

PART 1 PRELIMINARY

CHAPTER 1.1 INTRODUCTION AND APPLICATION

1.0 INTRODUCTION

1.1 Name of this Plan

This Plan is called "Development Control Plan 2013 – Development Controls for Wyong Shire", which may be abbreviated to "Wyong DCP 2013".

1.2 Land to which this Plan Applies

This Development Control Plan (DCP) applies to land identified in the Land Application Map LAP_001 under Wyong LEP 2013 and figure 1 below, except where specifically identified within the provisions of this Plan. The plan applies to all categories of development, as defined within the Act, addressed within the Chapters of this Plan.

Any reference to "Wyong Shire", the "Shire", "Wyong Local Government Area (LGA)" or "the LGA" mentioned in this plan is to be taken to refer to the land identified in the Land Application Map LAP_001 under Wyong LEP 2013 and figure 1 below.

Any reference to zoning or land use zones is to be taken to refer to land use zoning under Wyong LEP 2013.

This Plan repeals Council's previous Shire-wide Development Control Plan, *DCP 2005 – Development Controls for Wyong Shire*.

Applicants should note that other *relevant planning authorities* may have adopted a Development Control Plan relating to the land, and should investigate and have regard to the relevant provisions.

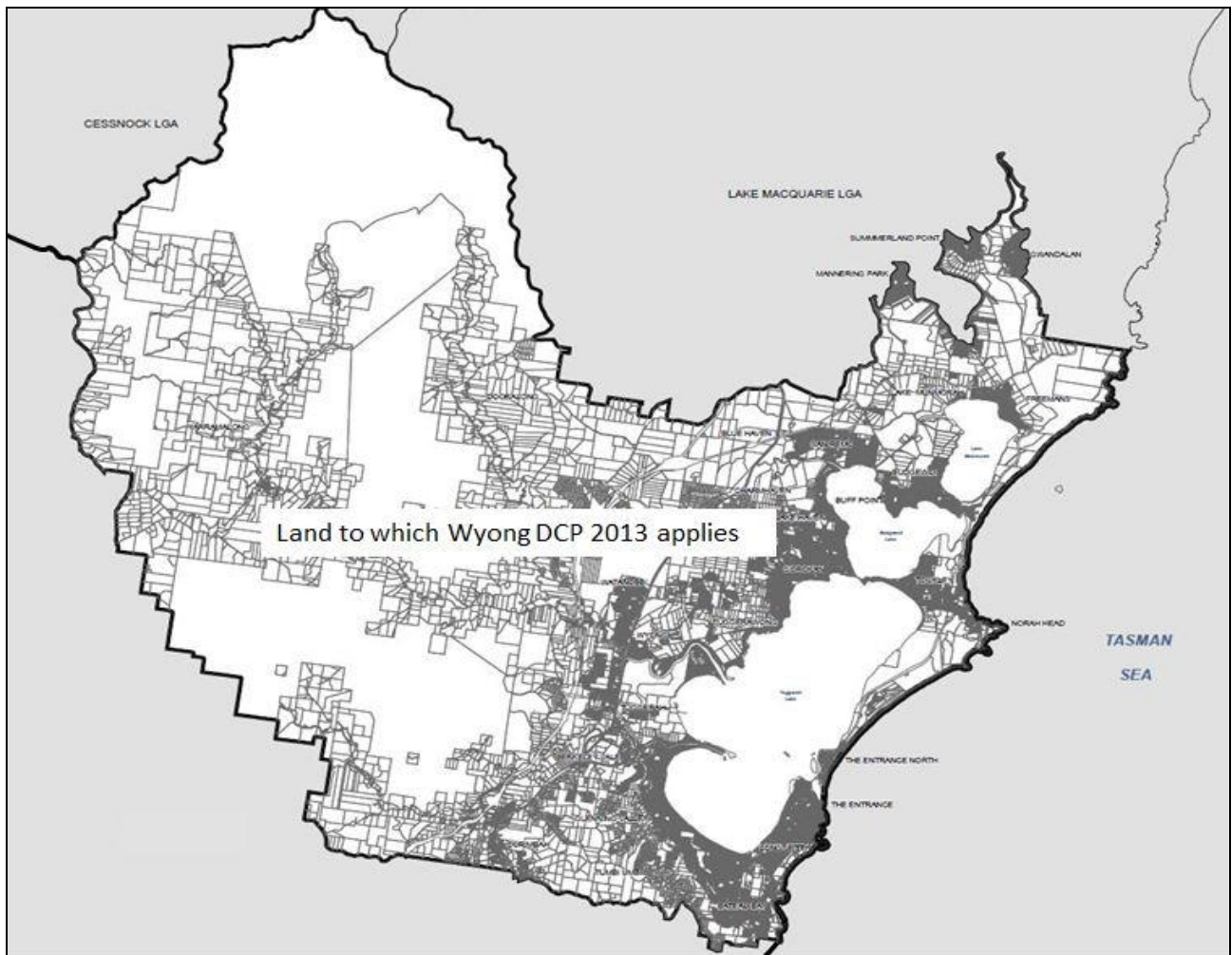


Figure 1 – Land to which Wyong DCP 2013 applies

1.3 Purpose of this Plan

The purpose of this plan is to provide Council's requirements for sustainable quality development and environmental outcomes within Wyong Shire.

1.4 Savings Provision

Consistent with the provisions of Clause 1.8A of Wyong LEP 2013 if a development application has been made before the commencement of this DCP in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this DCP had not commenced.

1.5 Aims of this Plan

- To identify Council's expectations and requirements for development within the Wyong Shire
- To identify approaches and techniques which promote quality development outcomes in Wyong Shire
- To promote best practice and quality environmental outcomes
- To facilitate the orderly and economic development of land
- To facilitate employment generating development

- To promote the integration of economic, social and ecological sustainability principles into development to encourage vibrant and liveable communities and ensure the future health of the local environment
- To ensure that land is adequately serviced

1.6 Relationship to Other Legislation?

1.6.1 Wyong Local Environmental Plan 2013

The **Wyong Local Environmental Plan 2013** (WLEP 2013) outlines the zoning of land, what development is allowed in each land use zone and any special provisions applying to land. The plan includes definitions to give a greater understanding of which uses and building types are allowed on land, and also includes planning controls that may apply to a particular site, such as properties which have a heritage listing.

Where it is determined that a proposed land use (or building) is permissible with Council's consent within the relevant zone, the provisions of this DCP identify Council's required design and construction standards.

Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the provisions of the EP&A Regulations 2000, require this DCP to be consistent with the LEP, as amended. In the event of any inconsistency, the provisions of the LEP shall prevail.

1.6.2 Related Acts and State Environmental Planning Policies (SEPPs)

The EP&A Act identifies the approval processes in NSW for development and activities. Several other Acts (Federal and State), as well as the State Environmental Planning Policies (SEPPs) made under the EP&A Act, relate to development and environmental sustainability issues within the Wyong Shire. Some contain exemptions or alternate approval processes.

Where appropriate, Council has endeavoured to identify available exemptions from the need for development consent as a result of the provisions of other legislation within the text of this DCP. If a proponent is intending to claim exemption, the provisions of the particular legislation and any requirement within for a licence, permit or approval should be checked and complied with, prior to work commencing.

1.6.3 Council Policies and Guidelines

Reference should also be made to adopted Policies and Guideline documents prepared by Council. In this regard, Council's staff should also be contacted to ensure that relevant issues are addressed.

1.7 How to Use this Plan

DCP 2013 is written in an **Objectives / Requirements** format. For specific issues, a set of **Objectives** has been devised to communicate the intent of the controls, along with a set of **Requirements**, considered to be appropriate to meet the intent of the **Objectives**.

The various development types, specific site controls, development precincts and relevant issues are detailed within the Chapters of this DCP. **Individual Chapters should not be read in isolation**, but in conjunction with other relevant Chapters of the DCP that relate to the type of development, the design issue and the locality within which the development is proposed. The Chapters may list other related Chapters of the DCP and individually define where they take precedence, should there be a potential for an inconsistency between controls. Requirements are to be addressed in accordance with all relevant Chapters in the Development Application and accompanying Statement of Environmental Effects (SEE) submission.

Detailed plans and information may be required to address the various types and scales of development. Applicants are encouraged to **consult Council's website** for matrices and supporting information, detailing the explanation of submission requirements. It is also recommended that applicants **liaise with Council staff** to determine critical issues and applicable standards prior to the preparation of plans.

1.8 Variations to this Plan

Where variations to the controls detailed within the Chapters of this Plan are proposed, the SEE shall indicate:

- a the **Requirement** and the extent of the variation proposed;
- b how the proposal meets the relevant **Objectives**;
- c the reasons for the variation(s) sought; and
- d the benefits resulting from the proposed variation(s) which could not be otherwise achieved through compliance with the **Requirement**.

1.9 Glossary

Note: Generally, the terms used in this DCP have the same meaning as those terms are defined within the Wyong Local Environmental Plan 2013 (WLEP 2013), which has been prepared in accordance with and adopts the definitions within the Standard Instrument – Principal Local Environmental Plan, as required by the Standard Instrument (Local Environmental Plans) Order 2006.

Where a term is defined within the WLEP 2013, it is not repeated here. Additional clarifications beyond those defined terms are as follows (note that the relevant Chapter from which the term originates is in brackets for each term, unless the term appears within several Chapters):

accessway or carriageway means any passage or pavement (structural or non structural) within private property or traversing from a road into private property for the passage of vehicles, persons or animals.

adjoining property means land that shares a common property boundary with the subject site.

ABSA means the Association of Building Sustainability Assessors, whose role is to oversee the accreditation of assessors for the issue of ABSA and BASIX certificates for energy efficiency. (2.2-4)

adaptation means modifying a heritage place to a new use that conserves its heritage values. (3.7)

advertisement is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water. (2.6)

advertising structure is defined as a structure used or to be used principally for the display of an advertisement. (2.6)

Note: Advertising structures are a type of signage.

allotment means an area of topographical space shown on an approved plan of subdivision and on which it may be intended to construct a building(s) (also referred to as a lot). (Part 4)

alter in relation to a heritage item means physical changes to the fabric, setting or layout of a heritage place. (3.7)

ancillary services premises means premises that are used to arrange contacts between sex workers and clients, such as offices of an escort agency, with the intention of sexual activity taking place off site. Sex workers may or may not be based at the premises or visit the premises to obtain work. Premises where sexual activity occurs on site will be defined as a sex services premises. (2.14)

Annual Exceedance Probability (AEP) means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. (3.3)

approved structure includes commercial or industrial buildings, or a dwelling, garage or swimming pool and means a structure which has been approved by Council or a Private Certifier under the EP&A Act, but does not include:

- Exempt Development under “the Codes SEPP” - a structure included in Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – the General Exempt Development Code; or
- A temporary building within the meaning of the Environmental Planning and Assessment Regulation; or
- A manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure within the meaning of the Local Government Act (3.6).

arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes. (3.6)

archival record means a record of evidence, including written, photographic, illustrative, diagrammatic and/or video evidence that identifies the environment, aesthetics, technical skills, and customs associated with the creation and use of the heritage item. (3.7)

artist verification statement refers to a document signed by the commissioned artist which verifies that the artist is satisfied with the final design concept in regard to the proposed integration of the artwork into the subject site. (2.15)

Australian Height Datum (AHD) is a measurement reference to a national common plane of level. 0.0m AHD corresponds approximately to mean sea level at Fort Denison in Sydney Harbour. (Part 4)

Average Recurrence Interval (ARI) means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event may occur on average once every 20 years. (3.3)

basement car park means an enclosed, underground car parking area which does not protrude greater than 1.0 metres above ground level at any point. (2.3)

basement car parking means the car parking area generally below ground level or above natural ground level but enclosed by bunding, where inundation of the surrounding areas may raise water levels above the entry level to the basement, resulting in inundation. Basement car parks are areas where the means of drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity. (3.3)

battle-axe access handle means the area of land containing the carriageway entry for a Battleaxe allotment. (Part 4)

battle-axe allotment means an allotment of land which has no street frontage other than a vehicular access way. (2.3)

bedroom includes any room that can be adapted (in compliance with the BCA) for use as a bedroom, whether or not building alterations are involved.

benching means where the natural slope of land is excavated and/or filled and levelled to create flat building sites and the works are either retained by a manmade structure or a slope is provided between the flat sites. It does not include excavations within the confines of a building on individual sites to allow for basements, garages or similar structures.

bondage and discipline parlour means premises where the primary service provided is bondage and discipline, sadism and masochism, or similar role plays and activities. Premises may also provide a sexual service. (2.14)

boundary adjustment means the creation of new lots through the movement of their common boundary, where no additional lots are created and each lot maintains compliance with the required minimum area within the relevant zone.

brothel (from Restricted Premises Act, 1943) means premises:

- a habitually used for the purposes of prostitution; or
- b that have been used for the purposes of prostitution and are likely to be used again for that purpose; or
- c that have been expressly or implicitly:
 - i advertised (whether by advertisements in or on the premises, newspapers, directories or the internet or by other means); or
 - ii represented;

as being used for the purposes of prostitution, and that are likely to be used for the purposes of prostitution.

Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution. (2.14)

building element means an architectural component of a building or site. (3.7)

building envelope means a predetermined area to which all building must be confined, generally determined at subdivision stage due to specific constraints which have been identified. Generally shown on deposited plans and identified on the Certificate of Title.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. (2.6)

Note: Building identification signs are a type of signage.

bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation.

business identification sign means a sign:

- that indicates:
 - the name of the person or business; and
 - the nature of the business carried on by the person at the premises or place at which the sign is displayed; and
- that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place. (2.6)

Note: Business identification signs are a type of signage.

Category A roads include roads that are classified as proclaimed by the Main Roads Act, 1993, and are roads that predominantly carry, or are planned to carry, through traffic from one region to another, or carry traffic directly from one part of a region to another. They are projected to carry more than 10,000 vehicles per day (vpd). For example, the Pacific Highway. (2.1)

Category B roads are distributor and collector roads that connect "Category A" roads to "Category C" access streets and access places. They are projected to carry between 2,000 vehicles per day (vpd) and 10,000 vpd. (2.1)

Category C roads are streets which are projected to carry less than 2,000 vehicles per day (vpd) (2.1).

Note: Wyong Shire Council should be consulted to confirm the status of a road for the purposes of the controls in this Plan, as projected usage, e.g., bus or tourist route, may determine that an alternative classification is warranted.

Certificate of Completion refers to a document signed by the commissioned artist which verifies that the public artwork has been completed and installed on site. (2.15)

Certificate of Title means the legal document which gives title to a particular parcel of land under the Torrens Title System.

certifying authority means a person who:

- is authorised by or under section 85A of the Act to issue complying development certificates; or
- is authorised by or under section 109D of the Act to issue Part 4A certificates. (2.1)

commercial hydroponic development means the growing of plants within structures without soil, except for produce grown for personal consumption or enjoyment, where the area using crop protection technology occupies an area greater than 2,000m². (3.9)

communal open space is usable open space at ground level for recreation and relaxation of the residents of a residential flat development and which is under the control of an owner's corporation. (2.4)

comparison goods includes clothing, footwear, jewellery, fashion accessories, electrical goods, homewares, recorded music and media, computers and software, furniture, whitegoods, luggage. (5.1)

compatible use means a use which involves no change to the significant fabric of a building or work, or changes which are substantially reversible, or changes which make a minimal impact. (3.7)

conservation means all the processes of looking after a building or work so as to retain its heritage significance. Conservation can include maintenance, preservation, restoration, protection, reconstruction and adaptation. (3.7)

Consolidation of Title means the process of creating one lot where previously two or more lots existed. A new Certificate of Title is issued.

Consulting Arborist means an Australian Qualification Framework Level 5 arborist (AQF5).

contributory building means a building or building element identified in WLEP 2013 and other buildings identified as contributory in a Heritage Impact Statement or Conservation Management Plan. (3.7)

convenience goods includes food/groceries, takeaway food, liquor, pharmacy goods, newsagency goods, hairdressing services, dry cleaning. (5.1)

corner allotment means an allotment, not being a battleaxe shaped allotment, having two or more frontages to adjoining roads, used or intended for use by vehicular traffic (also referred to as a corner **lot**).

Council means Wyong Shire Council.

culturally significant tree means trees which are significant features of the cultural landscape, and are listed under Schedule 7.2.5. (3.6)

dead tree means a tree with no living vascular tissue.

deep soil zones are areas of natural ground with relatively natural soil profiles retained within a development. Deep soil zones have important environmental benefits, including the promotion of healthy growth of large trees; the protection of existing mature trees, infiltration of rain water to the water table and reduction of stormwater runoff.

destroy means any activity leading to the death, disfigurement or mutilation of a tree.

development application (DA) means an application made to a consent authority, generally Council, to enable development to be carried out in accordance with Part 1V of the EP&AAAct, 1979.

development cost refers to the total financial cost to the applicant of a proposed development excluding the cost of land and associated holding costs. This includes the planning and project management of the development.

district centres are Wyong, The Entrance, Toukley, Lake Haven, Bateau Bay and Warnervale (proposed) (as defined in Chapter 5.1 - Retail Centres). (2.11)

dominated by wetland plant species means that 50% or more of the total foliage cover of the tallest stratum of vegetation comprises wetland plant species. (3.10)

draining, see **drainage** (LEP), means any activity which alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It includes the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either in a locality or in such a manner as to encourage drainage of an adjoining locality. (3.10)

easement means a right to use or travel over a specified strip of land belonging to another. For example, easements for drainage and electricity easements, or a right of way.

ecotone means the gradational band of vegetation where wetland plants intermix with dryland plant species. (3.10)

effective warning time is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people and transport their possessions. (3.3)

evacuation is the transfer of people and or stock from areas where flooding is likely, either close to, or during a flood event. It is affected not only by warning time available, but also the suitability of the road network, available infrastructure, and the number of people that have to evacuate during floods. (3.3)

exempt vegetation management works means those works not requiring the consent of Council (as defined in Section 4 of Chapter 3.6).

extreme flood means an estimate of the probable maximum flood (PMF), which is the largest flood that could conceivably occur at a particular location, generally estimated from the probable maximum precipitation (PMP). Generally it is not physically or economically possible to provide complete protection against this event. (3.3)

fabric means all the physical material of a site, building or work. (3.7)

filling, see **fill** (LEP) means changing the existing ground level by disposal of soil, dredging, refuse dumping or by any landfill method. This includes, but is not limited to activities which require the addition of fill to enable the construction or erection of buildings or structures, public utilities, pylons and roads. (3.10)

flood is a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, channel, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the NSW Floodplain Development Manual (FDM) before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunamis. (3.3)

flood compatible materials include those materials used in building which are resistant to damage when inundated. A list of flood compatible materials is attached. (3.3)

flood evacuation strategy means the proposed strategy for the evacuation of areas with effective warning time during periods of flood as specified within any policy of Council, the floodplain risk management plan (FRMP), the relevant state government disaster plan, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals. (3.3)

flood fringe means the remaining area of land affected by flooding, after floodway and flood storage areas have been defined. (3.3)

floodplain means the area of land which is subject to inundation by floods up to and including the probable maximum flood (PMF) event. (3.3)

Floodplain Development Manual (FDM) refers to the document dated April 2005, published by the New South Wales Government and entitled 'Floodplain Development Manual: the management of flood liable land'. (3.3)

flood planning area the area of land below the FPL and thus subject to flood related development controls. (3.3)

Flood Planning Level (FPL) are the combinations of flood levels and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans. (3.3)

Floodplain Risk Management Plan (FRMP) means a plan prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor. (3.3)

Floodplain Risk Management Study (FRMS) means a study prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor. (3.3)

flood storage means those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood. (3.3)

floodway means those areas, often aligned with obvious naturally defined channels, where a significant discharge of water occurs during floods. They are also areas where, if only partially blocked, will cause a significant redistribution of flood flow or significant increase in flood levels, which may impact on other properties. (3.3)

foliage cover means the proportion of the sample site occupied by the vertical projection of foliage and branches of trees, shrubs or herbs. (3.10)

form means the overall shape and volume and the arrangement of the parts of a building. (3.7)

freeboard is a factor of safety expressed as the height above the design flood level. Freeboard provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain, such as wave action; localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement; cumulative impacts of fill in floodplains and other effects such as changes in rainfall patterns as a result of climate change. (3.3)

freshwater wetland is an area that supports a diversity of flora and fauna in a wet or ephemeral environment that can be in the form of an open body of water or a groundwater system. The freshwater wetland classification also includes sensitive vegetation communities which are susceptible to changes in catchment hydrology.

garage means a class 10(a) building as defined by the Building Code of Australia.

gross leasable floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area. (2.11)

Gross Pollutant Traps (GPT) are devices that reduce quantities of litter, debris and coarse sediments from discharging to receiving waterways or downstream treatment devices. As a guide gross pollutants can be defined as litter and vegetation larger than 5mm and sediment particles larger than 0.125mm.

gross retail floor space includes both retail floorspace and any bulky goods floorspace. Does not include floorspace for retail support services. (5.1)

groundwater is the water beneath the natural surface, often between saturated soil and rock.

habitable floor area means:

- in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood. (3.3)

hardstand area is the area of a site through which water cannot infiltrate, and includes the area of the dwelling(s) footprint, garages, water tanks, outbuildings; and non porous driveways, paths and courts, but excludes the water surface area of swimming pools.

hazardous materials are solids, liquids, or gases that can harm people, other living organisms, property, or the environment. These may include materials that are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic, pathogenic, or allergenic. Also included are physical conditions such as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render them hazardous in specific circumstances. (3.3)

heritage interpretation is the process of explaining or representing the heritage significance of a place to the community. (3.7)

Heritage Inventory Assessment Report means a report taken from the Heritage Inventory database for a heritage item. (3.7)

high hazard means potential for significant structural damage. Potential danger to personal safety. Evacuation by cars or trucks difficult. Social disruption and financial losses could be high. (3.3)

historic character means the combination of particular characteristics or special qualities of a place related to its period of style or construction. (3.7)

hoardings are structures erected on or adjacent to a property to form a physical protection barrier between construction, demolition or maintenance work sites and the adjoining land. Hoarding structures can consist of fences, barriers, scaffolding or overhead structures as individual elements or integrated together.

horticulture using crop protection technology means the growing of plants within sheds, greenhouses, poly houses or other synthetic structures where the area:

- occupies an area greater than 2,000m², or
- is in the opinion of the consent authority, likely to have the potential to cause a significant impact on water quality, and includes the growing of vegetables, flowers, ornamental plants and orcharding, except for produce grown for personal household consumption or enjoyment
- does not apply to soil based activities involving fruit and vegetable cropping or orcharding activities which require shade cloth or hail netting. (3.9)

hydraulic flood hazard category defines the category of flood liable land being a combination of the hydraulic category of the floodplain and hazard category with the following criteria: (3.3)

impermeable or impervious surface is a surface that prevents the infiltration/penetration of water into the ground and subsequently increases stormwater flows. Impermeable surfaces includes roads, footpaths, roofs, concreted sections, paved (non porous) sections and heavily compacted soils.

infill development means a new building in an established and developed area which is adjacent to or in the vicinity of a heritage item or Heritage Conservation Area. (3.7)

injury means damage to a tree and includes:

- lopping and topping;

- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- cutting and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning" or is done for invalid reasons;
- ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
- damaging a trees root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

Integrated Water Cycle Management (IWCM) is a report and/or plan that describes the processes and elements required to simulate the urban water cycle in all aspects of water resources management, including groundwater, wastewater, stormwater and potable water.

IWCM Strategy is the term used to describe an area that has a regional scheme in place to manage stormwater which addresses WSUD and IWCM principles. An example of this is Porters Creek IWCM Scheme which is a regional stormwater harvesting scheme that seeks to preserve the natural hydrologic cycle of Porters Creek wetland.

keystone species are species identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna, and are listed under Schedule 7.2.3.

kinetic works refers to art that utilises movement in that it contains moving parts or depends on motion for its effect.

large scale development is (for the purposes of this document) a proposal that involves site disturbance 2500m² of land or greater. (3.3)

living area means any room or rooms within a dwelling which are generally available for day-to-day use by residents and visitors, and include such rooms as family, dining and rumpus.

local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam. (3.3)

long term site means a means a dwelling site that is specified in the approval for a caravan park as being a long-term site (2.7).

low hazard means people and possessions could be evacuated by truck. Able-bodied adults would have little difficulty wading through the waters. (3.3)

long term caravan park (Residential Park) means a park where more than one-third of sites in a caravan park are licensed to serve long term residents. (2.7)

lopping means cutting between branch unions or at internodes on young trees, (but does not refer to lopping solely for the purpose of feeding stock in an officially drought declared area).

major development refers to commercial, public administration, and retail (shops) development valued at \$5 Million or greater in terms of total development cost.

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- that comprises one or more major sections; and
- that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997;

and includes any associated structures that form part of the dwelling. (2.7)

manufactured home estate means land on which manufactured homes are, or are to be, erected. (2.7)

measured drawing means a technical or architectural record of the heritage item in its existing state. (3.7)

medical staff for hospitals and nursing homes means doctors and other specialist medical practitioners. It does not include Nurses, who are considered to be "employees". (2.11)

natural heritage means natural features consisting of physical and biological formations or groups of such formations, which demonstrate natural significance. Geological and physiographical formations and precisely delineated areas that constitute the habitat of indigenous species of animals and plants, which demonstrate natural significance, and/or natural sites or precisely-delineated natural areas which demonstrate natural significance from the point of view of science, *conservation* or natural beauty. (3.7)

natural significance means the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value. (3.7)

neighbourhood centres have a gross retail floorspace of up to 3,000m², containing a range of convenience shops such as a butcher, fruit and vegetables, takeaway, pharmacy, hairdresser, medical services, video/entertainment hire outlet and the like. Such centres may include a small supermarket of up to 1,500m². (2.11)

neutral building means a building or building element that neither contributes nor detracts from the significant character of the Heritage Conservation Area. (3.7)

non-contributory building means a building or building element that detracts from the significant character of the Heritage Conservation Area. (3.7)

non-urban zone means all land identified by WLEP 2013, as within zone RU1 Primary Production, RU2 Rural Landscape, RU5 Village, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R5 Large Lot Residential, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location .

off-street parking refers to parking not within the road reserve. (2.11)

overflow car park is an area identified to accommodate car parking on special occasions (outside the normal requirements) and needs to be adequate for all weather but not necessarily sealed. (2.11)

permeable or pervious surface a surface finish which permits or facilitates the infiltration/penetration of water e.g. grass areas, landscaping, swimming pools, porous paving etc.

prequalified list refers to a public register of self nominated Public Art Project Managers who have been assessed by Council to satisfy the public art project manager criteria. The Prequalified Public Art Project Managers List is available from Council's Website.

preservation means maintaining the fabric of a building or work in its existing state to prevent deterioration. (3.7)

primary frontage means the frontage to the major road, which is usually the shorter frontage of a corner lot. (2.1)

private open space means an external area of the site available for private use by the residents of a dwelling, and may be provided in the form of a courtyard or garden at ground level, or a balcony above ground level.

Probable Maximum Flood (PMF) is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation. (3.3)

Probable Maximum Precipitation (PMP) is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood. (3.3)

prune or pruning means the following activities as specified in Australian Standard AS 4373-2007, "Pruning of Amenity Trees":

Crown maintenance pruning involving:

- general pruning;
- thinning;
- deadwooding;
- selective pruning;
- formative pruning;

or Crown modification pruning involving:

- reduction pruning;
- crown lifting;
- pollarding;
- remedial pruning;
- line clearance.

public administration development means development for the purposes of an office, administrative or other like purposes by the Crown, a statutory body, or an organisation established for public purposes, and includes a courthouse or a police station.

public art means creative and original works sited in public places, or locations visible from the public domain, with the intention of integrating a development into the cultural or environmental context in which it is situated.

public art advisory group is a group established by Wyong Shire Council as a result of the adopted Public Art Policy and Implementation Plan, who provide reporting and advice to Council on proposed public artworks.

public art budget is the total financial allocation towards a public artwork, which includes any coordination costs, community engagement, artist fees and the cost of materials and construction and excludes the cost of land where upon public art is located.

Public Art Coordinator is a specialist role responsible for the planning, management and reporting of the proposal. This can be selected from Council's prequalified list, or an unregistered coordinator can be utilised who meets the requirements of the role.

public art masterplan is the documentation submitted with the development application which includes the identification of a Public Art Coordinator and Project Artist(s), summarises research, site assessment, art concept development and artwork location(s), reporting of proposed conceptual design including fabrication techniques and materials, consistency with Appendix A, and relevance of the concept to the site and surrounding area (2.15).

public domain refers to any permanent or temporary space, whether publicly or privately owned, that can be accessed and used by the public and/or is publicly visible.

reconstruction means returning a building or work as nearly as possible to a known earlier state and is distinguished by the introduction of materials old or new into the fabric. (3.7)

Regional Centre is Tuggerah (as defined in Chapter 5.1 Retail Centres). (2.11)

reliable access during a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where flood hazard increases. (3.3)

relevant planning authority (from the EP&A Act) means:

- 1 In this Division:
relevant planning authority, in relation to any matter, means the council of the area to which the matter relates or the Director-General. However, the council is not the relevant planning authority in relation to a SEPP and the Director-General is not the relevant planning authority in relation to a LEP for which a council is the relevant planning authority under Division 4.
- 2 A reference in this Division to an environmental planning instrument includes a reference to any such proposed instrument.

relocatable home means:

- a manufactured home; or
- any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling;

but does not include a tent, caravan or campervan or any moveable dwelling that is capable of being registered under the Road Transport (Vehicle Registration) Act 1997. (2.7)

remnant tree or vegetation means a native tree or any patch of native vegetation which remains in the landscape after removal of most or all of the native vegetation in the immediate vicinity.

remove means to cut down, take away or transplant a tree from its place of origin.

residential flat development means a development comprising three or more dwellings contained in one or more buildings and for the purposes of this plan includes villa house development, town house development and residential flat buildings (as defined in Chapter 2.4 Multiple Dwelling Residential Development) (2.11)

restoration means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials. (3.7)

retaining wall means a landscaping feature external to the building which is used to retain cut or fill and incorporates adequate provision for drainage.

Restriction as to User means a burden or control on the title to the land which restricts the way in which a piece of land may be used.

Right of Way means the legal right of access over a lot to another lot, as provided for through the creation of easements under the Conveyancing Act 1919.

safe house brothel (for Street-Based Sex Workers) means premises where income is gained from the short-term rental of rooms to street-based sex workers (who usually solicit for work in the public domain) or their clients, for the purposes of sex services. The sex workers are not employed "in-house", nor do they solicit from the premises, or live on the premises. (2.14)

secondary frontage means the side street frontage, which is generally taken to be the longer frontage of a corner lot, often being the terminating street. (2.1)

Section 149 Planning Certificate provides information, including the statutory planning controls that apply to a parcel of land on the date the certificate is issued. (3.3)

setting means the context within which a structure is located with respect to streetscape. (3.7)

sex on premises venue means premises that gain income from entrance and/or membership fees paid for the use of the premises for sex between the clients but are not premises where sex services take place, or are arranged in exchange for payment. Such premises include: swingers clubs and sauna clubs that accommodate sexual encounters. (2.14)

sex services means sexual acts or sexual services in exchange for payment. (2.14)

short term caravan park (Tourist Park) means a park where one-third or less of sites in a caravan park are licensed to serve long term residents. (2.7)

short-term site means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site. (2.7)

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- an advertising structure;
- a building identification sign;

- a business identification sign;

but does not include a traffic sign or traffic control facilities. (2.6)

site area means the total area of the development site, excluding the area of any access handle in the case of an existing (or future potential) battle-axe allotment.

site specific in reference to public art, denotes original art work that is developed and design specifically in response to, and for location in, a particular site. Artwork that is of a generic design and has not been developed in response to the specific site is not considered to comply with this definition.

small lot housing development (formerly integrated housing) refers to subdivision of five (5) or more lots where overall site planning and individual dwelling designs are provided concurrently with the subdivision application.

solar access means the measure of how much sunshine is available to assist with the heating of a dwelling. It also defines the extent of sunshine available to rooms and external areas (e.g., a courtyard). (2.1)

Species of Local Conservation Significance are species identified by the Royal Botanic Gardens, Sydney, as being endangered or having only a small distribution, they may also be Aboriginal food plants and therefore of local cultural significance. These are listed under s.7.2.4. (3.6)

Statement of Significance means a statement or document that describes and explains the characteristics which give an item its heritage significance. (3.7)

Stormwater Management Plan is a report and/or plan that describe the control, collection, conveyance, treatment and subsequent discharge of stormwater generated from a proposed development/activity or how a proposed development/activity impacts on the quantity and quality of stormwater generated on an area and/or how a proposed development/activity impacts on flood levels/velocities on neighbouring properties.

strip club premises means premises providing striptease acts, erotic dancing, tabletop, or podium performances, private dancing, peepshows, or nude or semi nude bar/waiting staff. Sexual intercourse does not take place on site. Premises may require payment to gain entry/view the performance, and may be liquor licensed. (2.14)

subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

suitably qualified engineer is an engineer who is included in the National Professional Engineers Register, administered by the Institution of Engineers Australia. (3.3)

survey plan is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy. (3.3)

tallest stratum means the tallest growth form of vegetation present that has an average foliage cover of 20% or greater. (3.10)

topping means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches.

Trade Arborist means an Australian Qualification Framework Level 3 arborist (AQF3)

Traffic Impact Study is a study prepared in accordance with Appendix A of Chapter 2.11

Transport Management Plan is a plan prepared in accordance with Appendix B of Chapter 2.11

tree means a perennial plant with at least one self-supporting woody or fibrous stem, being of any species whether indigenous, exotic or introduced which:

- is 3 metres or more in height; or
- has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level; or
- has a trunk diameter of 75 mm or more measured at ground level where the tree is removed such that the trunk diameter at 1.4 m above ground level can no longer reasonably be measured; or
- is a cycad or mangrove that is indigenous to or is recorded by Council as having special significance in the area of Wyong, irrespective of its dimensions.

trunk means the main stem of the tree, as distinguished from the branches and roots.

underscrubbing means the cutting down of native trees (with a trunk diameter less than 75mm, measured 1.4 metres above the ground), saplings, shrubs or other understorey vegetation (except a cycad or mangrove) which is less than 3 metres high. (3.10)

undesirable species means plants that are defined by section 7.1 as being undesirable due to their location or as having characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or bushland invasion. (Refer to Section 7.1 of Chapter 3.6).

urban zones means all land identified by WLEP 2013, as within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, SP3 Tourist, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location.

vicinity means land or surroundings that have a physical or visual relationship to the site of a heritage item or Heritage Conservation Area. (3.7)

village centres generally range up to 8,000m² of gross retail floor space containing a supermarket, ideally of at least 2,500m², and a comprehensive range of food and non-food speciality shops. The Centre may also contain a limited range of non-retail services and be located in association with community facilities. (2.11)

vegetation management plan means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

Verified Project Manager refers to a project manager who has demonstrated skills, experience and ability that enables them to also take the role of a Public Art Coordinator.

Water Sensitive Urban Design (WSUD) is the integration of various stormwater management practices with the aim to minimise impacts on the natural water cycle. It focuses on the interactions between the urban built form (including urban landscapes) and the urban water cycle (drinking water, wastewater, stormwater and groundwater) and it has consideration for design, construction and maintenance.