



PORT STEPHENS  
COUNCIL

# Port Stephens Development Control Plan 2025



# Contents

Quick Start Guide.....	5
A Introduction.....	7
A Introduction.....	8
B General Provisions.....	12
B1 Tree Permits.....	13
B2 Natural Environment.....	17
B3 Stormwater Management.....	23
B4 Flooding.....	30
B5 Road Network and Parking.....	41
B6 Aircraft Noise and Safety.....	52
B7 Heritage.....	59
C Development Types.....	63
C1 Subdivision.....	64
C2 Commercial.....	70
C3 Industrial.....	77
C4 Residential Development.....	82
C5 Home Business or Home Industry.....	95
C6 Restricted or Sex Services Premises.....	96
C7 Signage.....	98
D Specific Areas.....	103
D1 Heatherbrae.....	105
D2 Nelson Bay Centre.....	107
D3 Seabreeze Estate – Nelson Bay.....	113
D4 Salamander Bay Shopping Centre.....	115
D5 Richardson Road – Raymond Terrace.....	117
D6 Rees James Road – Raymond Terrace.....	121
D7 Kings Hill – Raymond Terrace.....	125
D8 Williamtown Defence and Airport Related Employment Zone (DAREZ).....	138
D9 Medowie Planning Strategy (Precinct E and F).....	142
D10 Stockton Rifle Range.....	147
E Schedules.....	152
Glossary.....	153

# E

## Schedules

## Glossary

This DCP adopts the terms and definitions of the planning legislation (*Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the *Standard Instrument—Principal Local Environmental Plan*), unless otherwise defined in the Glossary.

**1% Annual Exceedance Probability (AEP) flood event** is the design flood based on statistical analysis of flood and rainfall data that has a 1% probability of being equalled or exceeded within any year.

**1st, 2nd & 3rd order water courses** means a watercourse order as classified under the Strahler System of ordering watercourses.

**2025 Australian Noise Exposure Forecast (ANEF)** means the area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on the RAAF Base Williamtown & Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map and includes land that is within ANEF contours of 20 and greater.

**Aboriginal heritage impact permit (AHIP)** means the statutory instrument that the NSW Office of Environment and Heritage issues under section 90 of the *National Parks and Wildlife Act 1974* to manage harm or potential harm to Aboriginal objects and places.

**acoustic report** means a report carried out to detail the noise or vibration intrusion related to aircraft, railway, restaurants, childcare centres, industrial buildings and the like.

**active street frontage** means a building for which all premises on the ground floor:

- a. are used for the purposes of business premises or retail premises if the premises face the street, and
- b. have direct pedestrian access from the street.

**adaptable minimum floor level** is the 1% AEP flood event level plus 0.5m at 50 years from determination date.

**ancillary structure** means for the purpose of this instrument, development that is incidental to an existing use being lawfully carried out on the land and includes a swimming pool, shed, fencing, retaining wall, shipping container or the like.

**annual exceedance probability (AEP)** means the chance of a flood of a given or larger size occurring in any one year (for example, the 1% AEP flood event has a 1% chance of occurring every year; the 5% AEP flood event has a 5% chance of occurring every year).

**Asset Protection Zone (APZ)** means a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack.

**Australian Height Datum (AHD)** means a common national surface level datum often used as a referenced level for ground, flood and flood levels. 0.0 m AHD corresponds approximately to mean sea level.

**average building line** for the purposes of determining the front setback, means the average distance of the setbacks to the nearest 2 buildings having a boundary with the same parallel road and located within 40 metres of the lot on which the dwelling house is erected.

**battle-axe lot** means a lot of land behind another, with access from the street through a narrow drive known as a handle.

**biodiversity corridors** (also known as wildlife corridors) are areas of native vegetation that link two or more areas of fragmented habitats together to create connections allowing wildlife to move safely between habitats, enabling them to find food, mates, and resources, to persist, disperse and colonise new areas.

**biodiversity technical specification** means the Port Stephens Council Biodiversity Technical Specification.

**bird strike zone** means land identified as bird strike Group A, Group B or Group C in Figure 15.

**buffer** a designated area intended to separate or mitigate potential conflicts or negative impacts between different land uses, activities or areas.

**capital investment value** of a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment.

**cantilevered** means a projecting structure, such as a beam, that is supported at one end and carries a load at the other end along its length.

**cellular system** means systems that can be used to control and manage rainwater surface runoff as either a soak away or a storage tank. The modular/honeycomb nature of cellular systems means that they can usually be tailored to suit the specific requirements of any site.

**clearing** has the same meaning as under 60C of the *Local Land Services Act 2013*. Clearing native vegetation means any one or more of the following—

- (a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking or burning native vegetation.

**collector road** means a collector road as defined by the current version of the Port Stephens Council Infrastructure Specification.

**compensatory requirements** means replacements of important biodiversity features which cannot be avoided and are proposed to be removed and includes tree planting and the installation of artificial hollow habitat.

**construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the regulations.

**controlled activity** means:

- a. the erection of a building or the carrying out of a work (within the meaning of the EP&A Act), or
- b. the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- c. the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- d. the carrying out of any other activity that affects the quantity or flow of water in a water source.

**crime prevention through environmental design (CPTED)** means a multi-disciplinary approach to deterring criminal behaviour through environmental design.

**cut** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of land.

**deep soil planting** means planting trees and shrubs in areas with sufficient soil depth to allow for their full development

**desire lines** means a path that represents the shortest and most easiest navigated route between an origin and destination.

**district park** means a park that can support a greater variety of functions and facilities than a local park to meet different community needs.

**drainage reserve** means a parcel of land set aside for drainage purposes. Drainage reserves usually contain either a drainage basin or an open drain. A drainage reserve is a type of overland flow path.

**driveway** means a type of private road for local access to one or a small group of structures, and is owned and maintained by an individual or group.

**driveway crossover** means the connection of an accessway/driveway, from the edge of the property to the road, which often crosses a footpath, nature strip, or kerb.

**easement** means an individual or a company, known as a grantee, has the right to use land for a particular purpose. An easement can restrict how the owner of the land, known as the granter, can use their property.

**essential services** means reference to the essential services such as the supply of water, the supply of electricity, the disposal and management of sewage and suitable vehicular access.

**finished access level** is the completed level of the driveway following construction, from the building envelope to the public road.

**Finished Floor Level (FFL)** is the completed floor level of the premises following construction.

**flood certificate** means a Council prepared flood certificate.

**flood compatible design** refers to all proposed development on flood prone land which must be of a flood-resistant design and construction.

**flood fringe area** is the remaining land in the flood planning area after the floodway area and flood storage area have been defined.

**flood hazard** means a flood that has the potential to cause harm or conditions with the potential to result in loss of life, injury and economic loss. The degree of hazard varies with the severity of flooding and is affected by flood behaviour (extent, depth, velocity, isolation, etc.).

**flood maps** includes the visual representation of the flood hazard and hydraulic categories referenced in Council's Floodplain Risk Management Policy.

**flood immunity** refers to a building or structure that will not be directly affected by flooding during a flood event.

**flood impact and risk assessment** is a comprehensive technical investigation of flood behavior.

**floodplain** means an area of land adjacent to a river, creek, lake, estuary, dam or artificial channel which is susceptible to flooding during high rainfall periods.

**Floodplain Risk Management Policy** refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area.

**flood planning area** is the land below the flood planning level.

**Flood Planning Level (FPL)** is the level of the **1% AEP flood event** in the year 2100 plus 0.5 metre freeboard, except for overland flooding areas where a freeboard of 0.3 metre is applied. The area of land below the FPL is subject to flood-related development controls.

**flood prone land** refers to land susceptible to flooding by the PMF event. Flood prone land is also known as the floodplain, flood liable land and flood affected land.

**flood refuge** means an approved and well-designed mound to provide temporary refuge for humans and livestock during flooding.

**flood storage areas** are areas of the floodplain that are outside floodways which generally provide for temporary storage of floodwaters during the passage of a flood and where flood behaviour is sensitive to changes that impact on temporary storage of water during a flood.

**flood volume** refers to the volume of water occupying a site at the peak of a flood event. The 1% AEP flood volume is the difference between the peak flood height in the 1% AEP flood event and the natural surface level.

**floodway** refers to areas of the floodplain which generally convey a significant discharge of water during floods and are sensitive to changes that impact flow conveyance. They often align with naturally defined channels or form elsewhere in the floodplain.

**foreshore** means the part between the water and occupied or cultivated land.

**front property line** means the legal boundary of a parcel of land adjoining the primary road reserve frontage.

**GFA** means gross floor area which is the total floor area of a building.

**GLFA (Gross Leasable Floor Area):** means total floor space available to be leased, which typically excludes hallways, elevator shafts, stairways and other non-leasable space.

**greenfield** means a site in a locality which has been previously undeveloped other than for agricultural pursuits.

**groundwater** means the water located beneath the earth's surface in soil pore spaces and in the fractures of rock formations. A unit of rock or an unconsolidated deposit is called an aquifer when it can yield a usable quantity of water.

**habitat** means those parts of the environment (both natural and human-made) that native flora and fauna require for different stages of their life cycle, such as feeding, roosting, migration, nesting and the rearing of young.

**habitable room** means a room used for normal domestic activities, and -

- a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

**habitat features** are environmental elements both living and non-living that provide native animals with essential resources like food, shelter, nesting sites and areas for migration and social interaction.

**high hazard flood area** is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.

**high value ecological features** means the natural features in the landscape which provide habitat for native species, such as:

- a) specific fauna habitat, which include hollow bearing trees, nest trees, Koala feed trees, large old growth trees, caves, rocky outcrops/ bush-rock, waterbodies, and
- b) ecologically valuable environments, which include riparian corridors, biodiversity corridors, wetlands, large areas of intact native vegetation, threatened ecological communities and highly cleared plant community types.

**impervious surfaces** means a surface within a development which does not allow infiltration of water to the underlying ground including roads, parking lots, driveways, pathways, buildings and roofs.

**Koala habitat** means land identified on the Port Stephens Council Koala Habitat Planning Map as being preferred Koala habitat, supplementary Koala habitat, and linking or buffer areas to them, according to the definitions provided in the Port Stephens Comprehensive Koala Plan of Management (CKPoM).

**landscape plan** means a plan or document outlining the extent, type and location of hard and soft landscape works proposed for a development.

**local park** means a park that is provided and maintained for local residents comprising of open grassed areas suitable for small scale ball play, picnics and unorganised active recreation.

**local street** means a local street as defined by the current version of the Port Stephens Council Infrastructure Specification.

**low hazard flood area** is the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

**major subdivision** refers to the division of a large parcel of land into multiple lots or parcels in which new roads are proposed, and existing roads or intersections which require significant upgrading or public drainage are constructed.

**merit-based approach** is the means of achieving an objective based on the desired outcome, rather than specific numerical standards.

**minimal risk flood prone land** refers to land on the floodplain that is above the FPL.

**Model for Urban Stormwater Improvement Conceptualisation (MUSIC)** means a toolkit that aids in predicting the performance of stormwater quality management systems.

**multi-functional** refers to sport fields that are designed with multiple uses in mind.

**natural ground level** means the most likely surface of the property at the time the lots were created and the roads built.

**nodes** mean focal points, intersections or loci such as train stations, neighbourhood centres, bus depots or intersections.

**non-habitable room** means a room not defined as a habitable room under this Plan

**non-rural areas** for the purpose of Chapter B1 Tree Management means the following land-use zones under the LEP:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- MU1 Mixed Use
- W4 Working Waterfront
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP4 Enterprise

- RE1 Public Recreation
- RE2 Private Recreation
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living

**on-site detention** means a way of ensuring that land-use changes do not cause increased downstream flooding: both in the local drainage system immediately downstream and along the creeks and rivers further downstream. On-site detention usually consists of a discharge control pit, storage and collection network.

**on-site infiltration** means a system by which water on the ground surface enters the soil. Infiltration rate in soil science is a measure of the rate at which soil is able to absorb rainfall or irrigation. It is measured in inches per hour or millimetres per hour. The rate decreases as the soil becomes saturated.

**on-site parking** means parking facilities located at the same location as the building, as required under Figure 10: On-site parking requirements.

**on-site waste water level** is the 5% AEP flood event level at 50 years from determination date (Note: there is no 0.5m freeboard in this instance).

**open space** means either private open space or public open space.

**overland flow** means water that flows down to a water course as opposed to flooding that is water that rises from a water source.

**overland flow path** are the areas of inundation by local runoff rather than inundation created by overbank flows discharging from a watercourse.

**preferred Koala habitat** means all habitat areas identified as preferred under the Port Stephens Council Comprehensive Koala Plan of Management.

**podium** means a platform used to raise something above its immediate surroundings.

**precinct plan** means a plan prepared to address the matters set out in Part 6 (Urban release areas) of the LEP.

**privacy screen** means

- a) a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot, or
- b) a window, the whole of which has translucent glass and is fixed and not able to be opened.

**Probable maximum flood (PMF)** refers to the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions.

**public** means a person who accesses a building or premises who are not owners or staff.

**public domain** means land to be considered public property and would generally be understood to be streetscapes or public open space.

**public drainage** means the drainage system that is under public ownership and is maintained by a public authority.

**public infrastructure** means infrastructure, such as sewerage, electrical, water or similar that is under the ownership of a public authority, such as Council.

**public open space** means a social space that is generally open and accessible to people, including road reserves, public domain, parks and beaches.

**regional park** means a park that provides facilities that are of a broader scale than those of a local park or district park.

**register of significant trees** means the Port Stephens Council Register of Significant Trees.

**riparian corridor** means a transition zone between the land (terrestrial environment), and the river or watercourse or aquatic environment, and also includes the watercourse.

**road reserve** means a legally described area within which facilities such as roads, footpaths, and associated features may be constructed for public travel.

**rural areas** means the following land-use zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry

**secondary setback** relates to a building situated on a corner lot, faces to two streets and therefore requires two setbacks. The secondary setback is provided to the non-primary street, being the street which carries less traffic load.

**servicing strategy** means a strategy that identifies major works in relation to essential services.

**shared path** means a path designed to provide a travel area separate from motorised traffic for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users.

**side boundary** means the property boundaries connected to the front property line.

**site area** means the area contained within the boundaries of the site

**site based overland flow report** is a report certified by a chartered professional engineer with experience in hydraulics and floodplain management.

**solar access** means the amount of the sun's energy available to a building.

**splay corners** means the corners of a road intersection.

**statement of environmental effects (SEE)** means a document that demonstrates that the environmental impact of a development.

**stormwater drainage plan** means a plan and written description in relation to the stormwater management of a site.

**stormwater quality improvement devices (SQIDs)** mean engineering methods that are used to protect the creeks, rivers and beaches that our stormwater drains into. They trap or collect rubbish and pollution that ends up in our stormwater drains. Examples

include litter collection cages, trash racks or constructed wetlands.

**stormwater requirement areas** means land identified on a map on Council's website where additional stormwater control devices may be required.

**structural engineering assessment** means an assessment undertaken of the building by a qualified engineer.

**structural soil / structural cells** means planting methods and systems used to give structural support to civil infrastructure whilst allowing for root growth of trees to achieve better growth outcomes.

**subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**super lot** means an area of land created by subdivision and intended to be further subdivided into additional lots.

**surface water** means water on the surface of the planet, such as in a stream, river, lake, wetland, or ocean.

**swimming pool** means an excavation, structure or vessel:

- a) that is capable of being filled with water to a depth greater than 300 millimetres, and
- b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity

It includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act

**traffic generating development** means development defined as traffic generating development under Schedule 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

**Traffic Impact Assessment (TIA)** means an assessment to quantify the traffic impacts and associated parking requirements that result from proposed development.

**Tree Permit** means approval that may be required from Council to remove or prune vegetation as prescribed in Chapter B1 Tree Permits. The Tree Removal and Pruning Form on Council's website can assist in determining what type of Council approval is required and to make an application.

**vegetated riparian zone** means the vegetated area in a riparian corridor comprising of the vegetation immediately next to, and influenced by, a watercourse and its buffer zone.

**vegetation management plan (VMP)** means a vegetation management plan as described under the Port Stephens Council Biodiversity Technical Specification.

**vista** means a view corridor to a distant view.

**waste** includes:

- a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause

an alteration in the environment, or

- b) any discarded, rejected, unwanted, surplus or abandoned substance, or
- c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- d) any substance prescribed by the regulations to be waste.

**waste storage and recycling area** means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's occupants.

**water balance** means an equation that can be used to describe the flow of water in and out of a system.

**waterfront land** means:

- a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of the highest bank of the river, or
  - the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
  - the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high-water mark of the estuary, or
- b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high-water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

**water quality stripping targets** refer to the minimum requirements for reducing pollutants in stormwater runoff before it enters public drainage or natural waterways.

**water sensitive urban design (WSUD)** means a range of measures that are designed to avoid, or at least minimise, the environmental impacts of urbanisation in terms of the demand for water and the potential pollution threat to natural water bodies.

**weeds** means a plant that is a pest.

**wetland** means a location identified as 'wetland' on the Wetlands Map.



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