

Port Stephens Development Control Plan – Section C5

The proposed development is for a seniors housing development and therefore, Section C5 of the PSDCP is applicable. An assessment against Section C5 is provided in **Table 1** below. It is noted that the three apartment buildings have been assessed against Chapter 4 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the Apartment Design Guide (ADG), refer to **Attachment 27**. The below assessment relates only to the proposed dwellings (villas).

Table 1: Assessment against Section C5 of the DCP

C5 – MULTI-DWELLING HOUSING OR SENIORS HOUSING	
C5.A – Landscaping	
Objectives	
<ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees To encourage landscaping between buildings for screening To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff 	
Control	<p><u>C5.1 – Landscaping coverage</u> Landscape area is provided as follows:</p> <ul style="list-style-type: none"> 15% of the site area consisting of deep soil planting where the lot is equal to or less than 250m² and zoned R1 General Residential or R2 Low Density Residential; or 20% of the site area consisting of deep soil planting where the lot is greater than 250m² and zoned R1 General Residential or R2 Low Density Residential 10% of the site area consisting of deep soil planting when the site is zoned R3 Medium Density or B4 Mixed Use; and 50% of the landscaped area must be located behind the building line to the primary road; and 30% shading over uncovered park areas.
Assessment	There is not specific landscaping requirement for land zoned RE2 private recreation. Notwithstanding, the proposal includes landscaping of 41% of the site area which is compliant with the requirements of the Housing SEPP.
Control	<p><u>C5.2 – Landscaping dimensions</u> To be counted as part of the total landscaping coverage the landscape area must be at least 1.5m wide and 3m long.</p>
Assessment	Compliant.

Control	<p><u>C5.3 – Landscaping qualities</u></p> <p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> • Landscaping works incorporate adequate screening from the street and adjacent neighbours; • Corner lots provide landscaping to both street frontages; • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting; • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure; • Street trees are to be within the footpath, verge, or in the parking and be consistent with the Port Stephens Council tree technical specification.
Assessment	<p>A Landscape Plan was prepared for the proposal by Studio 26 Urban Design. The landscaping incorporates the following:</p> <ul style="list-style-type: none"> • The landscape design provides screening from the street and adjacent neighbours outside of the site as well as within the site. • Trees are provided within the road verge. • Where fencing is proposed, landscaping has been proposed adjacent to it to provide visual relief. • The species selection is consistent with the Council technical specification being commensurate with the surrounding vegetation communities and local native species characteristic of the Lower Hunter Spotted Gum - Ironbark Forest EEC.
C5.B – Height	
Objectives	
<ul style="list-style-type: none"> • To ensure building height is appropriate for the context and character of the area • To ensure building heights reflect the hierarchy of centres and land use structure • To ensure ceiling heights achieve sufficient ventilation and daylight access • To ensure ceiling heights increase the sense of space and provides for well-proportioned rooms • To ensure ceiling heights contribute to the flexibility of building use over the life of the building 	
Control	<p><u>C5.4 – Building height</u></p> <p>Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under the <i>Local Environment Plan</i> clause 4.3.</p>
Assessment	<p>The site does not have a maximum building height under the PSLEP. The proposed height for the dwellings (villas and duplexes) is considered suitable as outlined in the Planners Assessment Report. The villas and duplexes are a low scale built form and integrate into the landscape design for the development.</p>
Control	<u>C5.5 – Floor to ceiling height</u>

	Minimum floor to ceiling heights of 2.4m.
Assessment	Floor to ceiling heights of 2.7m are provided which is compliant.
C5.C – Setbacks	
Objectives	
<ul style="list-style-type: none"> • To ensure development provides continuity and consistency to the public domain • To ensure adequate space between buildings to enable effective landscaping • To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation • To reduce the visual bulk of buildings from the street • To maintain the rhythm and built form on the street 	
Control	<u>C5.6 – Front setback</u> Minimum 4.5m front setback from the front property line or the existing average building line (whichever is less).
Assessment	The minimum setback from the development to the frontage with Nelson Bay Road is 8.2m which is compliant with this control. Internal setbacks are generally compliant with 4.5m requirement.
Control	<u>C5.7 – Front setback</u> Podium structures and basement car parks are not to be within the front setback area.
Assessment	The podium and basement structures are not within the front setback. Notwithstanding, these structures are associated with the apartment buildings which as noted above, have been assessed against the ADG.
Control	<u>C5.8 – Front setback</u> Setback areas not to be used for at grade parking.
Assessment	Parking is integrated as part of the dwellings.
Control	<u>C5.9 – Front setback</u> Minimum 5.5m front setback from the front property line for a garage to enable a parked car to be situated in front of the garage.
Assessment	Garages have been setback from the internal street by 5.5m.
Control	<u>C5.10 – Front setback encroachment</u> Maximum 1.5m encroachment of front setback for architectural features such as an entry porch or deck.

Assessment	Only minor building elements in the front setback for the proposed villas and duplexes.
Control	<u>C5.10 – Secondary setback (corner lots)</u> Minimum 3m secondary setback, except for an open veranda, porch, or deck which must be setback a minimum of 2m.
Assessment	N/A – not a corner lot.
Control	<u>C5.11 – Side setbacks</u> Minimum 0.9m side boundary setback for any part of a building at or below 5.5m in height
Assessment	Complies – all setbacks from the duplexes and villas exceed 0.9m.
Control	<u>C5.12 – Side setbacks</u> Minimum 3m side boundary setback for any part of a building above 5.5m in height
Assessment	N/A
Control	<u>C5.13 – Side setbacks</u> Despite the above requirements, a dwelling may be built to a side boundary if within a commercial zone or the zone R3 Medium Density Residential, if the following is achieved: <ul style="list-style-type: none"> • The maximum wall height is 6m and the maximum wall length is 6m and there will be no impact on privacy, use of private open space and solar access for adjoining properties unless these properties have approval/are proposed for medium density residential; • Wall openings comply with the fire resistance levels of the BCA; • The wall height and length match a similarly constructed wall on the adjoining side.
Assessment	N/A – RE2 zoned site.
Control	<u>C5.14 – Rear setbacks</u> For the ground level (finished), rear setback must not exceed whichever of the following is greater: <ul style="list-style-type: none"> • Minimum 3m from the rear boundary; or • 25% of the average length of the side boundaries.
Assessment	Complies. Each dwelling has direct access to the central internal spine road, with no dwellings adjoined to the rear.
Control	<u>C5.15 – Rear setbacks</u>

	Minimum 4m rear setback for the upper levels.
Assessment	N/A – each villa and duplex is single storey.
Control	<u>C5.16 – Rear setbacks</u> Despite the above requirements, development may be built to the rear boundary on lots that have rear lane access.
Assessment	N/A – no rear lane access.
Control	<u>C5.17 – Rear setbacks</u> Podium structures and basement car parks are not to be placed in the rear setback.
Assessment	The podium and basement structures are not within the rear setback. Notwithstanding, these structures are associated with the apartment buildings which as noted above, have been assessed against the ADG.
C5.D – Natural Ventilation	
Objectives	
<ul style="list-style-type: none"> • To ensure all habitable rooms are naturally ventilated • To ensure a comfortable indoor environment is created for residents 	
Control	<u>C5.19 – Natural ventilation</u> The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.
Assessment	The dwellings orientation has been designed to capture and use of prevailing breezes for natural ventilation in habitable rooms.
Control	<u>C5.20 – Natural ventilation</u> Depths of habitable rooms support natural ventilation.
Assessment	Depths of habitable rooms are appropriate to support natural ventilation.
Control	<u>C5.21 – Natural ventilation</u> Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: <ul style="list-style-type: none"> • Adjustable windows with large effective openable areas; • A variety of window types that provide safety and flexibility such as awnings and louvres; and • Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors.

Assessment	Adjustable windows have been provided to habitable rooms where appropriate. A variety of window types, some with vertical louvres have been proposed to provide safety and flexibility.
C5.E – Streetscape and Privacy	
Objective	
<ul style="list-style-type: none"> To ensure development activates streetscape to provide passive surveillance and privacy 	
Control	<p><u>C5.22 – Access</u> Dwellings that have street frontage provide direct and legible pedestrian access from the street to the front entry.</p> <p>Note: Development should have consideration for the Port Stephens Pathways Plan.</p>
Assessment	All dwellings have frontage to internal streets or pathways. They are proposed to have direct and legible pedestrian access from these streets/pathways.
Control	<p><u>C5.23 – Openings</u> The front door entrance of each dwelling must be sheltered and be located forward of the designated car parking space.</p>
Assessment	All dwelling access points are sheltered. The entrance to each villa and duplex is generally located in line with the garages which is considered acceptable.
Control	<p><u>C5.24 – Openings</u> Windows and walls are located to avoid noise sources from adjacent lots and streets.</p>
Assessment	Windows and walls are suitably located. A Noise Impact Assessment (NIA) was prepared for the proposal which considered the potential impacts from traffic noise on Nelson Bay Road to the proposed development and recommended a number of design measures be implemented into the construction design to ensure compliance with relevant noise criteria. A condition has been recommended requiring that the recommendations of the NIA be complied with.
Control	<p><u>C5.25 – Openings</u> Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings.</p>

Assessment	N/A - no two storey dwellings are proposed. Privacy impacts from the apartment buildings have been considered in the assessment against the ADG.
Control	<u>C5.26 – Openings</u> Privacy screens, high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties.
Assessment	N/A – the proposed duplexes and villas scale and siting do not result in overlooking.
Control	<u>C5.27 – Colour schemes</u> Building colours should adopt a colour scheme to express building massing, articulation, and detailed façade elements.
Assessment	The villas and duplexes have been designed with a variety of materials, colours and textures which is considered to be complementary to the streetscape, natural landscape and the site context.
Control	<u>C5.28 – Corner lots</u> Development on a corner lot has one or more dwellings facing each street frontage.
Assessment	N/A – not a corner lot.
Control	<u>C5.29 – Façade</u> The façade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings. Subtle changes provide individuality between the proposed dwellings while seeking to maintain pattern continuity of the overall building.
Assessment	Each villa has been designed to present as an individual dwelling to the street. The duplexes have separable materials to provide visual individuality within the internal road network.
Control	<u>C5.30 – Façade</u> Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.
Assessment	Appropriate separation is provided between dwellings.
Control	<u>C5.31 – Façade</u> The dwelling with street frontage provides a recognisable pedestrian entry point from the street.

Assessment	Each dwelling has been designed with a recognisable pedestrian entry point from the internal road network.
Control	<u>C5.32 – Privacy</u> Balconies, terraces and decks must include privacy screens where they face onto side boundaries or are orientated to avoid direct overlooking onto adjoining properties.
Assessment	Private open space areas have been provided with privacy screens and other treatment measures to preserve residential amenity and mitigate direct overlooking. Given the villas and duplexes are single storey, outdoor private spaces will be screened by fencing.
C5.F – Noise	
Objective	
<ul style="list-style-type: none"> • To minimise noise transfer through the siting of buildings and building layout • To ensure noise impacts are mitigated within units through layout and acoustic treatments 	
Control	<u>C5.33 – Noise</u> Window and door openings are generally oriented away from noise sources.
Assessment	As noted above, NIA was prepared for the proposal which considered the potential impacts from traffic noise on Nelson Bay Road to the proposed development and recommended a number of design measures be implemented into the construction design to ensure compliance with relevant noise criteria. A condition has been recommended requiring that the recommendations of the NIA be complied with.
Control	<u>C5.34 – Noise</u> Noisy areas within building including building entries and corridors should be located next to or above each other, and quieter areas next to or above quieter areas.
Assessment	Entries to dwellings and internal corridors are located next to each other where dwellings are attached.
Control	<u>C5.35 – Noise</u> Storage, circulation areas, and non-habitable rooms should be located to buffer noise from external sources.
Assessment	Rooms are appropriately located within dwellings to limit impacts from external sources of noise.
Control	<u>C5.36 – Noise</u>

	The number of party walls are limited and are appropriately insulated.
Assessment	Whilst a number of party walls are proposed, only two dwellings are attached at a time for the duplexes, limiting noise transfer.
C5.G – Car Parking and Garages	
Objectives	
<ul style="list-style-type: none"> To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation. To ensure vehicular access has minimal impacts on neighbouring dwellings. To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers. 	
Control	<u>C5.37 – Driveway width and access</u> Where a common driveway is to be provided it is to have a minimum width of 3.6m.
Assessment	The common access driveway from Vardon Road is 7m wide, widening to 9.7m wide where the access gates are proposed. Two way internal roads are a minimum of 6.5m wide. Driveways to each dwelling are a minimum of 5.7m wide.
Control	<u>C5.38 – Driveway width and access</u> Where a common driveway is not provided and individual driveways connect to the street, the garage is to be setback 5.5m to allow for a parked car to be situated in front of the driveway door.
Assessment	Individual driveways to each dwelling are proposed and are appropriately setback.
Control	<u>C5.39 – Driveway width and access</u> Visual impact of long driveways should be minimised through changing alignments and screen planting.
Assessment	Street planting is provided within the verge of the internal road network.
Control	<u>C5.40 – Driveway width and access</u> Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.
Assessment	The internal road network will remain under private ownership and is proposed to be a low speed environment. Signage and other traffic devices will be utilised to manage pedestrian and vehicle conflict.

Control	<u>C5.41 – Driveway width and access</u> Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: <ul style="list-style-type: none"> • Changes in surface materials; • Level changes; • The use of landscaping for separation.
Assessment	Appropriate pedestrian connectivity has been proposed which is separated and distinguishable from vehicle access.
C5.H – Private Open Space	
Objective	
<ul style="list-style-type: none"> • To ensure private open space with solar access is provided to allow the opportunity for passive and active outdoor recreation 	
Control	<u>C5.42 – Private open space dimensions</u> Minimum of 16m ² of ground floor private open space for each dwelling containing one or two bedrooms that: <ul style="list-style-type: none"> • Has minimum dimensions of 4m x 4m; • Has direct access from internal living areas; • Is not located within a front setback; • Has a northerly aspect.
Assessment	All dwellings are provided with ground floor patios and yards, directly connecting to living areas that comply with the private open space controls in the Housing SEPP which requires single storey dwellings to have a private open space of at least 15m ² .
Control	<u>C5.43 – Private open space dimensions</u> Minimum area of 25m ² of ground floor private open space for each dwelling containing three or more bedrooms that: <ul style="list-style-type: none"> • Has minimum dimensions of 4m x 4m; • Has direct access from internal living areas; • Is not located within a front setback; • Has a northerly aspect.
Assessment	As above.
Control	<u>C5.44 – Private open space dimensions</u> Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 16m ² with a minimum width of 2.4m and minimum depth of 1.5m for the use as private open space.
Assessment	As above.
Control	<u>C5.45 – Private open space dimensions for seniors housing</u>

	Despite the above requirements, ground floor private open space for each dwelling in development for seniors housing may be reduced to a minimum area of 9m ² and minimum dimensions of 3m x 3m.
Assessment	The ground floor private open space for all dwellings exceed 9m ² .
Control	<u>C5.46 – Solar access</u> Minimum of two hours sunlight to the private open space area between the hours of 9am – 3pm midwinter.
Assessment	Complies. Each villa and duplex is provided a minimum of 2 hours of sunlight as shown in the Shadow Plans provided in the Architectural Drawings.
Control	<u>C5.47 – Solar access</u> Minimum of 50% of private open space of adjoining dwellings is not affected by any shadow for a minimum of three hours between 9am – 3pm.
Assessment	Complies. The villas and duplexes are single storey, thereby minimising overshadowing.
C5.I – Site Facilities and Services	
Objective	
<ul style="list-style-type: none"> To ensure development provides appropriate facilities and services in the most appropriate site location 	
Control	<u>C5.48 – Equipment</u> Equipment, such as water tanks, pool pumps and air conditions, are to be located and shielded to minimise the impact of noise on adjoining dwellings.
Assessment	Complies. Site services are provided for each dwelling.
Control	<u>C5.49 – Waste storage</u> Adequately screen waste storage and recycling areas are to be provided behind the building line or setback of a dwelling.
Assessment	Waste storage areas are provided throughout the site to service the villas and duplexes. Sufficient capacity for bin storage is provided for each dwelling.
Control	<u>C5.50 – Mail boxes</u> Mail boxes are adjacent to the major entrance.
Assessment	Mail boxes are integrated into the entry of the central common area for the clubhouse.

Control	<u>C5.51 – Street numbers</u> Street/unit numbers are identifiable from the street.
Assessment	Street numbers will be identifiable from internal road network.
Control	<u>C5.52 – Clothes drying</u> A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line or setback with a northerly aspect.
Assessment	Each dwelling is provided with a suitable open-air area for clothes drying.
Control	<u>C5.53 – Site facilities and services</u> The provision of electricity and gas for new dwelling should be provided underground.
Assessment	Reticulated services will be subsurface, as outlined in the Servicing Report provided by the applicant.
Control	<u>C5.54 – Storage</u> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <ul style="list-style-type: none"> • 6m³ for one bedroom units; • 8m³ for two bedroom units; • 10m³ for three or more bedroom units.
Assessment	Suitable storage areas are provided for each dwelling.