience premises or farm stay accommodation, including any car parking and vehicle circulation areas.

Water Supply and Management

172. Objective

- To ensure adequate arrangements for water supply for visitors and guests to farm gate premises, farm experience premises and farm stay accommodation.
- To preserve water supply from contaminants generated by visitors and guests to farm gate premises, farm experience premises, farm stay accommodation and roadside stalls.

Development Provisions

- a) Where the site is not connected to reticulated water, a water supply and management plan is to demonstrate adequate potable water supply, both quality and quantity, is available for the proposed use of a site for farm experience premises, farm gate premises or farm stay accommodation. This water supply is to be in addition to water required for firefighting purposes.
- b) Development is not to adversely impact existing water supplies for residential and primary production uses on the landholding.

Hazards

173. Objective

- To ensure development is located to minimise exposure to natural and environmental hazards, including bush fire, flooding, landslips, site contamination and chemical use.
- To protect any part of a development that could be affected by natural and environmental hazards.
- To ensure the safety of visitors who could be adversely affected by natural and environmental hazards for the duration of their stay or visit.
- To provide for safe evacuation assembly points and egress pathways.
- To ensure site contamination is identified and appropriately and effectively remediated before the land is used.

Development Provisions

- a) The design and placement of buildings, structures and moveable dwellings is to consider the existing features of the land and climate, including minimising risk from weather events and hazards, including from the existing farm operations, e.g operation of machinery, movement of animals, and other farm operations.
- b) Development is not to be located in, or in proximity to areas of high bush fire, landslip or flooding hazards or where chemicals are used.
- c) A Development Management Plan is to identify measures to ensure visitors do not access restricted areas.
- d) For development for farm experience premises, farm gate premises and farm stay accommodation on bush fire prone land:
 - a water tank dedicated for firefighting purposes with a minimum volume as required by *Planning for Bush Fire Protection*, published by the NSW Rural Fire Service, must be provided on the property
 - a bush fire emergency management and evacuation plan submitted with is to identify when the premises will be on alert and will close, evacuation procedures and assembly points, proposed signage, measures to protect human life and property in the event of bush fire, any vegetation hazard clearing needed, contact details for emergency services and any bush fire maintenance measures required.
- e) For development for farm experience premises, farm gate premises and farm stay accommodation on flood affected land, a flood evacuation plan is to identify when the facility will be on alert and will close, evacuation procedures and assembly points, proposed signage, measures to protect human life and property in the event of flooding, contact details for emergency services and any maintenance measures required.
Note: *Development within the flood planning area, defined in the Floodplain Development Manual (April 2005), is to address the matters in clause 5.21 of Council's local environmental plan.*

- f) Evacuation routes from the location of a development to a main road or alternate point of refuge are to avoid flood prone land and bush fire prone land where practicable.
- g) Where a development is proposed on land where contamination is suspected or has been identified, the requirements in Port Macquarie-Hastings Council's *Contaminated Land Policy and Contaminated Land Policy Guidelines* apply.

Waste Management

174. Objective

- To manage waste in an environmentally sensitive manner.
- To ensure management of effluent waste is not detrimental to the local environment.

Development Provisions

- a) A waste management plan for the ongoing use of farm gate premises, farm experience premises or farm stay accommodation is to provide:

Details of the business

Waste types to be managed including through containment, recycling, re use and landfill

Waste collection and disposal details

Waste minimisation measures

Monitoring protocols to ensure compliance with the waste management plan.

- b) All effluent waste generated by the development of areas that are not serviced by Port Macquarie-Hastings Council reticulated sewerage system are required to dispose of waste water:
 - using a system of sewerage management for which the approval of Council is obtained under the Local Government Act 1993.
- c) All other waste is to be disposed of at an approved waste or resource recovery facility.
- d) Organic waste may be disposed onsite if disposed in a managed composting system where odours and other pollutants are controlled and/or managed.
- e) On site sewerage systems should be located in existing cleared areas and separated from activities on the farm, with an effluent report to be prepared and submitted to Council which confirms the system is adequate for the additional number of users, consistent with Port Macquarie-Hastings Council's *Onsite Sewerage Management Code*.
- f) All recyclables should be separated from other waste before disposal.

Biosecurity

175. Objective

- To manage biosecurity risks from pests, disease, weeds and contaminants by effectively minimising impacts, through robust management arrangements, if they cannot be eliminated.
- To ensure the general biosecurity duty is met.

Development Provisions

- a) The planning and assessment of development proposals is to address the requirements of the NSW Department of Primary Industries' *Managing Biosecurity Risks in Land Use Planning and Development Guide (2020)* to ensure biosecurity is appropriately addressed, including in relation to:
- buffer zones
 - wash down facilities
 - designated parking areas
 - location to major potable water supply storages and watercourses – poultry production
 - dumping and burying rubbish on site.
- b) A biosecurity plan for the ongoing use of farm stay accommodation, farm experience premises or farm gate premises should be prepared and submitted with the development application in accordance with the NSW Department of Primary Industries' requirements, including the Farm Biosecurity Action Planner.

Note:

- *Under the Biosecurity Act 2015, there is a general obligation on people to be aware of their surroundings and take action to prevent the introduction and spread of pests, diseases, weeds and contaminants. In addition, where a biosecurity plan has been developed at places of commercial or educational activities for intensive or extensive agriculture or horticulture, subject to certain conditions, a person including any visitors must comply with the biosecurity plan.*
- *Council will consider relevant biosecurity guidelines to assess a development proposal and determine relevant conditions of consent for the operation of the development.*

Traffic, Access and Parking

176. Objective

- To ensure the safety of vehicle movements associated with farm gate premises, farm experience premises or farm stay accommodation, including entry, egress and movement within a property.
- To minimise the impact of traffic on local roads associated with farm gate premises, farm experience premises or farm stay accommodation.
- To ensure adequate parking is available on the property for visitors and employees to farm gate premises, farm experience premises or farm stay accommodation and to deter overflow parking on local roads.
- To ensure safety of pedestrians on a property visiting farm gate premises, farm experience premises or farm stay accommodation.

Development Provisions

- a) Traffic, access and parking requirements for rural tourist and agritourism development is as follows:

Access Controls

- An access point to the property is to demonstrate compliance with the sight distance requirements of AS 2890.1. Off street car parking and should be adequate to service the development.
- Access should be shared with any existing access to the farm to minimise further environmental impact, and all vehicles (including trucks) must be able to enter and exit the property in a forward direction.

- Only one driveway is permitted on a property unless the property has a frontage of greater than 100m and can accommodate an additional access and egress to improve:
 - traffic management on the property or on and off the road
 - separation between the farming operations and the development, or
 - resident, employee and visitor safety.
- All parking and loading or unloading of vehicles is to occur within the property boundary.

Car Parking

Type of Agritourism Development	Controls (minimum)
Farm stay accommodation	1 space/room or cabin/moveable dwelling/tent site
Employees	1 space/2 employees
Farm gate premise/Farm experience premises building or structure (Indoor)	1 space/25m ² GFA
Farm gate premises, Farm experience premises activity (Outdoor)	1 space/3 visitors
Persons with disability or limited mobility	1 space
Roadside Stalls	4 spaces

- b) A parking and access plan can demonstrate alternative parking ratios to the above minimum numbers that includes safe separation between visitors and heavy vehicles and farming operations.
- c) Car parking areas should not form a visually prominent element of the rural landscape or be highly visible from the road frontage and should be located behind the front building line.
- d) Car parking areas should be finished in a surface that will allow for vehicle movements in all weather conditions.

Signage

177. Objective

- To ensure signage for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls considers the visual impact on the rural character of the area and does not detrimentally affect the landscape or road corridor
- To require appropriate signage within the property boundary to assist visitors and guests relating to:
 - the location of activities, facilities and interest points associated with farm gate premises, farm experience premises, farm stay accommodation or roadside stalls,
 - essential safety information including evacuation procedures in a natural disaster or other emergency.

Development Provisions

- a) Signage for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls should be in keeping with the rural character and the nature of the operations on the landholding.

- b) All signage for farm gate premises, farm experience premises or farm stay accommodation should be located within the boundary of the landholding.
- c) Business identification signs for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls are limited to a maximum of 2 signs on the landholding facing a road frontage.
Note: The Codes SEPP allows up to two business identification signs as exempt development.
- d) Business identification signage should only promote the agritourism activity and the goods and services offered on the landholding.
- e) Any sign must:
 - have a maximum height of 3 metres, and
 - have a maximum area of 3 square metres, and
 - if it is illuminated, have lighting that complies with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting*.

Ongoing Operations

178. Objective

- To provide for the ongoing management of farm gate premises, farm experience premises and farm stay accommodation.
- To ensure farm gate premises, farm experience premises and farm stay accommodation minimise impacts on the natural environment and visitor safety.
- To ensure visitors and guests have access to important safety and operational information while on a property where farm gate premises, farm experience premises or farm stay accommodation operate.

Development Provisions

- a) A management plan for the ongoing operation of farm experience premises, farm gate premises and farm stay accommodation is to include:
 - A description of the development
 - A map of where the development will be on the property, relevant dimensions and key features on the land
 - The proposed months, days and hours of operation of the premises or accommodation
 - The maximum number of visitors or guests at one time to the premises or accommodation, and how this will be monitored
 - Emergency contact details, including for emergency services in the event of bush fire, flooding or other natural disasters
 - Bush fire and flood safety measures to protect human life and property, e.g. bush fire and flood safety plans and procedures for closing the premises, such as when bush fire and flood warnings are in place
 - How visitors and guests will be:
 - advised to limit impacts to the operational farm,
 - advised to preserve and protect existing native flora, fauna and waterways, heritage items and Aboriginal heritage located on the property,
 - advised to minimise any biosecurity risk through dispersal of weeds, seeds, insects and contaminants,

- advised to manage their waste
- alerted as to risks that may occur such as natural hazards or changing weather and procedures for responding to the risks, including evacuation measures
- Measures to mitigate adverse environmental and amenity impacts, including how the business and water resources will be managed during drought
- The way vehicles will access the landholding and the premises or accommodation, including emergency vehicles
- Any hazards on the property and how they will be managed to ensure the safety of visitors and guests
- Procedures for receiving and managing complaints.
- Waypoint markers should be provided to assist visitors and guests traverse a property where farm gate premises, farm experience premises or farm stay accommodation operate.
- The number of events per year, including the events after 6pm that have amplified noise.
- An Impact Noise Assessment and procedures for managing amplified noise, and measures to limit noise at the property boundary of the closest residential dwelling.

Note:

The ongoing management plan may refer to other plans prepared with the development application, such as a bush fire emergency management and evacuation plan.

Farm Stay Accommodation

179. Objective

- To diversify the uses of agricultural land for tourist-style accommodation without adversely impacting the principal use of the land for primary production.
- To ensure farm stay accommodation does not detract from existing environmental values, scenic landscape values, infrastructure and adjoining land uses.
- To protect the amenity and privacy of adjoining properties, including visual and acoustic privacy, from farm stay accommodation.
- To provide accessible farm stay accommodation suitable for people with disability or limited mobility.

Development Provisions

- a) Farm stay accommodation that comprises moveable dwellings (tents, caravans, camper trailers, tiny houses) is to be on a landholding that is a minimum of 15 hectares.

Note: *The Codes SEPP requires a minimum 15ha landholding size for exempt development.*

- b) A building or manufactured home for farm stay accommodation (except the use of existing residential accommodation or a manufactured home) is to be on a landholding that is a minimum of 15 hectares.

Note: *The Codes SEPP requires a minimum 15ha landholding size for complying development.*

c) Farm stay accommodation, including in moveable dwellings, is limited to:

- a maximum of 20 guests at any one time on a landholding, and
- a maximum stay for guests of 21 consecutive days.

Note: The Codes SEPP allows a maximum 20 guests in moveable dwellings as exempt development and allows two guests over the age of 12 years in a building or manufactured home that does not have bedrooms, or guests over the age of 12 years that total two times the number of bedrooms in a building or manufactured home as exempt or complying development. The Codes SEPP also allows a maximum 21 consecutive days of stay for farm stay accommodation as exempt or complying development.

d) The maximum number of buildings and manufactured homes used for farm stay accommodation on a landholding is 6.

Note: The Codes SEPP allows a maximum six buildings and manufactured homes as exempt or complying development.

e) The maximum number of moveable dwellings used for the purposes of farm stay accommodation on a landholding is 6

Note: The Codes SEPP allows a maximum of six campervans, caravans and other similar moveable dwellings on a landholding as exempt development.

f) To address fire safety:

- buildings are to be separated from other buildings by a minimum 5 metres, and
- moveable dwellings are to be separated from buildings and other moveable dwellings (except tents and similar portable and lightweight temporary shelters) by a minimum 3 metres

g) The gross floor area of a new building or manufactured home for farm stay accommodation must not be more than 200 square metres.

h) The gross floor area of part of an existing building or manufactured home used for farm stay accommodation must not be more than 200 square metres.

Note: The Codes SEPP allows a maximum 60m² gross floor area for a change of use of a building or part of a building, for a new building or for alterations and additions to an existing building or manufactured home as farm stay accommodation under complying development.

i) The height of a moveable dwelling used for farm stay accommodation is not to exceed 8.5 metres.

Note: The Codes SEPP allows a maximum height of 4.5m as exempt development.

j) The height of a building or manufactured home for farm stay accommodation is not to exceed 8.5 metres.

Note: The Codes SEPP allows a maximum height of 4.5m for a new building or for alterations and additions to an existing building or manufactured home that has a height less than 4.5m under complying development, and the height of an existing building or manufactured home that is over 4.5m cannot be increased.

k) One toilet per 10 staying guests in farm stay accommodation on the landholding is to be available in an accessible location. At least one toilet must be a unisex accessible toilet.

Farm Gate Premises and Farm Experience Premises

180. Objective

- To allow for tourism and related commercial uses at a scale that does not adversely affect the principal use of land for primary production.

- To ensure farm gate premises and farm experience premises do not detract from existing environmental values, scenic values, infrastructure and adjoining land uses.
- To protect the amenity and privacy of adjoining properties, including visual and acoustic privacy, from farm gate premises and farm experience premises.
- To provide for the sale of locally grown and manufactured produce in appropriate rural locations.
- To adequately provide services and facilities for visitors and guests on the property, including accessible facilities.
- To manage the number of visitors to a landholding to address cumulative effects of traffic on roads.

Development Provisions

- a) The gross floor area of a building (or part of a building) for farm gate premises or farm experience premises is not to be more than 200 square metres.

Note: The Codes SEPP allow up to 200m² for a building for farm gate premises or farm experience premises as exempt or complying development.

- b) The total footprint of all buildings used for farm gate premises and farm experience premises on the landholding is not to exceed 1000 square metres.

Note: The Codes SEPP allows up to 500m² for all buildings on the landholding for farm gate premises or farm experience premises as exempt or complying development.

- c) The height of a building for farm gate premises or farm experience premises is not to exceed 8.5 metres.

- d) Buildings are to be separated by a minimum 3 metres to address fire safety.

- e) The hours of operation for farm gate premises are:

- 8am to 5pm Sunday to Friday and public holidays, and
- 7am to 5pm on Saturdays

Note: The Codes SEPP allows hours of operation of 8am to 5pm Sunday to Friday and public holidays and 7am to 5pm on Saturdays as exempt or complying development.

- f) The hours of operation of farm experience premises are:

- 8am to 6pm Sunday to Thursday and public holidays, and
- 6am to midnight Friday and Saturday.

- g) The maximum number of visitors to farm gate premises is not to exceed 100 on a landholding at any one time.

Note: The Codes SEPP allows a maximum of 100 visitors on a landholding at any one time for farm gate premises (excluding visitors participating in fruit and produce picking) as exempt and complying development.

- h) The maximum number of visitors to farm experience premises is not to exceed 100 on a landholding at any one time.

Note: The Codes SEPP allows a maximum of 50 visitors on a landholding at any one time for farm experience premises (excluding visitors participating in tours and school groups) as exempt and complying development.

- i) The maximum number of visitors to all farm gate premises and farm experience premises is 100 on a landholding at any one time.

Note: The Codes SEPP allows a maximum of 100 visitors on a landholding at any one time for all farm gate premises and farm experience premises (excluding visitors participating in fruit and produce picking, tours and school groups) as exempt and complying development.

- j) Adequate toilet facilities are to be provided. At least one toilet must be a unisex accessible toilet.

Roadside Stalls

181. Objective

- To ensure roadside stalls are in keeping with the rural environment and do not distract road users from safe driving practices.
- To ensure access to and from roadside stalls occurs in a safe manner.

Development Provisions

- a) The design of a roadside stall should complement the natural landscape.
- b) The maximum height of a roadside stall is 4.5 metres.
- c) A roadside stall must be located within the boundaries of the landholding.
- d) A vehicle access point from the property to a public road is to comply with AS/NZS 2890.1: 2004 Parking facilities - Off-street car parking.
- e) Car parking spaces are to be fully within the boundaries of the property and should be provided for at least three vehicles.

Note:

- *The maximum gross floor area of a roadside stall is specified in clause 5.4(8) of the LEP - 20m².*
- *Any work required in the road reserve will require approval of the relevant roads authority under the Roads Act 1993.*
- *Car parking on the road verge for three or more cars is limited to roads that are not classified as State Roads or in areas which will impact the access to adjoining properties*