

Proposed: Tree Permits

Former: Tree Management

Chapter B1

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

Chapter B1 of the Development Control Plan (DCP) is the only chapter of this DCP that includes statutory requirements and has statutory weight beyond the guidance provided in the other chapters of the DCP. Chapter B1 specifically regulates unauthorised tree removal in non-rural areas in accordance with Part 2.3 in Chapter 2 of the (*State Environmental Planning Policy (Biodiversity and Conservation) 2021*) (Biodiversity SEPP).

Chapter B1 is the only chapter of this DCP that does not apply to development applications, it only relates to tree removal and the tree permit process prescribed under the Biodiversity SEPP. Chapter B2 of this DCP applies to the assessment of development applications that include tree removal.

Proposed changes:

1

The State government has recently issued guidance on the tree permit process that local councils administer under their DCPs and the Biodiversity SEPP. Chapter B1 has been reviewed against the current provisions of the Biodiversity SEPP and changes have been made to align the DCP and the tree permit process with the legislation, including by:

- Specifying that tree removal or pruning that:
 - requires a Tree Permit and is carried out without a Tree Permit, is an offence under the planning legislation. See clause 2.6(6) of the Biodiversity SEPP.
 - the council is satisfied is a risk to human life or property does not need a Tree Permit. Fact sheets will be published outlining how Council determines whether there is a risk to human life or property. See clause 2.7(3)(a) of the Biodiversity SEPP.
 - is for a traditional Aboriginal cultural activity, other than a commercial cultural activity, does not need a Tree Permit. See clause 2.7(3)(b) of the Biodiversity SEPP.
 - is carried out by Council on land under the care, control or management of Council, does not need a Tree Permit and will be assessed under the provisions of Part 5 of the



Environmental Planning and Assessment Act 1979 (unless it is part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, when it will need either a Tree Permit or development consent). See clause 2.8 of the Biodiversity SEPP.

- is carried out on primary production land in zones R5, C2, C3 or C4 and complies with requirements in the Biodiversity SEPP, does not need a Tree Permit. See Part 2.5 of the Biodiversity SEPP.
- Removing specific references to tree removal or pruning that needs a licence, permit, or approval under other legislation rather than a Tree Permit. Council's online Tree Removal and Pruning Form will provide information on when these other requirements apply instead of the DCP or how to find out if they apply.
- Removing provisions that specify tree removal or pruning on Biodiversity Values Mapped land requires a Tree Permit, because the Biodiversity SEPP requires clearing on Biodiversity Values Mapped land to obtain approval from the Native Vegetation Panel. See clause 2.6(2) of the Biodiversity SEPP.

2

A new provision to target habitat loss through regulating the removal of understorey vegetation on land mapped as Preferred Koala Habitat, Preferred Koala Habitat Buffer or Wetlands in the LEP has been introduced. This new clause incorporates the existing requirements that regulate the unlawful removal of Koala feed tree species, NSW Christmas Bush and cabbage tree palms that are below 3 metres in height and more specifically targets the underscrubbing that can occur on large lots with native vegetation, particularly prior to lodgement of applications for subdivision.

3

Information about notification, information requirements and detail about Council's consideration of notifications and Tree Permit applications that was located in the DCP has been removed and will be provided on Council's website.

4

Information relevant to development applications that include the removal of vegetation has been relocated to Chapter B2 Biodiversity. This ensures Chapter B1 only relates to the tree permit process prescribed under the Biodiversity SEPP.



For further information on the DCP go to our website:



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Proposed: Natural Environment

Former: Flora and Fauna

Chapter B2

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The name of the chapter has changed from 'Flora and Fauna' to 'Natural Environment' because it now includes provisions to protect riparian corridors that have been relocated from other parts of the DCP.
- 2 The Application of the chapter has been amended to:
 - Include new references to the Coastal Wetlands mapping under the *State Environmental Planning Policy (Resilience and Hazards) 2021* and riparian corridors;
 - Clarify that the chapter applies to development applications that include tree removal or pruning; and
 - Clarify that the chapter applies to tree removal or pruning that requires development consent (rather than a Tree Permit under Chapter B1).
- 3 All information requirements have been relocated to Council's Development Application Supporting Handbook (DASH), which will be referenced in Chapter A and given legal weight through a standalone clause.
- 4 Control B2.3 requiring buffers for riparian corridors is an existing control that has been relocated from another chapter of the DCP.
- 5 A new control that expands on the requirement for biodiversity corridors has been included to give applicants more guidance and a note has been included that refers applicants to a supplementary document on planning for biodiversity corridors to be published by Council.
- 6 Control B2.5 makes it clearer that development should be designed so that buildings and structures are located to avoid environmentally sensitive land and land with high value ecological features.



- 7 Control B2.6 (existing control B2.4) has been amended so that it applies to native vegetation buffers, biodiversity corridors and riparian corridors and amended to include additional guidance on site layout and design.
- 8 Control B2.7 (existing B2.6) has been amended to clarify existing assessment processes that assume the total clearing for subdivisions on land zoned for urban residential subdivision will be the entire lot. A note has been introduced to clarify the matters that need to be included in an application considering the total clearing for other types of subdivision applications.
- 9 Existing control B2.9 which requires compensatory planting of Koala feed trees has been deleted because it is duplicated in B2.11 (existing control B2.10).
- 10 Control B2.12 is a new clause requiring compensatory planting if certain species that have been recently identified as important Koala vegetation (other than Koala feed tree species identified in Council's Comprehensive Koala Plan of Management) are removed.
- 11 Control B2.13 has been amended to fix an error so that compensatory planting requirements apply to the removal of native trees with a height of greater than 3m or trees with a trunk diameter of greater than 300mm.



For further information on the DCP go to our website:



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Former Chapter B3 Environmental Management

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 Former Chapter B3 Environmental Management has been removed as the controls in this chapter were requirements for information to accompany a development application.
- 2 As part of this comprehensive review of the DCP, all information requirements have been relocated to the DA Supporting Handbook (DASH). The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls.



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Proposed: **Stormwater Management** Former: **Drainage and Water Quality**

Chapter B3 (former Chapter B4)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:




- 1 The title of the chapter has been amended from 'Drainage and Water Quality' to 'Stormwater Management' to reflect that the chapter now has controls relating to more than just water quality.
- 2 The application of the chapter now includes reference to the Port Stephens Local Environmental Plan clause 7.8 drinking water catchments and clause 7.10 Williams River catchment.
- 3 Stormwater quantity requirements have been introduced. These are based on stormwater areas mapping, available on Council's online mapping portal, which refer to:
 - Areas with an approved regional stormwater treatment system (e.g. a Water Sensitive Urban Design Strategy or 'WSUD' Strategy)
 - Stormwater control areas
 - Areas that are not mapped
- 4 Figure BC Maximum impervious surface table has been removed and replaced by a hyperlink to Council's design specification '0074 Stormwater Drainage Design' to provide a single consistent control for future effective impervious areas.
- 5 "Deemed to Comply" stormwater quantity controls for small-scale residential development have been included. For all other development, stormwater quantity control area requirements based upon mapped soil types have been included. The mapping is available on Council's online mapping portal and is hyperlinked from the control.
- 6 Figure E Water quality table has been replaced with listed written controls based on a site location within, or outside of, a drinking water catchment. Council's water quality stripping targets have been included.



- 7 Reference to 'SSSQM Certificates' has been removed.
- 8 Existing Sub-chapter B4.D Riparian corridors has been relocated to proposed Chapter B2 Natural Environment. This control is to protect and retain environmental corridors as locations of environmental importance, rather than stormwater management.
- 9 Specific guidance regarding stormwater drainage plans has been moved to the Development Application Supporting Handbook (DASH).



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Flooding

Chapter B4 (former Chapter B5)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

There are no major changes to flood policy and no changes to the restrictions on the types of development that are considered suitable on flood prone land.

There is a new control to facilitate alterations and additions to existing commercial and industrial development on flood prone land. This will facilitate economic growth in some town centres such as Raymond Terrace.

The chapter and objectives have been restructured to align with the NSW Flood Risk Management Manual (Department of Planning and Environment, June 2023) and the recently released NSW Shelter in Place Guidelines.

A standalone amendment of the flooding chapter will be exhibited late 2025 in response to the draft cumulative flood controls developed in collaboration with Maitland City Council and the City of Newcastle.

Proposed changes:

- 1 The chapter is now numbered B4. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Reference is made to the recently adopted Local Environmental Plan (LEP) clause Section 5.22.
- 3 The draft chapter has been grouped into sub-chapters to be consistent with the principles of the Flood Risk Management Manual.
- 4 The figures in the chapter have been amended and rearranged to provide better visual guides.
- 5 A new explanation of flood certificates and a link has been inserted.

6 Amendments were made to the objectives in the chapter to:

- Delete the reference to satisfying the provisions of the LEP because the purpose and aim of the DCP is already provided for in A2.
- Delete the reference to providing controls in accordance with the planning legislation as this purpose of the DCP is already provided for in A5.
- Update the reference to the Australian Building Codes Board Standard.
- Replace the reference to implementing the principles of the Floodplain Risk Management Manual with providing controls for development on floodprone land in accordance with the Manual.
- Replaced existing objectives with new objectives that refer to reducing risks to life and property, reducing adverse cumulative impacts that increase risks for surrounding property, and avoiding adverse changes as a result of climate change.

7 Existing B5.2 was simplified (New B4.2).

8 Existing B5.3 has been separated into two controls for readability (New B4.3 and B4.4).

9 In Figure 8 (existing Figure BJ), an explanation of farm buildings is provided, and “Sensitive and hazardous development” has been removed as it is inconsistent with clause 5.22 of the LEP.

10 Existing B5.7 was amended to include “with appropriate mitigation measures such as bunding” to make sure the control will apply to uses such as petrol stations (see new B4.9).

11 A note has been added to existing B5.9 (new control B4.11) to identify that the *NSW Department of Primary Industries – Agriculture 2009*, ‘Primefacts: Livestock flood refuge mounds’ guidelines do not override other DCP and LEP flood impact considerations such as adverse impacts to adjoining properties.

12 Existing B5.14 was amended to include a requirement for an application to “demonstrate how future development can comply...” with other requirements in the chapter (see new B4.13).

13 A note has been added to specify that the NSW Flood Risk Management Guideline provides Flood Impact Risk Assessment requirements to support development.

14 Existing B5.12 has been amended as the control was not effective if vehicular access was able to be constructed to a road with a lower flood immunity (new control B4.14).

15 New controls B4.16 and B4.17 give effect to the NSW Shelter In Place Guidelines (NSW Department of Planning Housing & Infrastructure, February 2025) and replace existing control B5.15.

16 A note has been added in response to the NSW Shelter In Place Guidelines.

17 Existing B5.11 has been amended to clarify that the control only applies to ground floor alterations and additions (see new B4.18).

18 B4.19 is a new control to facilitate alterations and additions to existing commercial and industrial development on flood prone land.

19 Existing controls B5.17 and B5.18 have been combined into one control (new B4.7).



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Aircraft Noise and Safety

Chapter B6



Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

Chapter B6 applies to land around RAAF Base Williamtown - Newcastle Airport and the Salt Ash Air Weapons Range and includes controls to ensure development considers the operational needs of these facilities and residential amenity.

Proposed changes:




- 1 The title of the chapter has been revised from Williamtown RAAF Base – Aircraft Noise and Safety to Aircraft Noise and Safety.
- 2 The Application of the chapter has been updated to advise the DCP should be read in conjunction with Local Environmental Plan (LEP) clause 7.5 Development in areas subject to aircraft noise, Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024 and the National Airports Safeguarding Framework (NASF) principles and guidelines.
- 3 Reference to the Defence and Airport Related Employment Zone (DAREZ) and the B7 Business Park zone as an area where development can be considered has been updated to refer to the Newcastle Airport Master Plan area.



- 4 “High technology industries” has been added as a use where development can be considered within “unacceptable” noise contours subject to merit assessment and an acoustic report. The purpose is to support the ongoing implementation of the Rural Economic Development planning proposal previously adopted by Council that made this use permissible in and around Williamtown.
- 5 The indoor design sound level table has been updated to be consistent with AS 2015:2021.
- 6 A new control has been prepared to ensure development with the potential to compromise aircraft and community safety through the creation of gas plumes, particulate emissions, building generated windshear and turbulence, and electromagnetic radiation must demonstrate consistency with the applicable NASF principles and guidelines.
- 7 The illustration of building site acceptability based on ANEF zone has been removed.
- 8 The note referencing LEP clause 7.4 Airspace operations and the RAAF Base Williamtown Obstacle Limitation Map was amended to reference that a development may need concurrence from the Commonwealth if the site is identified in the Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024.
- 9 Existing Figure BR: RAAF Base Williamtown Obstacle Limitation Map has been removed. It is available on Council’s online mapping portal.



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Heritage

Chapter B7



Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 Controls for King Street have been removed from the Raymond Terrace Town Centre chapter and added to this chapter. (The public domain controls were removed and will be reviewed as part of a planning update for Raymond Terrace.)
- 2 A new map has been added identifying the King Street Heritage Precinct.
- 3 Controls considered to be information requirements rather than controls have been moved to the DA Supporting Handbook (DASH).
- 4 Information about works of minor nature, Aboriginal heritage and Requirements under the *National Parks and Wildlife Act 1974* and have been added.



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Road Network and Parking

Chapter B5 (former Chapter B8)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 This chapter is now numbered B5. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Existing controls B8.1, B8.2 and B8.3 are information requirements and have been relocated to the DA Supporting Handbook (DASH).
- 3 B5.1 is a new control to support meeting the objective of considering impacts of traffic generating development.
- 4 Existing controls B8.5, B8.6 and B8.7 which relate to parking requirements that cannot be provided or where a reduction may be considered, have been removed. These on-site parking controls are assessed on merit on a case-by-case basis.
- 5 Existing sub-chapters B8.B On-site parking provisions and B.8C On-site parking access have been combined in B5.B On-site parking and access - General.
- 6 A new sub-chapter for accessible parking has been added called B5.C On-site parking and access – Accessible parking.
- 7 Where appropriate, Australian Standards are referenced as the development guide to ensure requirements are complying with current standards.
- 8 B5.8 is a new control for the minimum vertical clearance of parking areas.



9

Figure numbers have been amended.

10

B5.9 (existing control B8.11) has been amended to provide clarification to the placement of on-site parking areas.

11

Electric vehicle (EV) charging requirements were amended to:

- Include controls for dwellings, dual occupancies, semi-detached dwellings, multi dwelling housing and attached dwellings.
- Reduce the number of EV charging spaces for non-residential development from 1 per 10 car spaces to 5% of total car spaces.

12

A new figure has been included to provide guidance on loading bay requirements for different development types.

13

Figure 10 (existing Figure BU) was updated to align with current requirements in the Transport for New South Wales Guide to Transport Impact Assessment.



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Subdivision

Chapter C1

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 No policy changes have been made to this chapter.
- 2 As part of the comprehensive review of the DCP, all information requirements have been relocated to the Development Application Supporting Handbook (DASH). Items relocated from this chapter include information on lifecycle and maintenance costs and landscaping requirements.
- 3 A diagram demonstrating the requirements for solar access has been included.
- 4 Existing Figure CD: Public open space hierarchy was removed and replaced as a note as this is determined through a merit-based assessment that considers existing facilities, population and proximity to facilities.
- 5 References to major subdivision in sub-chapter headings were removed as the controls apply to all subdivisions.
- 6 Sub-chapters have been reorganised to improve readability of the chapter.
- 7 Information about access handles was reorganised to make it clearer to understand.



8

Several controls were rewritten as notes as they were providing information rather than a control to be assessed against. These include:

- Reference to the LEP providing information on minimum lot sizes for subdivision.
- Requirements for subdivisions that require an access handle and/or right of carriageway.
- References to infrastructure needing to comply with the Port Stephens Council Infrastructure Specification.
- Reference to infrastructure considerations such as lifecycle and maintenance costs when considering alternative methods, products and manufacturers.
- Reference to the Port Stephens Council's Biodiversity Technical Specification for guidance on the number of trees to be provided.
- Land that may be deemed unsuitable for use as public open space.



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Commercial

Chapter C2



Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:




- 1 Sub-chapters C2.A Height and C2.C Building form and massing were combined and simplified to reduce duplication of objectives.
- 2 The existing front setback control requires all commercial development to be built to the front property line. This is not always appropriate. Existing control C2.7 has been removed and replaced with proposed controls C2.6, C2.7 and C2.8 to provide varying setback requirements for different types of commercial developments.
- 3 The side setback control has been amended to provide greater flexibility in the determination of side setbacks and improve consistency with existing development.
- 4 The longitudinal gradient control C2.14 has been removed as it is an unnecessary requirement.
- 5 Existing Sub-chapters C2.D Facades, C2.E Awnings and C2.F Building entries were merged and renamed C2.C Streetscape to be consistent with other chapters. The order of the streetscape controls were also amended.



- 6 A note was added to inform that development needs to minimise land use conflict and operate under appropriate environmental mitigation measures by managing waste and minimising air, water and noise pollution.
- 7 The landscaping control C2.32 has been removed as it is an unnecessary requirement.
- 8 Part of control C2.34 was moved from C2.E Landscaping to C2.B Site frontage and setbacks as it relates to rear setbacks.
- 9 New objectives have been inserted into C2.F Public art to place a greater focus on public art that contributes to place-making. The threshold for commercial development to provide public art has increased from \$2M to \$5M to reflect the current cost of development. This threshold has not been raised since 2015.
- 10 C2.L Signage has been removed and inserted into the new signage chapter.



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Industrial

Chapter C3




Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The front setback control has been amended from “maximum 6m” to “5m, or in line with existing average building line” to allow for landscaping and customer parking whilst still maintaining character.
- 2 The front fence maximum height was increased to 1.8m as the existing control of 1.2m was considered impractical for the land use.
- 3 Landscaping controls were amended:
 - Removed the minimum width and length requirements for areas to be counted as part of total landscaping, in line with chapter C2 Commercial and chapter C4 Residential Development.
 - Amended a control to require a portion of landscaping in the front setback in order to help soften the large hard stand spaces that industrial sites often have.
- 4 A note was added to inform that development needs to minimise land use conflict and operate under appropriate environmental mitigation measures by managing waste and minimising air, water and noise pollution.
- 5 Appropriate sub-chapters have been merged to simplify the chapter.
- 6 Diagrams have been updated to improve interpretation of the requirements.



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Residential Development

Chapter C4 (former Chapter C4, C5 and C8)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

1

Chapter C4 Residential Development is a combination of the following chapters from the existing Port Stephens DCP:

- C4 Dwelling House, Secondary Dwelling, or Dual Occupancy
- C5 Multi Dwelling Housing or Seniors Housing
- C8 Ancillary Structures (Sheds, carports, swimming pools, fencing, retaining walls and shipping containers)

2

The chapter is presented with the following subchapters:

- Residential Development - General
- Residential Development - Housing on large lots
- Residential Development - Multi-dwelling housing

3

Controls have been updated to:

- Be consistent across all forms of residential development, for example by simplifying building setbacks to be the same for residential dwellings, dual occupancies and multi-dwelling housing.
- Reduce duplication of identical controls for different forms of residential development (for example, reference to building heights).
- Be more user friendly and incorporate plain English.

4

Reference to 'Seniors Living Development' has been removed. These requirements are set out in the *State Environmental Planning Policy (Housing) 2021* and do not need to be replicated in the DCP.

5

Landscaping and private open space controls have been standardised across all forms of residential housing to ensure that all occupants are provided with an appropriate amount of open space and landscaping amenity regardless of housing form.

6

Where necessary, sub-chapters provide specific requirements for a residential form. For example, the 'Housing on large lots' sub-chapter provides alternative building setback requirements to ensure that development is appropriately sited on larger/rural lots.



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Home business or home industry

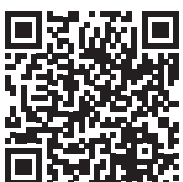
Chapter C5 (former Chapter C6)






Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 This chapter is now numbered C5. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 All controls are related to amenity and as such have been grouped under the sub-heading 'Residential amenity'.
- 3 A new control has been introduced to clarify development should not impact on residential amenity by way of dust, noise, vibration, smell, waste or traffic generation.



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Restricted or Sex Services Premises

Chapter C6 (former Chapter C7)




Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 This chapter is now numbered C6. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Controls that were considered onerous or unnecessarily restrictive have been amended:
 - Part of existing control C7.1, which prevents restricted premises from being located within 400m of another restricted premises, has been removed.
 - Measures to address minimising noise transmission in existing control C7.9 have been removed.

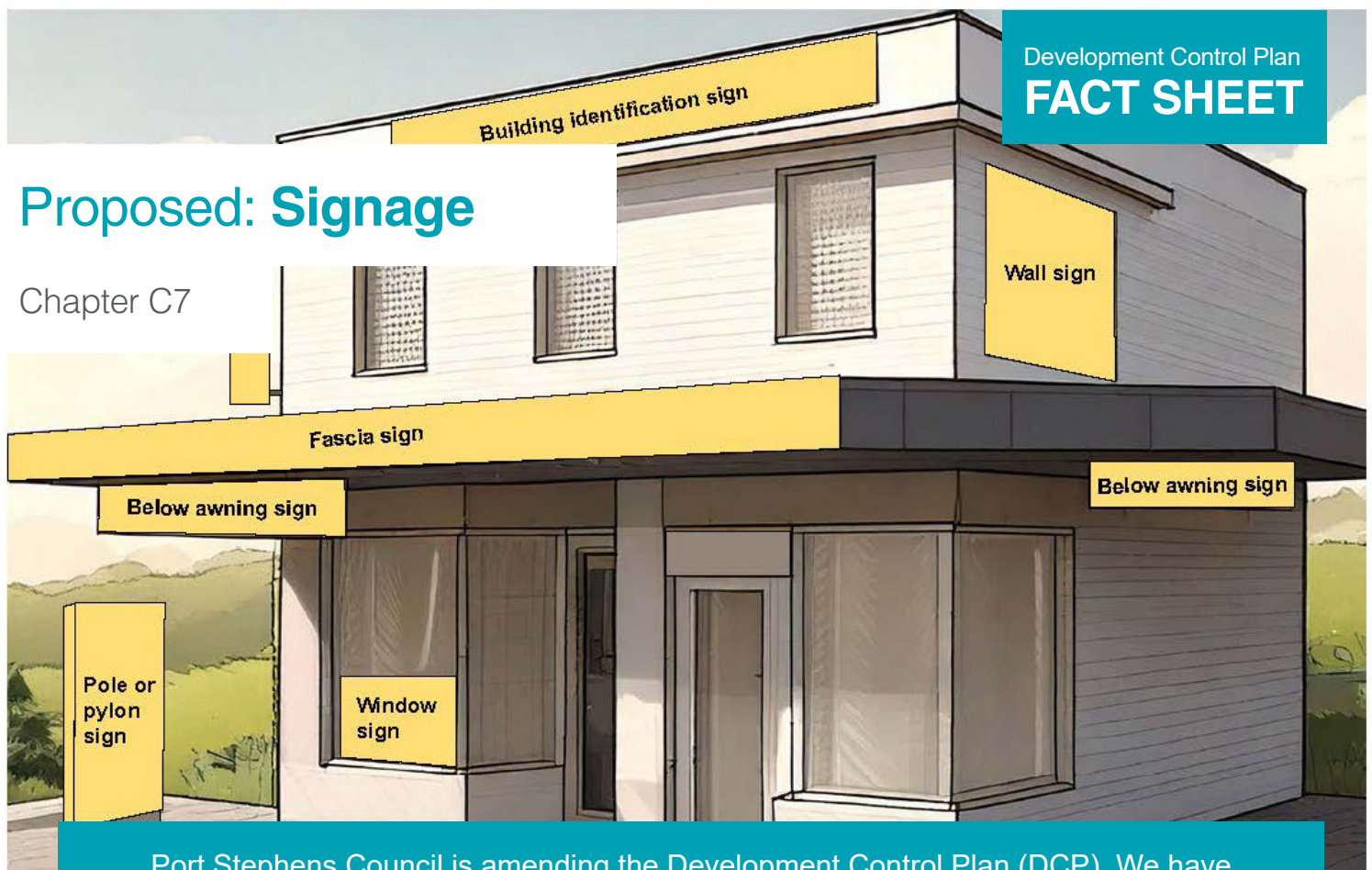


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Proposed: Signage

Chapter C7






Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

- 1 Chapter C7 Signage is a new chapter created to provide guidance on signage on private land.
- 2 Signage controls were previously located across various chapters and only stated the types of signs that aren't supported, rather than providing specific controls. Where signage is specific to an area or development type, it remains in that relevant chapter.
- 3 Although this DCP includes controls for more types of signs, this chapter is to be read in conjunction with Chapter 3 Advertising and signage of the State Environmental Planning Policy (SEPP) (Industry and Employment) 2021.



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Heatherbrae

Chapter D1






Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The existing Pacific Highway setback controls, D1.1 and D1.2, have been combined and simplified. The requirement to create a 'restriction to user' has been removed, as this is considered too onerous.
- 2 Sub-chapter D1.C Street layout was expanded to require access to Masonite Road be consistent with mapping.
- 3 Sub-chapter D1.D Drainage was amended to identify on-site infiltration requirements.
- 4 Sub-chapter D1.E Airport operational requirements has been removed as this information is identified in Figure 51.
- 5 Sub-chapter D1.F Gateway signage has been removed as this is a requirement for Council and not relevant to developers/applicants.
- 6 Figure 51 has been updated to reflect recent subdivisions and identify an indicative intersection on Masonite Road. Reference to the Obstacle Limitation Surface was removed as this was inaccurate.



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Former Chapter D2 Karuah




Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 Chapter D2 Karuah has been removed as most development has either occurred or is no longer consistent with the Karuah Place Plan (KPP) which identifies land in addition to that shown in the DCP. The KPP does not identify residential land in the areas that are located within the buffer areas specified in this chapter. It is anticipated that a new DCP chapter for Karuah will be prepared in conjunction with planning proposals that are consistent with the KPP. Staging and road layout for land release may be detailed in the new chapter.
- 2 The commercial components of the chapter are considered outdated. Proposed commercial development can rely on controls in Chapter C2 Commercial.



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Former Chapter D3 Lemon Tree Passage

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.


Proposed changes:


- 1 Chapter D3 Lemon Tree Passage has been removed as it contains controls that make it difficult and expensive to undertake development in Lemon Tree Passage. Very little development has occurred since the DCP was created in 2007.
- 2 A place plan is being prepared for the Tilligerry. Some of the concepts shown in the DCP, such as the laneway between Shearmen and Meredith Avenues, are discussed in the place plan.

Future development in Lemon Tree Passage may require the preparation of a new town centre DCP. Smaller development applications will rely on general controls in the DCP.



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Former Chapter D4 Koala Bay - Tanilba Bay

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 Former Chapter D4 Koala Bay - Tanilba Bay has been removed as all of the identified land has been developed.
- 2 The 6m front setback in D4.1 is important for Koala movement and has been incorporated into proposed Chapter C4 Residential Development.
- 3 Control D4.2 is a development application requirement that has been moved to the Development Application Supporting Handbook.
- 4 Control D4.3, requiring a section 88B covenant, has been deleted.
- 5 The swimming pool requirements in control D4.4 have been relocated to Chapter C4 Residential Development.
- 6 The fencing requirements in control D4.5 are already covered by the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which includes consideration for fencing in Koala areas.



For further information on the DCP go to our website:



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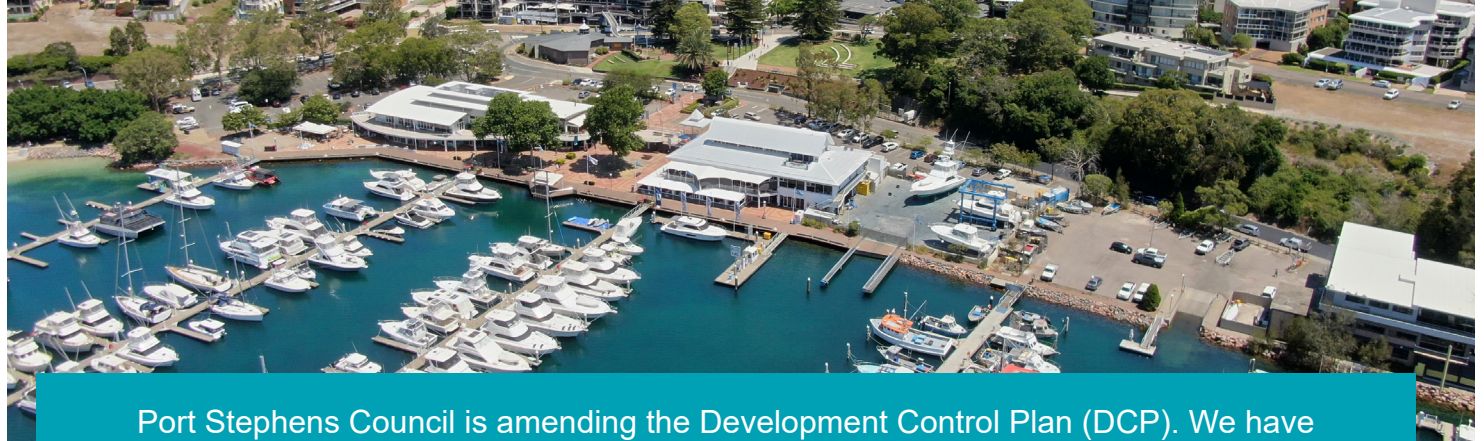
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Nelson Bay Centre

Chapter D2 (former D5)



Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

Chapter D5 relates to the Nelson Bay Town Centre and reflects the outcomes of the strategies and plans prepared for Nelson Bay Town Centre.

The changes proposed as part of this review are administrative and do not alter the strategic or policy intent of the chapter. The changes listed below have been made to align the provisions with state legislation and guidance (which prevails over local controls) and to make it easier to read and understand.

Proposed changes:

- 1 This chapter is now numbered D2. The numbering of the sub-chapters and controls has been amended to reflect this.
- 2 Objectives have been removed where they only repeat the purpose of the DCP, for instance the objective “To provide general provisions that apply to all precincts identified in the Nelson Bay Centre” has been deleted.
- 3 Objectives for each precinct have been amended to make it clear that the controls give effect to the character statements identified in the strategic plans for the centre.
- 4 Headings have been amended to be clearer about the application of the controls such as “General precinct provisions” amended to “General provisions”.



- 5 Reference to the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) has been amended to note that the NSW Apartment Design Guidelines will prevail over the DCP.
- 6 More detail has been provided in some controls to better articulate the intent of the provisions, for example a control requiring buildings to ‘maintain the rhythm of the traditional main street’ has been re-worded to list the types of articulation in new buildings that that would achieve this outcome.
- 7 A control that specified that a hotel and conference centre would be appropriate in the Tourism and Leisure Precinct has been removed because the DCP cannot regulate specific land uses if other uses are also permissible in the zone.
- 8 Notes in the chapter that reference controls in other chapters have been removed to avoid duplication. A general provision in the DCP requires all applications to have regard for all relevant controls.
- 9 A control requiring development needing to present a facade to street boundaries of no more than 2 storeys was removed as it was inconsistent with the NSW Apartment Design Guide which prevails over the DCP.
- 10 D5.2 Street layout control was removed as the street layout in the centre is already established.
- 11 D5.6 ‘Magnus Street is a pedestrian focused main street and acts as a focal point for the town centre’ was removed as it was similar to another control in existing D5.6 ‘Development retains and enhances the existing character and function of Stockton and Magnus Streets as the main shopping streets in the town centre.
- 12 Existing D5.9 was amended to align with the changes made to controls for provision of public art in the C2 Commercial chapter.



For further information on the DCP go to our website:



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Former Chapter D6 Nelson Bay West


Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed Changes:

- 1 Chapter D6 Nelson Bay West has been removed as most of the identified precincts have been developed and many of the controls are duplicating those in Section B and Section C of the DCP.



For further information on the DCP go to our website:

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Seabreeze Estate - Nelson Bay

Chapter D3 (former Chapter D7)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The chapter is now numbered D3. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure 53 (existing Figure DN) Seabreeze Estate – Nelson Bay Land Application Map has been updated to refine the DCP boundary where there was minor misalignment with existing lot boundaries.
- 3 All the controls refer to stormwater management and the subchapter heading has been amended to reflect this.
- 4 The objective ‘to reduce the need for potable water to irrigate’ has been deleted as there is no corresponding development control.
- 5 Information requirements for a stormwater drainage plan have been removed and relocated to the DA Supporting Handbook (DASH). The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this DCP.
- 6 The note referencing B4.2 has been removed as the information is included in Chapter B3 Stormwater Management (existing Chapter B4 Drainage and Water Quality).

Further information about the proposed DCP amendments can be found on our website:



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Salamander Bay Shopping Centre

Chapter D4 (former Chapter D8)



Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.


Background


No policy changes have been made to this chapter.

A Salamander Bay Town Centre Place Plan is being prepared to inform and consult with the community on future growth and development within the town center precinct. A review of the Salamander Bay Shopping Centre DCP is a likely outcome of the Place Plan.



For further information on the DCP go to our website:

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Former Chapter D9 North Medowie - Medowie

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.




Proposed changes:

1

Chapter D9 North Medowie - Medowie has been removed as development on this site is mostly complete.



For further information on the DCP go to our website:

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Former Chapter 10 Pacific Dunes - Medowie

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

1

Chapter D10 Pacific Dunes - Medowie has been removed as all of the identified precincts have been developed.



For further information on the DCP go to our website:



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Former Chapter D11

Raymond Terrace Town Centre

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 Chapter D11 Raymond Terrace Town Centre has been removed. It contains objectives and controls that are unnecessary or are already included in other DCP chapters or plans, including the Port Stephens Local Environmental Plan (LEP) 2013 and the Raymond Terrace Public Domain Plan.
- 2 D11.A Residential setbacks refers only to garage setbacks within residential zones in a heritage conservation area. This control is unnecessary because garage setbacks are already addressed in Chapter C4 Residential Development (existing C4 Dwelling House, Secondary Dwelling, or Dual Occupancy).
- 3 D11.B Facades refers only to pedestrian corridors providing a direct line of sight from entry to exit of buildings. This control is unnecessary because facades for commercial development are already addressed in C2 Commercial.
- 4 D11.C Solar access unnecessarily applies to existing development along William Street. Solar access for commercial development is already addressed in C2 Commercial.
- 5 D11.D King Street heritage controls have been moved to Chapter B7 Heritage which applies to all land that contains a heritage item, is within a heritage conservation area or could potentially contain an Aboriginal object.
- 6 D11.E Street layout is already addressed in Chapter C1 Subdivision and the Raymond Terrace Public Domain Plan.



7

D11.F Pedestrian and cycling is not required as pedestrian and cycle paths are addressed in the Raymond Terrace Public Domain Plan.

8

D11.G Street trees are addressed in the Raymond Terrace Public Domain Plan and the Port Stephens LEP lists a number of the locations, including tree plantings, referred to in the DCP.

9

D11.H Open space is addressed in the Raymond Terrace Public Domain Plan and its ongoing implementation.

10

D11.I Flood hazard is addressed in Chapter B4 Flooding.

11

D11.J Drainage and water quality can be suitably considered with any future development of the large parcel of Council-owned land using the controls in Chapter B3 Stormwater Management (existing Chapter B4 Drainage and Water Quality) and Chapter B4 Flooding (existing Chapter B5).



For further information on the DCP go to our website:



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Richardson Road - Raymond Terrace

Chapter D5 (former Chapter D12)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The chapter is now numbered D5. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DV Richardson Road - Raymond Terrace Land Application Map, has been removed. Site identification and area extent is now shown on Figure 55 (existing Figure DW) Richardson Road - Raymond Terrace Locality Controls Map.
- 3 Control D5.3 has been added to ensure future development provides safe and appropriate road access.
- 4 Control D5.4 (existing control D12.3) has been expanded to apply to any developments proposing road layouts. The previous wording excluded developments such as multi-dwelling housing which do not require subdivision.
- 5 Sub-chapter D12.B Staging has been replaced with new control D5.6. The control is easier to interpret and achieves the same outcomes.
- 6 Sub-chapter D12.C Aircraft Noise was removed as this is addressed in Chapter B6 Aircraft Noise and Safety.

Further information about the proposed DCP amendments can be found on our website:



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Rees James Road - Raymond Terrace

Chapter D6 (former Chapter D13)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The chapter is now numbered D6. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DX Rees James Road – Raymond Terrace Land Application Map, has been removed. Site identification and area extent is now shown on Figure 56 (existing Figure DY) Rees James Road – Raymond Terrace Locality Controls Map.
- 3 Figure 56 (existing Figure DY) has been amended to:
 - Reflect recent subdivisions and delivered infrastructure.
 - Remove landscaping and noise attenuation in the road reserve between Rees James Road and the Pacific Highway as this land, which is located within the Pacific Highway road reserve, is already comprised of extensive native vegetation and the main development (Potters Lane) has already been completed.
 - Remove identification of land for investigation between Rees James Road and the Pacific Highway as this land, which is owned by Hunter Water Corporation, is able to be investigated for potential alternative land uses separately from the development control plan.
 - Remove an indicative pathway along Rees James Road as this item is listed in the Port Stephens Local Infrastructure Contributions Plan.

Further information about the proposed DCP amendments can be found on our website:



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Kings Hill

Chapter D7 (former Chapter D14)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

Kings Hill has been nominated as an urban growth area for several years. The development control plan sets out a broad development pattern as well as the additional information that is required to accompany a development application for new development in Kings Hill.

No policy changes have been made to the chapter as part of this review.

Proposed changes:

- 1 The Kings Hill chapter is now numbered D7. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DAC Kings Hill – Raymond Terrace Land Application Map has been removed. Site identification is now shown on Figure 57 Kings Hill – Raymond Terrace Locality Controls Map 1 and Figure 58 Kings Hill – Raymond Terrace Locality Controls Map 2. Reference to Figure DAC in the chapter has subsequently been amended to Figure 57.
- 3 Incorrect references to DCP chapters and controls that have changed as a result of the comprehensive review have been amended:
 - D7.35 (existing D14.35) – reference to B4 has been updated to B2 Natural Environment to reflect relocation of the control relating to riparian corridors.
 - D7.38 (existing D14.38) – removed references to B3 Environmental Management as this chapter has been removed and information requirements have been relocated to the Development Application Supporting Handbook (DASH).
 - D7.40 (existing D14.40) - amended reference from B6.1 to B6 Aircraft Noise and Safety.

Further information about the proposed DCP amendments can be found on our website:



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Williamtown Defence and Airport Related Employment Zone (DAREZ)

Chapter D8 (former Chapter D15)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Background

The DAREZ site is subject to an existing approved masterplan development. Consultation with Newcastle Airport Pty Ltd is recommended for any detailed design guidelines or requirements, which may be more current than the controls in this development control plan for their land. This development control plan may be subject to further review and update in consultation with the landowners at a future time.

Proposed changes:

- 1 This chapter is now numbered D8. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DAF Williamtown DAREZ Land Application Map has been removed. Site identification and area extent is now shown on Figure 62 Williamtown DAREZ Locality Controls Map.
- 3 Figure 62 (existing Figure DAG) Williamtown DAREZ Locality Controls Map has been updated to reflect existing development.
- 4 A chapter summary has been added stating that development within the DAREZ DCP locality should be prepared to be consistent with any design guidelines issued by, and closely associated with the guidance of Newcastle Airport Pty Ltd (NAPL).
- 5 Sub-headings that are unnecessary have been removed.
- 6 Incorrect reference to chapters in this DCP that have changed as a result of the review have been updated.
- 7 Duplication has been removed in the notes in D8.G (existing D15.G) Airport operational requirements.

Further information about the proposed DCP amendments can be found on our website:



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Medowie Planning Strategy (Precinct E and F)

Chapter D9 (former Chapter D16)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The chapter is now numbered D9. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 This chapter is new and no policy changes have been made.
- 3 Figure DAH Medowie Planning Strategy (Precinct E and F) Land Application Map, has been removed. Site identification is now shown on Figure 63 (existing Figure DAI) Medowie Planning Strategy (Precinct E and F) Locality Controls Map. Reference to Figure DAH in the chapter has subsequently been amended to Figure 63.
- 4 Headings in the sub-chapters have been removed in line with the new style of the DCP. Where confusion may occur as a result of this, clarification has been provided in the relevant control.



For further information on the DCP go to our website:



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Stockton Rifle Range

Chapter D10 (former Chapter D17)






Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

Proposed changes:

- 1 The chapter is now numbered D10. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 No policy changes have been made as this chapter is relatively new and a development application is currently under assessment.
- 3 Figure DAJ Stockton Rifle Range Land Application Map, has been removed. Site identification and area extent is now shown on Figure 64 (existing Figure DAK) Stockton Rifle Range Locality Controls Map.
- 4 Reference to Flexible Housing Project has been amended to “locality controls map” to reflect the consistent mapping name used throughout the DCP.



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