PORT STEPHENS COUNCIL

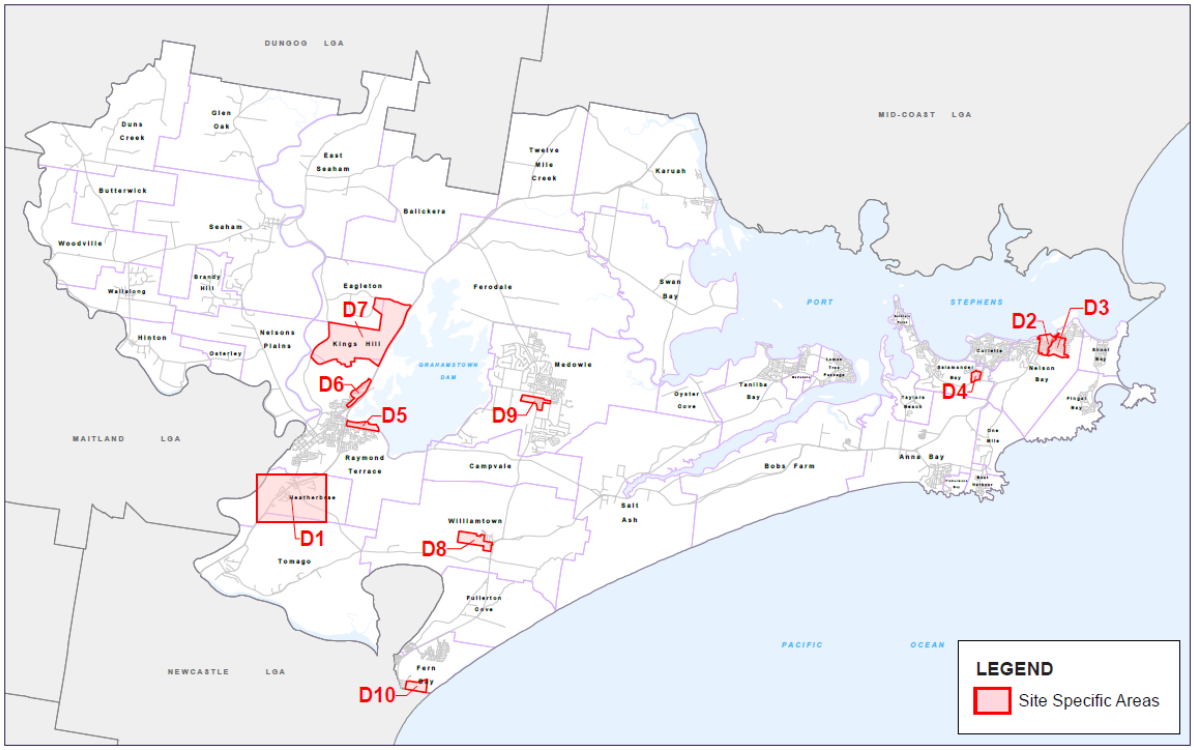
Port Stephens Development Control Plan 2025

Contents

D

Specific Areas

Figure 50: DCP Specific Areas – Land Application Map



Specific Areas

D1 Heatherbrae

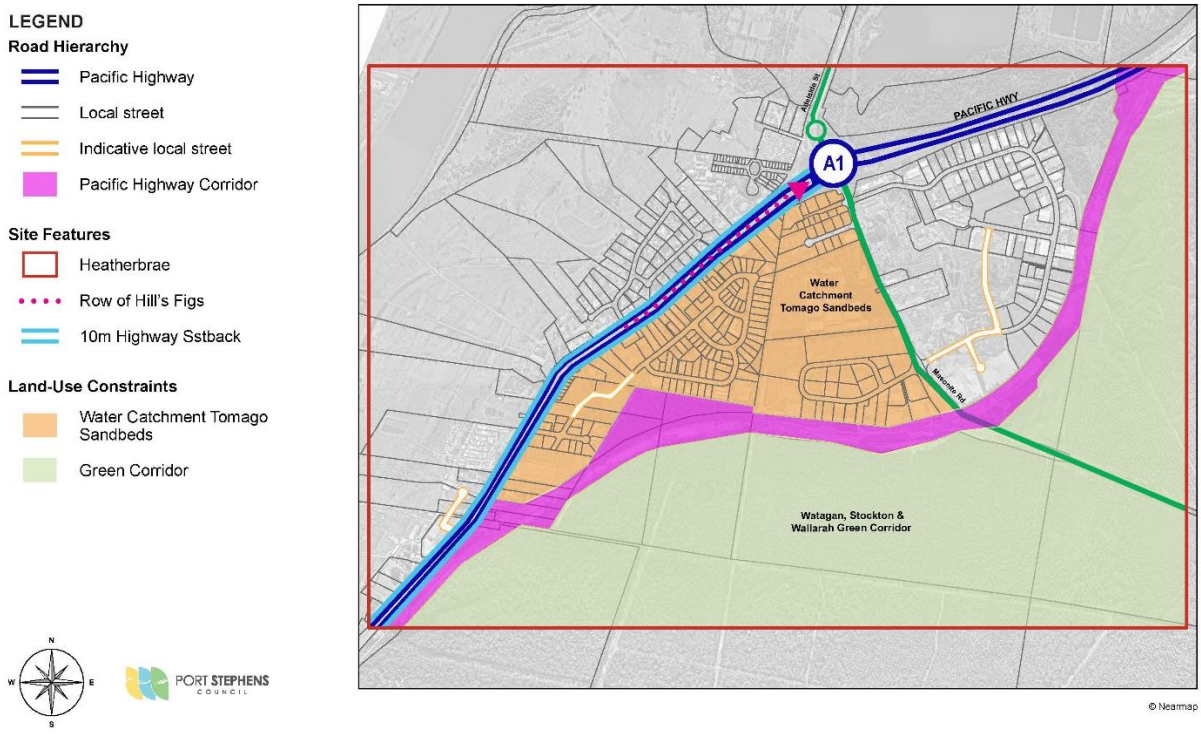
Application

This chapter applies to the land identified in Figure 51 as Heatherbrae.

Chapter Summary

This chapter sets out controls to inform development in Heatherbrae.

Figure 51: Heatherbrae Locality Controls Map



The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D1.A Setback

Objective

To ensure development has regard to the Pacific Highway.

Control

D1.1 Development on the Pacific Highway is to be setback 10m from the front boundary with a 5m wide landscape strip provided within the setback.

D1.B Street trees

Objective

To ensure suitable street trees are appropriately sited.

Control

D1.2 Development continues the row of Hill's Figs on the western side and replicates the row of Hill's Figs on the eastern side of the Pacific Highway in Heatherbrae.

D1.C Street layout

Objective

To ensure a permeable and connected street network with safe access from the Pacific Highway and Masonite Road.

Controls

D1.3 Street layout is consistent with Figure 51.

D1.4 Access to the Pacific Highway is restricted to those intersections identified on Figure 51.

D1.5 Access to Masonite Road is restricted to the intersections identified on Figure 51.

D1.6 Internal intersections contain concrete mediums with either a give-way or stop treatment.

D1.D Drainage and water quality

Objective

To ensure development does not impact on water quality.

Control

D1.7 For up to and including the 1% Annual Exceedance Probability (AEP) flood event, on-site infiltration is required in stormwater requirement areas where there is no legal discharge point in the catchment.

This applies to all of the land south of the highway on Figure 51.

D2 Nelson Bay Centre

Application

This chapter applies to the land identified in Figure 52 as Nelson Bay Centre.

Chapter Summary

- This chapter sets out controls to inform development and desired character in various precincts in the Nelson Bay Town Centre.
- This chapter should be read in conjunction with the strategic plans for Nelson Bay published on Council's website.

For residential flat buildings the NSW Apartment Design Guide will prevail over this DCP.

Development in a prominent location and of a prominent scale, or where Council deems necessary, will be referred to the Urban Design Panel. Applicants will be encouraged to consult with the Urban Design Panel prior to lodgement.

Figure 52: Nelson Bay Town Centre Locality Controls Map

This chapter should be read in conjunction with Chapter B3 Stormwater Management and the DASH which provides detailed direction on information needed to support a development application.

D2.A General provisions

Objectives

- To maintain and enhance important views and ensure development integrates within the natural topography.
- To ensure development contributes to the existing compact and interconnected street pattern.
- To ensure buildings reinforce the natural amphitheatre landform of the Nelson Bay Town Centre.
- To ensure development is designed so as to contribute positively to the surrounding public domain.
- To ensure development enhances the desired local character.

Controls

D2.1 Development preserves the important vistas identified by Figure 52.

D2.2 Development is to ensure that roof tops do not adversely impact on the public domain when:

- Viewed from buildings at higher elevations;
- When approaching the town centre;
- Viewed from the street.

D2.3 Building materials are harmonious with existing buildings with reference made to the Coastal Design Guidelines for NSW.

D2.4 Development is to demonstrate design excellence, including:

- Consistency with the desired character statements set out in this chapter;
- Consideration of impacts on the public domain including views, overshadowing and the scale of the streetscape; and
- Architectural merit, for example by addressing local topography, the surrounding natural environment and waterways, green spaces, or vegetated ridgelines in the design of the development.

D2.B Village Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development within the Village Precinct.
- To ensure street activation and passive surveillance through activated street fronts.
- To facilitate development that is safe and secure for pedestrians and contributes to public domain safety by incorporating principles of CPTED, such as:
    - Territorial re-enforcement
    - Surveillance
    - Access control
    - Space/activity management.

Control

D2.5 Development within the Village Precinct has regard for the following:

- Development encourages street activation.
- Development provides continuity of an activated street frontage for localities where business or retail premises predominately face the street and have direct pedestrian access form the street.
- Development retains and enhances the existing character and function of Stockton and Magnus Streets as the main shopping streets in the town centre.
- Tall buildings are designed with the following:
    - Setbacks do not visually dominate at the street level.
    - Facades are detailed to promote clearly defined ground floor, first floor and second floor elements to manage the proportion of building height.
    - Built elements, including balconies, decks and architectural features of upper floors are set back to reinforce the prominence of a two-storey street facing façade.
    - Articulation of the ground floor includes design elements like windows, doors, architectural details, or landscaping to create a more human-scaled, visually interesting, and pedestrian-friendly streetscape.

Note: C2.5 and C2.6 define minimum front setbacks from the front property line. Variation to these setbacks is acceptable where development aligns with the design excellence controls referenced in this chapter.

D2.C Town Living and Commercial Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Town Living and Commercial Precinct.
- To encourage a diversity of residential accommodation types that support the Village Precinct.

Control

D2.6 Development within the Town Living and Commercial Precinct has regard for the following:

- A wide range of uses including residential, retail and business development will attract a range of housing types, including residential flat buildings, multi-dwelling housing and shop top housing.
- The precinct is appropriate for larger-scale developments, with large footprints.
- The mix of uses encourages residential living with live-work opportunities and boutique commercial office space.
- Development has regard for adjacent precincts that provide a change in scale.

D2.D Leisure and Tourism Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Leisure and Tourism Precinct.
- To facilitate a Tourism and Leisure Precinct that supports the roles of adjoining precincts.

Control

D2.7 Development fronting Apex Park is to facilitate access to adjoining precincts and contribute to linking the Town Centre to the foreshore through Apex Park.

D2.E Foreshore Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Foreshore Precinct.
- To encourage development to address the waterfront and to provide an attractive and safe pedestrian environment.
- To encourage the establishment of a destination development that will integrate with established and future pedestrian circulation patterns.

Control

D2.8 Development has regard for the following:

- Development, reinforces the visual and cultural importance of the waterfront.
- Development incorporates public art, which can act as landmarks.
- Water and marine related activities are complementary to commercial and leisure related uses.
- Accessible areas are provided.

Note: C2.27 requires commercial development of a significant scale, and that which provides frontage to the public domain, to incorporate public art in accordance with Council's Public Art Policy and Guidelines.

D2.F Green Link Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Green Link Precinct.
- To encourage the establishment of destination development that integrates with established and future pedestrian circulation patterns.

Control

D2.9 Development supports the Green Link Precinct being Nelson Bay's central meeting place and transition area. This area facilitates movement between the town centre and foreshore and consideration for connecting paths and a future location of cyclist end-of-trip facilities should be made.

D2.G Foreshore Town Living Precinct

Objectives

- To give effect to the character statements identified in the strategic plans for the centre that guide development in the Foreshore Town Living Precinct.
- To encourage development that addresses the waterfront and provides an attractive and safe pedestrian environment.
- To encourage development that attracts pedestrians and integrates with established and future pedestrian circulation patterns.

Control

D2.10 Development within the Foreshore Town Living Precinct has regard for the following:

- Development is designed to ensure the natural setting of the town centre, as viewed from the water, is retained.
- Development will have regard for adjacent precincts that provide a change in scale.
- Mature street plantings are to provide shading for pedestrians and reduce perception of development scale.

D3 Seabreeze Estate – Nelson Bay

Application

This chapter applies to the land identified in Figure 53 as Seabreeze Estate - Nelson Bay.

Chapter Summary

This chapter sets out controls to inform development in the Seabreeze Estate which due to its location in a sensitive catchment has additional controls for stormwater management.

Figure 53: Seabreeze Estate – Nelson Bay

This chapter should be read in conjunction with Chapter B3 Stormwater Management and the DASH which provides detailed direction on information needed to support a development application.

D3.A Stormwater management

Objectives

- To ensure stormwater works that are required for the implementation of stormwater management within Seabreeze Estate and the groundwater catchment draining to Melaleuca Estate can be managed.
- To recognise that rainwater tanks will lead to a reduction in the amount of roof run-off discharging to public drainage.
- To reduce stormwater entering Melaleuca Estate and mitigate for potential loss in water quality.

Controls

D3.1 Development provides rainwater tanks that:

- Provide a minimum storage volume of 5,000L per unit.
- Are configured to allow use of the water for non-potable purposes.
- Direct overflow to an on-site infiltration system.

D3.2 Development that increases impervious surfaces by more than 10% or 50m^2 is to provide on-site infiltration.

D3.3 The capacity of on-site infiltration or on-site detention shall cater for all storm events up to and including the 1% Annual Exceedance Probability (AEP) with durations up to 72 hours considered.

D3.4 Stormwater drainage pipes, pits, overland flow and discharge points discharge to either one of the following:

- on-site detention systems where soil conditions are not suitable for infiltration
- directly onto the ground surface, if adjacent properties are not affected
- underground infiltration systems where the soils are suitable

D3.5 On-site detention is required where it can be demonstrated that soil conditions are not suitable for on-site infiltration.

D4 Salamander Bay Shopping Centre

Application

This chapter applies to the land identified in Figure 54 as Salamander Bay Shopping Centre.

Chapter Summary

- This chapter sets out controls to inform development at the Salamander Bay Shopping Centre which is an economic and community hub.
- Development of the centre must be sympathetic to surrounding land uses.

Figure 54: Salamander Bay Shopping Centre

D4.A Planning principles

Objective

To provide guidance to the development of the Salamander Bay Shopping Centre Precinct.

Controls

D4.1 To create a sense of identity for a unified community and commercial precinct.

D4.2 To ensure future development is sympathetically integrated with the existing surrounds and appropriately activates the precinct.

D4.3 To ensure an integrated pedestrian and vehicular network promotes improved connectivity between developments within the precinct, and reaffirms the precinct as a hub.

D4.4 To ensure appropriate intersections are considered to accommodate for the expansion of the precinct.

D4.5 To ensure future development respects neighbours and users of the precinct.

D4.6 To ensure future development protects the ecological systems within and adjacent to the precinct.

D4.7 To ensure future development is designed with the safety of neighbours and users in mind.

D4.8 To ensure future development supports and is consistent with community activities.

D4.9 To ensure diverse aesthetic forms are appropriately developed with the human scale in mind and integrated with in a holistic aesthetic framework for the hub.

D4.10 To ensure future development offers economic advantages to the community in the immediate and long term.

D5 Richardson Road – Raymond Terrace

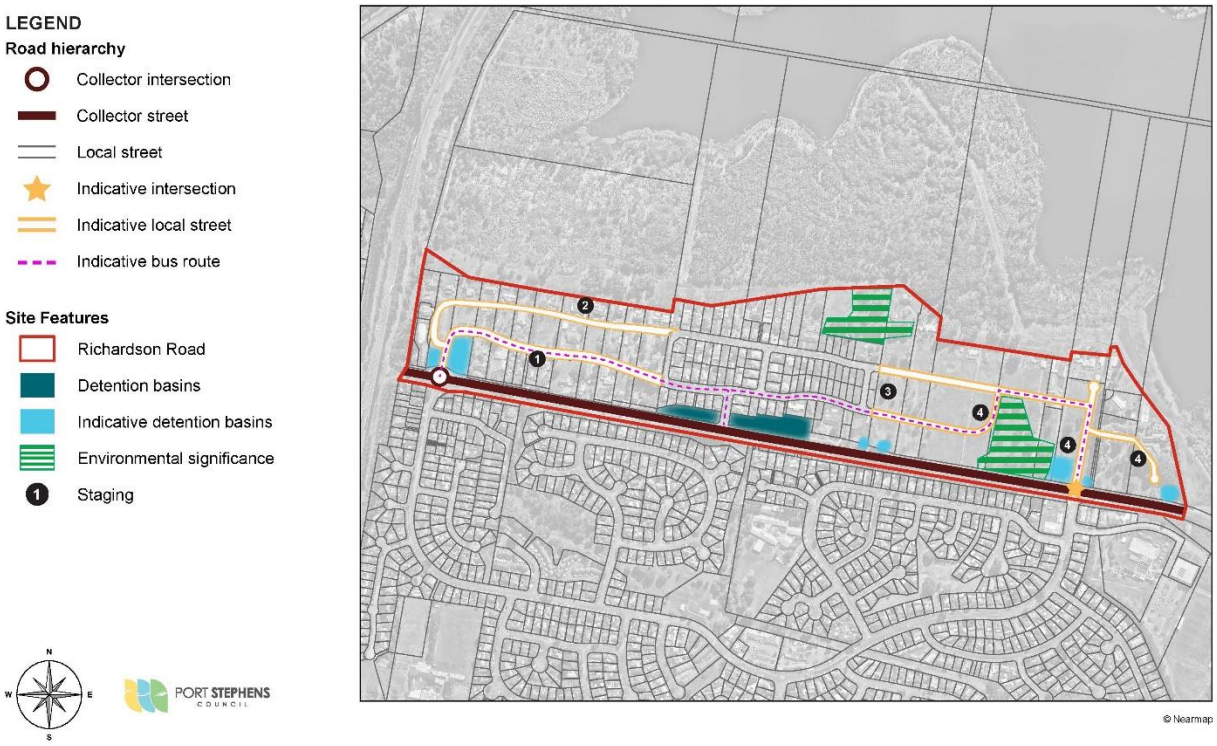
Application

This chapter applies to the land identified in Figure 55 as Richardson Road - Raymond Terrace.

Chapter Summary

- This chapter sets out controls to inform subdivision and road network layout in the area defined in Figure 55.

Figure 55: Richardson Road – Raymond Terrace Locality Controls Map



The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D5.A Street layout and transport network

Objectives

- To ensure that a well-planned and connected street layout for the area is delivered and not compromised by development on a single site.
- To achieve efficient and equitable pedestrian, cycle, public transport and private vehicle connectivity between lots and precincts, the local centre and nearby service areas.
- To ensure the street layout limits access to the Pacific Highway and Richardson Road.

Controls

D5.1 Street layout is generally consistent with the locality controls map at Figure 55.

D5.2 No additional direct driveway access to and from Richardson Road is permitted.

D5.3 No intensification of existing driveway access, to and from Richardson Road is permitted, except for:

- Dual occupancies; or
- Secondary dwellings.

D5.4 Development applications must provide for wider street network connectivity in a grid-like structure. The subdivision or development of a lot proposing a road layout that prevents the effective connectivity of the wider street network will not be supported.

D5.5 Subdivisions that propose street networks are to be informed by road connections to future subdivisions on adjoining land. Development applications shall identify future road connections to adjacent land.

D5.6 Development within Area 1 or 2 (as shown on Figure 55) is to provide continuous road construction to Baluster Way, Lake View Crescent or Richardson Road in accordance with Figure 55.

- Development proposing to use the Halloran Way and Richardson Road intersection must demonstrate the intersection has adequate capacity to support additional traffic generated by the development.
- Where development exceeds the intersection capacity at Halloran Way and Richardson Road, continuous road connection to the eastern or western intersection of Benjamin Lee Drive and Richardson Road must be provided in accordance with Figure 55.

D5.7 Local roads connecting to Richardson Road, Halloran Way and Baluster Street are constructed as bus routes in accordance with Council's Infrastructure Specification.

D5.8 Pedestrian and shared paths are provided in accordance with Figure 55 and the Council's Infrastructure Specification.

D5.9 Access to Richardson Road must be provided in accordance with Figure 55.

D5.10 Subdivisions along Richardson Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with Council's Biodiversity Technical Specification.

D5.B Stormwater drainage and water quality

Objectives

- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To safeguard nearby sensitive wetlands by improving the quality of stormwater runoff.
- To improve or maintain water quality within the Grahamstown Dam Drinking Water Catchment.
- To ensure that stormwater from development is adequately managed to provide for common stormwater management infrastructure.

Controls

D5.11 On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.

D5.12 The on-site detention / on-site infiltration is to be:

- Sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event; and,
- Provided by underground chambers, surface storage or a combination of the two.

Pre-development is prior to any development occurring on the land.

D5.13 Drainage reserves are located generally in accordance with the locality controls map at Figure 55.

D5.14 All new development must demonstrate there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

D5.15 When a development application is received for subdivision greater than three lots, or would result in an impervious area greater than 60% of the site area, it must demonstrate that the quality of water released into public drainage achieves Council's water quality stripping targets for the area.

D6 Rees James Road – Raymond Terrace

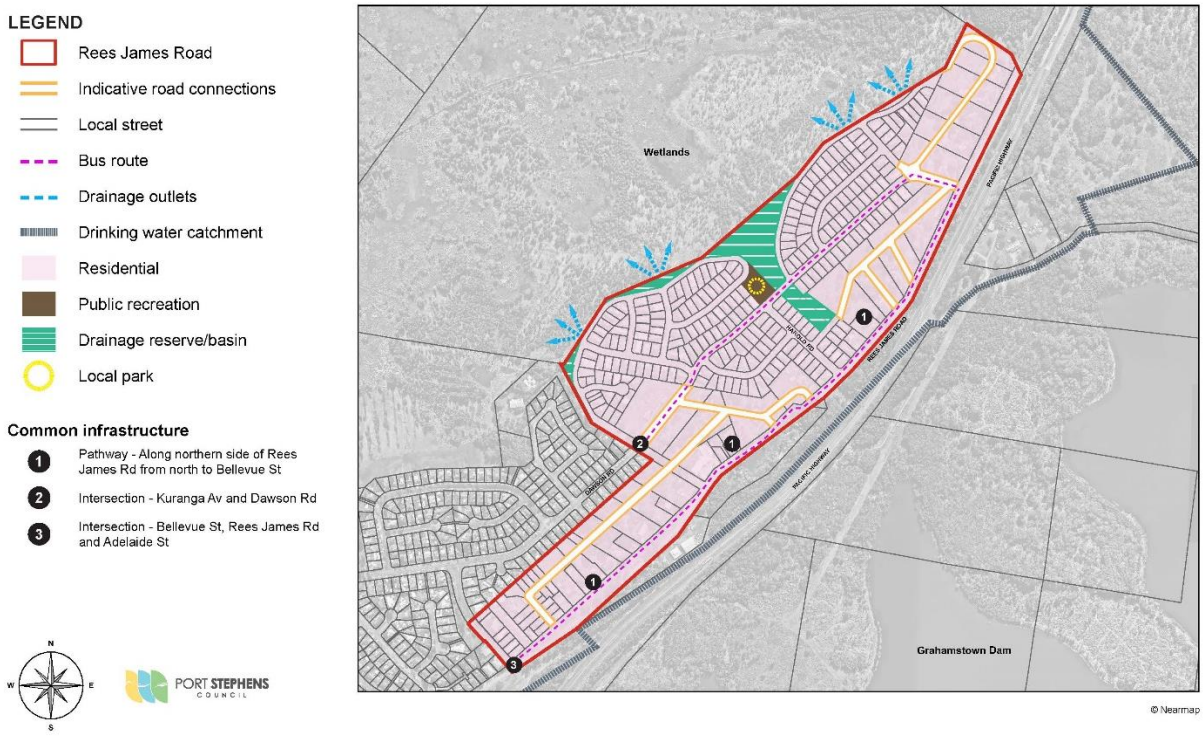
Application

This chapter applies to the land identified in Figure 56 as Rees James Road - Raymond Terrace.

Chapter Summary

- This chapter sets out controls to inform development in the area defined in Figure 56.

Figure 56: Rees James Road – Raymond Terrace Locality Controls Map



The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D6.A Street layout and transport network

Objectives

- To ensure that a well-planned and connected street layout for the area is delivered and not compromised by development on a single site.
- To achieve efficient and equitable pedestrian, cycle, public transport and private vehicle connectivity between lots and precincts, the local centre and nearby service areas.

Controls

D6.1 The street layout is generally consistent with the locality controls map at Figure 56.

D6.2 Street layout variations are permitted where an access point is provided to Rees James Road, Dawson Road or Rosie Road, or where sufficient justification is provided that a variation will achieve the above objectives and satisfy other requirements of this DCP.

D6.3 Development must:

- Provide for wider street network connectivity in a grid-like structure.
- Where possible, provide a through road to existing roads. If constraints of the site do not permit a through street, the development is to include potential connections to adjoining future subdivisions.
- Avoid the use of cul-de-sacs as a means of lot access. Where cul-de-sacs cannot be avoided, they are to be restricted to:
    - Maximum length of 75m; and
    - Access to a maximum of 10 dwellings.

D6.4 Subdivisions that propose street networks are to be informed by road connections to future subdivisions on adjoining land. Development applications shall identify future road connections to adjacent land where necessary.

D6.5 The positioning and design of the transport movement network provides priority to facilitate efficient walking, cycling and public transport networks whilst retaining and complementing natural topography, such as views and drainage.

D6.6 Designated public transport routes as identified on the locality controls map at Figure 56 are constructed as bus routes in accordance with Council's Infrastructure Specification.

D6.7 Access to public transport routes or to future public transport stops and should be no more than 400m walk by the most direct route.

D6.8 Road widening will be required for all subdivisions along Rees James Road to ensure safe and adequate vehicle manoeuvring.

D6.B Lot orientation and access

Objective

To ensure street activation is provided through building orientation to Rees James Road.

Control

D6.9 Development adjoining Rees James Road must be orientated towards, and have a primary entrance that is visible and accessible from, Rees James Road.

D6.C Stormwater drainage and water quality

Note: Chapter B3 Stormwater Management provides further consideration towards on-site detention / on-site infiltration. Requirements in this chapter exceed and supersede those under Chapter B3 Stormwater Management.

Objectives

- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To safeguard nearby sensitive wetlands by improving the quality of stormwater runoff.
- To improve or maintain water quality within the Grahamstown Dam Drinking Water Catchment.
- To ensure that stormwater is adequately managed to provide for common stormwater management infrastructure.

Controls

D6.10 On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.

D6.11 The on-site detention / on-site infiltration is to be sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event.

D6.12 Drainage reserves are located generally in accordance with the locality controls map at Figure 56.

D6.13 Development must demonstrate that there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

D6.14 When a development application is received for subdivision greater than three lots or would result in an impervious area greater than 60% of the site area, it must demonstrate that the quality of water that is released into public drainage achieves Council's water quality stripping targets for the area.

Water quality stripping targets are to be in accordance with B3.B Stormwater quality in Chapter B3 Stormwater Management.

D6.D Recreation and visual amenity

Objectives

- To ensure the provision of an adequate area of public open space is provided for the amenity of residents.
- To provide an attractive and low maintenance landscape along Rees James Road.

Controls

D6.15 An area of public open space is to be located in general accordance with the locality controls map at Figure 56.

D6.16 Landscaping plans for subdivisions along Rees James Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with Council's Biodiversity Technical Specification.

D7 Kings Hill – Raymond Terrace

Application

This chapter applies to the land identified in Figure 57 and Figure 58 as Kings Hill - Raymond Terrace.

Chapter Summary

- Kings Hill is an identified urban release area under Part 6 of the LEP. The purpose of Part 6 is to ensure that development occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan (DCP) that specifies specific controls for the land has been prepared.
- Clause 6.3 of the LEP sets out the matters that must be provided for in the DCP. This part specifies the additional information required to meet those requirements.
- The locality controls map at Figure 57 in this chapter, sets out the broad development pattern for Kings Hill. Individual development precincts are identified on this plan and on the maps in the LEP.
- This chapter specifies additional information requirements to be included in a detailed precinct plan to be prepared for each precinct. Precinct plans will:
    - be included as future amendments to this DCP; or
    - be provided as a staged development application for each development precinct.
- Subsequent development applications in each precinct will be consistent with the precinct plan or supported by a revised precinct plan demonstrating consistency with the requirements of clause 6.3 of the LEP and of this part.

Figure 57: Kings Hill - Raymond Terrace Locality Controls Map 1

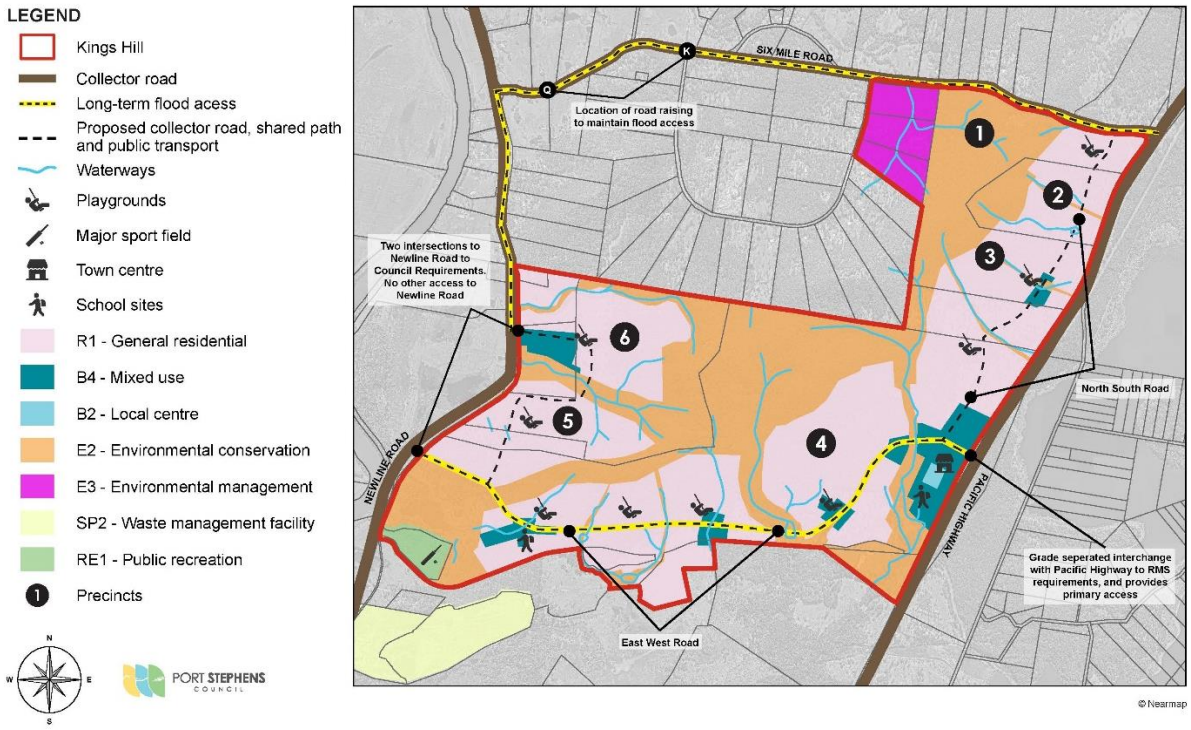
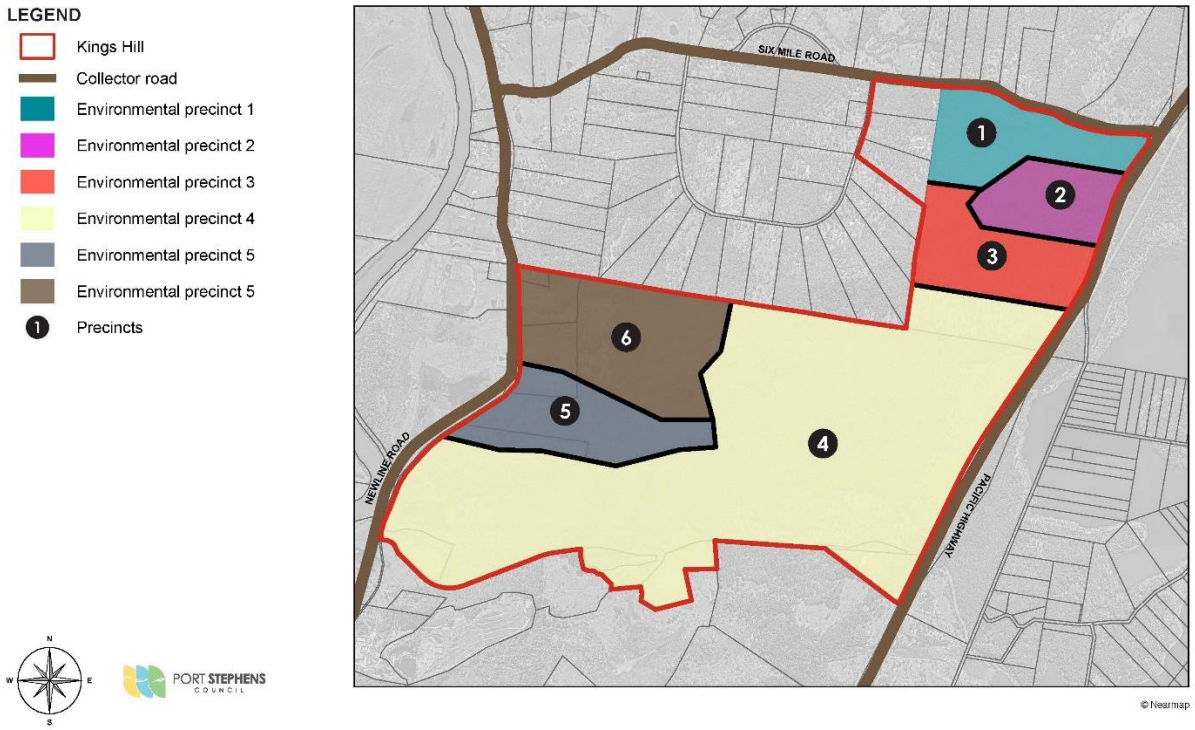


Figure 58: Kings Hill - Raymond Terrace Locality Controls Map 2



D7.A Structure planning and precinct planning

Objectives

- To ensure consideration is provided to the relationship between residential, commercial, mixed use, open space, biodiversity and important infrastructure, such as the Pacific Highway and Grahamstown Dam.
- To ensure development occurs in a logical and coordinated manner.
- To ensure development is efficient and results in cost effective infrastructure and adequate access to services by residents.
- To ensure the town centre facilitates a sense of place and community while complementing the economic and community function of the existing higher order regional centre of Raymond Terrace.
- To ensure a hierarchy of centres within the Kings Hill urban release area with a high quality of design, a high amenity public domain and excellent connectivity to the adjacent residential areas.

Controls

Residential precinct plans

D7.1 A precinct plan is prepared to accompany the first stage of a development application in any of the development precincts identified on the LEP**.**

D7.2 Development is generally consistent with the locality controls map at Figure 57.

D7.3 Development consent for the purposes of a super lot does not require preparation of a precinct plan**.**

D7.4 Staging for the urban release area as a whole will be determined by the provision of essential services and may involve development occurring simultaneously in different parts of the locality.

D7.5 Each precinct plan is to include a staging plan that is lodged with the first stage and provides for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.

D7.6 Each stage of development may be subdivided into sub-stages. Any sub-stages should be identified in the SEE to accompany the development application for subdivision, together with a description of the sub-stages and the impact of the sub-stage sequence on the provision of essential services.

D7.7 Detail for any land zoned E1 Local Centre or MU1 Mixed Use need not be provided until consent for initial subdivision of that land is sought.

Town Centre and Village Centre precinct plans

D7.8 Consent for initial subdivision of land zoned E1 Local Centre or MU1 Mixed Use requires preparation of a town or village centre precinct plan for the entire zoned area.

D7.9 The town or village centre precinct plan is to illustrate the conceptual location of streets, major pathways, major uses, public spaces, built-form and access provision as well as the relationship of the area to adjacent residential and public open space areas.

Subdivision layout

D7.10 Subdivision layout enables neighbouring sites/precincts to deliver the outcomes sought by the locality controls map.

> Note: Chapter C1 Subdivision details principles relating to subdivision layout and procedure with the following exceptions or qualifications.
>
> Open Space is to be provided generally in accordance with the locality controls map and with areas consistent with the local infrastructure contributions requirements for Kings Hill.

Servicing

D7.11 Consent for the subdivision of land other than for the creation of a super lot requires a servicing strategy which includes (at a minimum) the:

- sequence, location and other details of the provision of public utilities; and
- availability of urban services and infrastructure to residents, including public open space, shared paths.

D7.12 All commercial and residential allotments are to be serviced by reticulated water, sewerage, electricity and telecommunication services.

D7.B Traffic and transport

Objectives

- To achieve connectivity between precincts, the local centre and nearby service areas.
- To ensure Kings Hill has a defined transport structure and road hierarchy.
- To ensure an east west road link is provided between Newline Road and the Pacific Highway in a direct, timely and efficient manner.
- To ensure the pedestrian and cycle network provides convenient and safe access to the precinct centres, schools, community facilities, open space and other important destinations outside of Kings Hill to encourage walking and cycling.
- To ensure the Pacific Highway interchange is the primary access point.

Controls

Transport movement hierarchy

D7.13 Each precinct plan requires preparation of an overall transport movement hierarchy which:

- shows the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- is generally consistent with the overall road network and the pedestrian and cycleway networks indicated on the locality controls map at Figure 57.
- indicates progressive provision of the east-west and north-south connector roads as well as direct connections to adjacent precincts.

D7.14 Positioning and design of the transport movement network provides priority to facilitating efficient walking, cycling and public transport networks and retaining and complementing natural topography, such as views and drainage.

Collector roads

D7.15 Development within each precinct provides internal collector roads generally consistent with the locality controls map at Figure 57.

D7.16 Subdivisions adjacent to collector roads orientate allotments and dwellings to face and have access from the collector road.

East-west road 4 lane section

D7.17 The eastern end of the east-west collector road, for a length of approximately one kilometre, is to have two travel lanes in each direction. This section of the east-west road is constructed generally in accordance the Illustration at Figure 59.

Figure 59: Illustration of cross section of four-lane part of east-west road

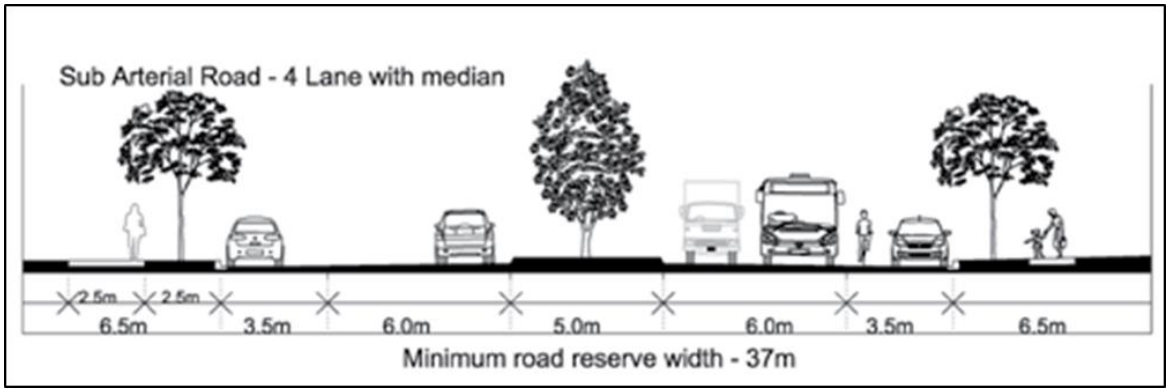
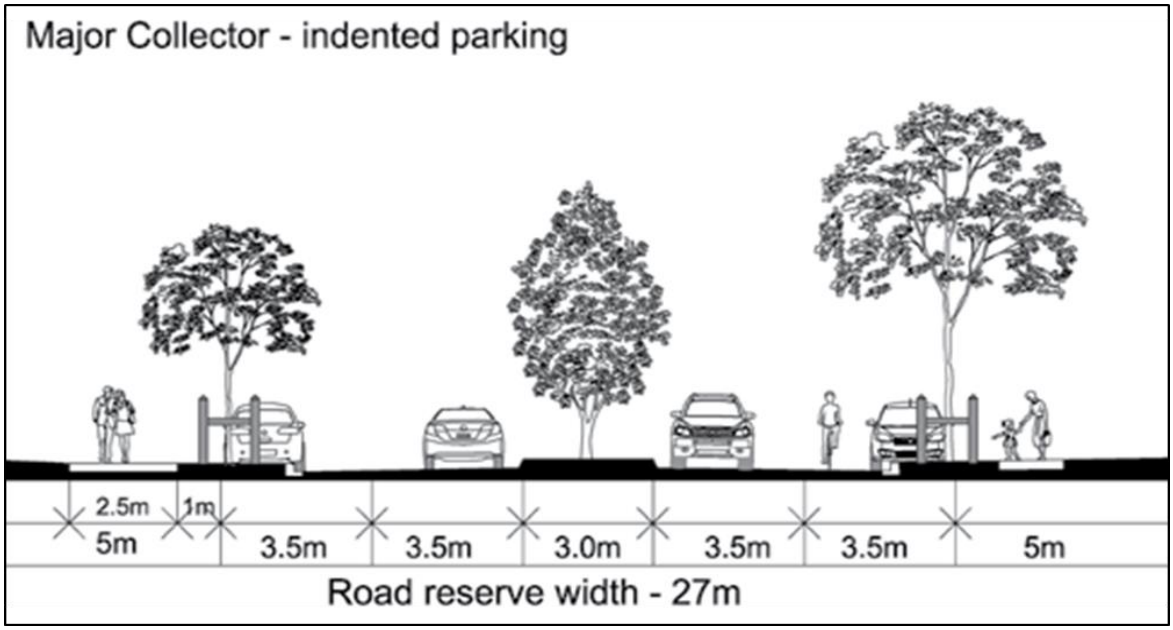


Figure 60: Illustration of cross section of two-lane part of east-west road



Subdivision certificate

D7.18 Within each precinct, collector roads are constructed to the boundary of the adjoining precinct prior to the release of a subdivision certificate for a cumulative total of no more than 75% of the lots.

D7.19 Within Precinct 6, the east-west road is constructed from the western boundary of the precinct to Newline Road and collector roads connect to the southern boundary of Precinct 7 prior to the release of a subdivision certificate for a cumulative total of no more than 50% of the lots.

Newline Road

D7.20 Maximum number of lots with sole access to Newline Road is 1200. Consent for lots in excess of this number requires connection to the Pacific Highway via the east-west collector road.

The LEP may include a requirement that development consent must not be granted for the subdivision of land in an urban release area unless arrangements have been made, to the satisfaction of Roads and Maritime Services and the consent authority, for the provision of vehicular access from the urban release area to the Pacific Highway, including the closure or modification of any existing vehicular access from any land adjoining the Pacific Highway, if necessary.

Pre-Pacific Highway interchange access

D7.21 Development with sole access from Newline Road requires upgrade works to provide 5% AEP flood immunity for the Kings Hill development flood access route consisting of local road raising of two sections of Six Mile Road, being an approximate:

- 100 metre section at location K on the locality controls map at Figure 57 near the intersection of Winston Road. These works also require appropriate raising of Winston Road in the vicinity of the intersection.
- 60 metre section at location Q on the locality controls map at Figure 57 near the intersection of Newline Road.

Note: The LEP may include a requirement that development consent must not be granted to development on land identified as 'Kings Hill' on the precinct areas map unless the consent authority is satisfied that there will be suitably located vehicular access from that land to the Pacific Highway, having regard to flood risk.

A Kings Hill Flood Free Access Study was prepared on behalf of Council by BMT WBM in 2012 to identify necessary road upgrade requirements.

Public transport

D7.22 Designated public transport routes as identified on the locality controls map at Figure 57 are constructed as bus routes in accordance with Council's Infrastructure Specification.

D7.23 Bus stops are to be identified prior to final completion.

Paths

D7.24 Pedestrian and cycle paths (including shared paths) are provided generally in accordance with the locality controls map at Figure 57.

Pedestrian path

D7.25 A pedestrian path is provided on one side and a shared path of all:

- collector roads
- roads that are within a E1 Local Centre Zone or MU1 Mixed Use zone
- roads within 400m of and providing the primary frontage to a school or major community facility.

Note: Chapter B5 Road Network and Parking generally requires road to be constructed in accordance with Council's Infrastructure Specification.

End of trip facilities

D7.26 End of trip facilities are provided at precinct centres, community facilities and regional parks. End of trip facilities incorporate the following:

- One personal secure locker for each bicycle parking space under Figure 10.
- One shower cubicle, with ancillary change rooms, per 13 bicycle spaces (or part thereof over four spaces) with a minimum of one shower and change facility.

D7.C Social infrastructure

Objective

Social infrastructure is to be located appropriately to meet the needs of the community.

Controls

Community and recreation facilities

D7.27 Precinct plans identify the location of required community and recreation facilities, generally in accordance with the locality controls map at Figure 57.

Community facilities

D7.28 Community facilities such as the multi-purpose community centre are preferably located within the town centre as identified on the locality controls map at Figure 57.

Schools

D7.29 The preferred locations of schools are identified on the locality controls map at Figure 57. School sites will be subject to the site-selection criteria and agreement of the NSW Department of Education and Training and will be indicated on the relevant precinct plans. The developer is to consult with the Department of Education and Port Stephens Council to determine suitable school locations.

D7.D Drainage and water quality

Objective

To ensure environmentally sustainable and affordable water management is provided with a catchment-based approach that recognises the flows between precincts, landholdings and the sensitive nature of the receiving waters.

Controls

Eastern catchment and Grahamstown Dam

D7.30 All stormwater from development areas up to 0.2% AEP design flood event is prevented from discharging into Grahamstown Dam. This may require construction of a watercourse along the eastern extent of developable areas of the Kings Hill

urban release area to divert surface runoff away from Grahamstown Dam and into Irrawang Swamp.

Note: The LEP may require consideration to be given to impacts on drinking water catchments.

Water Management Strategy

D7.31 Consent for development within the eastern and western catchments first requires lodgement of a stormwater drainage plan addressing drainage and water quality management for the entire catchment, to the satisfaction of the consent authority.

Note: Kings Hill Urban Release Area Water Management Strategy Guidelines were prepared on behalf of Council by BMT WBM in 2013. The Guidelines identify sub-catchments in the eastern and western catchment of the urban release area. The Guidelines include a 'Model Water Management Strategy' for future development of the urban release area, preliminary stormwater quantity and quality modelling, and identification of options to achieve the required outcomes for the eastern catchment. A preferred option is identified.

D7.32 Each precinct plan is to identify stormwater drainage and water quality management controls for relevant sub-catchments consistent with the relevant catchment-wide stormwater drainage plan.

Note: The LEP may require consideration of impacts on the Drinking Water Catchment.

D7.E Natural resources

Objective

To ensure that development responds to the biodiversity values of the site.

Controls

Vegetation management plan

D7.33 Applications for development on land zoned C2 Environmental Conservation or subject to terrestrial biodiversity controls in the LEP within each environmental precinct provide a VMP to the satisfaction of Council in accordance with Council's Biodiversity Technical Specification. The VMP is provided with the precinct plan for the relevant environmental precinct boundaries identified by Figure 57. The VMP also addresses the following location specific information:

- Requirements to protect the creek line and other areas to be conserved, such as fencing, sediment control devices and appropriate signage; and
- Details of re-vegetation, restoration and weed control, including riparian corridors. Areas affected by degradation, erosion and/or rubbish dumping should also be rehabilitated
    - A draft is provided with the development application and the final signed off by Council prior to the release of the construction certificate.

Note: If development does not pose a significant effect under 5A of the EP&A Act, but proposes unavoidable vegetation impacts then a VMP that is consistent with Council's Biodiversity Technical Specification is required.

Illegal dumping

D7.34 Measures, such as fencing and block configuration seek to restrict unauthorised access to C2 Environmental Conservation land to prevent rubbish dumping and damage by uncontrolled vehicle usage.

Riparian corridors

D7.35 Development involving a controlled activity within waterfront land is to comply with the requirements of the *Water Management Act 2000 (NSW)*.

Note: Chapter B2 Natural Environment provides further localised detail for buffers for riparian corridors.

D7.F Waste treatment facility

Objectives

- To ensure hazards from former landfills are managed.
- To ensure appropriate buffers that will minimise potential land use conflict between existing and proposed development.

Controls

Waste treatment facility

D7.36 All development within 250m of the Newline Road Waste Disposal Facility or any land in proximity as identified by Council has the potential to have methane concentrations of greater than 1.25% (v/v) in the subsurface and is to be tested with a tested/calibrated methane detector over regular intervals 12 months prior to a subdivision application being lodged with Council for determination.

D7.37 Development and monitoring should comply with the relevant sections of the NSW Environmental Protection Agency 'Environmental Guidelines: Solid Waste Landfills' 1996, or its successor.

Note: The LEP may require development to be designed, sited or managed to avoid any adverse odour, noise and visual impacts arising out of the authorised use and operation of any public infrastructure.

D7.G Pacific Highway impacts

Objectives

- To ensure that development in Kings Hill is not adversely affected by noise and vibration from the Pacific Highway.
- To ensure development is buffered from view of traffic on the Pacific Highway.

Controls

Acoustic / vibration

D7.38 Consent for development in precincts 1 to 4 requires an acoustic report consistent with the DASH and the following:

- Development meets the requirements of AS 3671-1989 Acoustics – Road Traffic Noise Intrusion – Building, Siting and Construction.
- Acoustic/vibration measures undertaken to comply with the conditions of development consent for a subdivision may remove the need for additional acoustic/vibration assessments and attenuation measures for subsequent developments.

Note: An acoustic report is required for development that has the potential to produce or be impacted by offensive noise.

Land-use buffers

D7.39 Development at Kings Hill is visually buffered from the Pacific Highway by a minimum of 10m of landscaping. This landscaping will be implemented through individual development applications and may be indicated on precinct plans, the stormwater drainage plan for the eastern catchment, and/or plans for construction of the highway interchange.

D7.H Aircraft noise

Objectives

- To ensure development satisfies the requirements of the LEP.
- To ensure appropriate consideration is given to land burdened by aircraft noise.

Controls

Aircraft noise

D7.40 Kings Hill is located in proximity to the Port Stephens aircraft noise planning area. B6 Aircraft Noise and Safety details what is to be considered when development is located within the aircraft noise planning area.

Figure 61: Meeting the requirements to prepare a DCP under the LEP

Local Environmental Plan DCP requirements	How requirements are met
a. a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing	Met by provision of a Staging Plan (D7.5 in this chapter) with the application for the first stage of development in each precinct.
b. an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists	Met by provision of a transport movement hierarchy as part of the precinct plan provided for each precinct (D7.13 in this chapter).
c. an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain	Met by the requirements of Section C1.F Open Space and by the requirements of D7.33 and D7.35 in this chapter.
d. a network of passive and active recreational areas	Met by the requirements of D7.8-9, D7.10, D7.33 and D7.35 in this chapter.
e. stormwater and water quality management controls	Met by the requirements of D7.D and D7.35 in this chapter.
f. amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected	Met by the requirements of D7.D, D7.E and D7.F in this chapter
g. detailed urban design controls for significant development sites	Met by the requirement for detailed Town and Village Centre precinct plans in D7.8-9 of this chapter.

h. measures to encourage higher density living around transport, open space and service nodes	Met by the requirement (D7.1) for development in each precinct to generally consistent with the structure indicated in the Locality Controls Map at Figure 57 and for Precinct Plans to indicate a transport movement hierarchy and servicing strategy; and by provision of detailed Town and Village Centre precinct plans (D7.8-9 in this chapter).
i. measures to accommodate and control appropriate neighbourhood commercial and retail uses	Met by the provision of detailed Town and Village Centre precinct plans for all land zoned E1 Local Centre and Mixed Use (D7.8-9 in this chapter).
j. suitably located public facilities and services, including provision for appropriate traffic management facilities and parking	Met by provision of Town and Village Centre precinct plans for land zoned E1 Local Centre and MU1 Mixed Use (D7.8-9 of this chapter), and by the requirements of D7.13, D7.24, D7.25, D7.26, D7.C of this chapter.

D8 Williamtown Defence and Airport Related Employment Zone (DAREZ)

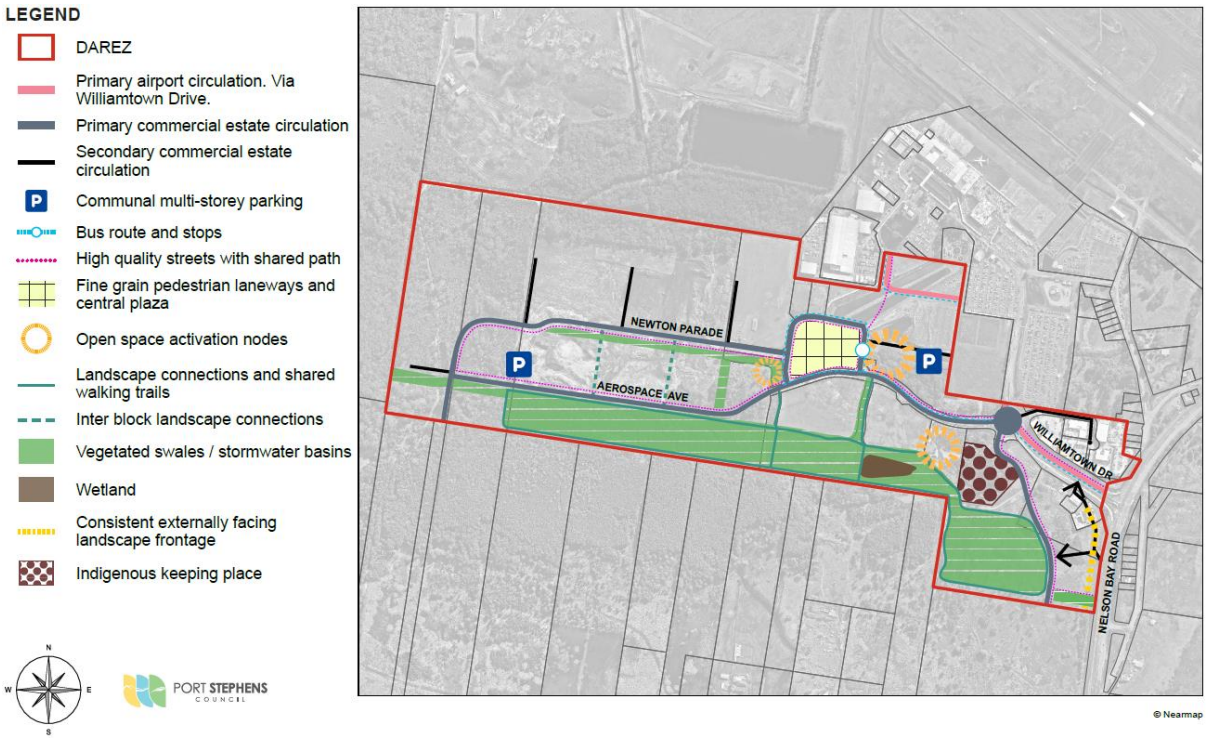
Application

This chapter applies to the land identified in Figure 62 as Williamtown Defence and Airport Related Employment Zone (DAREZ).

Chapter Summary

- This chapter should be read in conjunction with Chapter B6 Aircraft Noise and Safety.
- Development within the DAREZ should be prepared to be consistent with any design guidelines issued by, and closely associated with the guidance of Newcastle Airport Pty Ltd (NAPL).

Figure 62: Williamtown DAREZ Locality Controls Map



D8.A Lodgement requirements

Objectives

- To ensure development is informed by an analysis of its setting.
- To provide for a development that is dominated by native planting that complements the existing vegetation of the area and enhances natural beauty.

Controls

D8.1 A development application is accompanied by a landscape plan consistent with the Williamtown Aerospace Park Landscape Master Plan.

D8.2 A schedule of colours and finishes is submitted with the Statement of Environmental Effects to demonstrate that the development contains non-reflective materials.

C2.13 requires building facades to use materials, colours and architectural elements to reduce bulk and scale.

D8.B Setbacks

Objective

To encourage an active and vibrant streetscape.

Control

D8.3 Aerospace Support and Commercial Precinct:

- Minimum front setback of 5m.
- Minimum secondary setback of 2m.

Note: C1.6 requires the street layout to provide a grid-like structure.

D8.C Street layout

Objective

To ensure streets comply with the indicative layout.

Controls

D8.4 Road Layout is consistent with Figure 62.

D8.5 A road is constructed to connect with Cabbage Tree Road prior to the release of any subdivision certificate.

D8.D Drainage and water quality

Objective

To ensure drainage and stormwater systems are in accordance with the Williamtown Aerospace Park Flood Assessment and Stormwater Strategy.

Control

D8.6 Drainage and stormwater systems are in accordance with the Williamtown Aerospace Park Flood Assessment and Stormwater Strategy.

B3 Stormwater Management requires development that increases impervious surfaces to provide a stormwater drainage plan.

D8.E Flooding

Objective

To ensure post-development runoff is equal to or less than pre-development runoff for the broader DAREZ**.**

Controls

D8.7 All car parking and driveways are to be located at a level greater than 2.5m Australian Height Datum (AHD).

D8.8 All development is to have a minimum floor level equal to or greater than the flood planning level.

D8.F Parking

Objective

To ensure that appropriate on-site parking is provided.

Controls

D8.9 On-site parking is to be located at the rear, side or within buildings of the Commercial Precinct, except for Lots 1001 and 1002, DP 1187948.

D8.10 On-site parking is located behind a 2m landscaped area for the Aerospace Support and Commercial Precincts.

B5.9 requires on-site parking to be located behind the building line or setback.

D8.G Airport operational requirements

Objective

To ensure that the operational needs of the Williamtown RAAF Base are provided consideration in the development of adjoining DAREZ lands.

Controls

D8.12 Electromagnetic radiation or radio emitting devices are not to interfere with airspace operations.

D8.13 Development provides consideration to navigational markers by not inferring with their intended purpose.

D8.14 External lighting considers aircraft/control tower.

B6 Aircraft Noise and Safety requires consideration to RAAF operations.

D9 Medowie Planning Strategy (Precinct E and F)

Application

This chapter applies to the land identified in Figure 63 as Medowie Planning Strategy (Precinct E and F).

Chapter Summary

This chapter sets out controls to inform development in Precinct E and F.

Figure 63: Medowie Planning Strategy (Precinct E and F) Locality Controls Map

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D9.A Layout and staging

Objectives

- To ensure the timely and efficient release of urban land.
- To make provision for necessary infrastructure and sequencing.
- To ensure consideration is given to the overall planning and coordination of development within the precinct and sub-precincts.

Controls

D9.1 Overall development layout needs to be consistent with the Figure 63.

D9.2 A development application for large-scale residential accommodation or major subdivision must include a staging plan demonstrating that development will occur in a coordinated sequence.

D9.3 Initial residential accommodation or major subdivision is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.

D9.B Biodiversity

Objectives

- To provide an overall landscaping strategy for the protection and enhancement of riparian areas and areas of urban habitat linkage, including visually prominent locations, and landscaping requirements for both the public and private domain.
- To provide an attractive and low maintenance landscape along Medowie Road.
- To protect and enhance Koala habitat.

Controls

D9.4 Environmental areas, corridors and additional planting with Koala feed trees will be retained and enhanced in general accordance with Figure 63.

D9.5 Road and drainage networks in Precinct F must use native landscaping to enhance the urban landscape, and where appropriate, Koala feed trees shall be planted.

D9.6 The indicative green street in Precinct F will provide for fauna connectivity. Development fronting the indicative green street must:

- Provide minimum road verge of 6.5m, on one side;
- Restrict fencing within the front setback; and
- Enhance fauna connectivity through landscaping.

D9.7 Drainage infrastructure in Precinct F must be designed to facilitate ecologically beneficial landscaping and enhance fauna connectivity.

D9.8 Development must take into consideration the implications of the vegetation management plan that applies to land within the precinct.

D9.9 A landscaping plan for major residential development or major subdivision must provide for an attractive and low maintenance landscape along the frontage with Medowie Road and Brocklesby Road.

D9.10 Landscaping provided with any new development should use locally endemic Koala preferred species.

D9.C Transport movement hierarchy

Objectives

- To provide an overall transport movement hierarchy for major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- To maintain good traffic flow and safety along Medowie Road and Brocklesby Road.
- To ensure pedestrian and cycle connections are provided to the town centre, the Ferodale Park Sports Complex and the Medowie Community Centre for precinct residents and the broader community.

Controls

D9.11 The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with Figure 63.

D9.12 Long straight roads include local area traffic management devices to slow traffic in accordance with Council's Infrastructure Specification.

D9.13 The subdivision road layout must allow for future connections to residential planning precincts identified by the Medowie Planning Strategy, including Brocklesby Road. The connectivity is to result in effective movement of pedestrians/vehicles in a grid like structure.

D9.14 Direct driveway access to and from Medowie Road is not permitted.

D9.15 Frontage of Brocklesby Road must meet the requirements of a bus collector street, which may require road upgrades and/or widening, in accordance with Council's Infrastructure Specification.

D9.16 Direct driveway access to and from Brocklesby Road is not permitted unless development proposing access can demonstrate it is made in a safe and practical manner.

D9.17 Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.

D9.18 A shared path must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a shared path is able to be accommodated).

D9.19 A shared path must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.

D9.20 Consideration must be given to a potential mid-block shared path linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.

D9.21 Access to public transport routes or to future public transport stops should be no more than 400m walk by the most direct route.

D9.D Managing risk from agricultural land uses

Objective

To ensure the land is suitable for residential occupation in relation to previous agricultural land uses.

Control

D9.22 A development application for large-scale residential accommodation or major subdivision must be accompanied by the contamination and remediation reports identified *by NSW State Environmental Planning Policy (Resilience and Hazards) 2021* with particular regard to the previous agricultural activities on the subject land.

D9.E Stormwater drainage and water quality

Objectives

- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To improve or maintain water quality within the Grahamstown Dam

Drinking Water Catchment.

- To ensure that stormwater from development is adequately managed to provide for common stormwater management infrastructure.

Controls

D9.23 Drainage reserves are located in general accordance with Figure 63.

D9.24 All new development must demonstrate that there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

D9.25 On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.

D9.26 The on-site detention / on-site infiltration is to be:

- Sized so that the post-development flow rate and volume equals the predevelopment flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event; and
- Provided by underground chambers, surface storage or a combination of the two.

> Chapter B3 Stormwater Management provides further consideration towards on-site detention / on-site infiltration.
>
> Predevelopment is prior to any development occurring on the land.

D9.27 When a development application is received for subdivision greater than three lots and would result in an impervious area, it must demonstrate that the quality of water that is released into public drainage meets the required water quality targets.

D9.F Williamtown RAAF Base - aircraft safety

Objective

To ensure that development adequately considers aircraft safety.

Control

D9.28 Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

D10 Stockton Rifle Range

Application

This chapter applies to the land identified in Figure 64 as Stockton Rifle Range.

Chapter Summary

- This chapter sets out development controls to provide for housing diversity that reflects the history of the site through alignment with the firing mounds.

Figure 64: Stockton Rifle Range Locality Controls Map

The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

D10.A Heritage

Objective

To restore, maintain, and reinterpret heritage features and areas of archaeological potential.

Controls

D10.1 Subdivision development is to ensure the Heritage Anti-Aircraft Battery is stabilised and retained for heritage interpretation.

D10.2 Subdivision development is to ensure pedestrian access, wayfinding and heritage information signage is provided within the site.

D10.3 The street network shall be generally consistent with the alignment of the existing rifle range firing mounds.

D10.4 Subdivision development shall ensure the coastal forest to the north of the existing rifle range footprint is retained to protect areas of archaeological potential.

D10.B Ecology

Objective

To enhance the coastal dune ecology of the site within the broader Stockton Peninsula ecological context.

Controls

D10.5 Landscaping provided with development shall be limited to endemic species for public and private landscaping.

D10.6 Subdivision development is to ensure that the public open space required by the control D10.15 provides for a faunal movement corridor between coastal forests to the north and south of the site.

Within corridors:

- Where possible, mature trees should be retained.
- A strip of vegetation is to be provided within the central portion of the public open space area with a minimum width of 40m. Within this section, trees or clumps of vegetation should be spaced no greater than 30m apart.

D10.C Street layout, access and circulation

Objective

To ensure the local street network is interconnected and facilitates movement, accessibility and pedestrian comfort.

Controls

D10.7 Subdivision development is to provide a street layout that is generally consistent with Figure 64.

D10.8 The subdivision of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported.

D10.9 Subdivision development is to provide a shared path layout that is consistent with Figure 64

D10.10 Subdivision development is to provide footpaths along all local streets.

D10.11 Subdivision development is to ensure the vehicle and pedestrian access to the site via Popplewell Road at Taylor Road is constructed as a collector road (as shown in Figure 64).

D10.12 Subdivision development is to ensure the second vehicle and pedestrian access to the site via Popplewell Road is constructed as a local street (as shown in Figure 64).

D10.13 Subdivision development is to ensure the street grid maintains provision for a future street connection to the Stockton Centre site to the south (as shown in Figure 64).

D10.14 The first subdivision development is to include:

- Signalisation of the Vardon Road and Nelson Bay Road intersection; and
- Upgrades to Vardon Road and Popplewell Road to facilitate a collector bus route.

D10.D Public open space

Objective

To identify and protect a central part of the site as a local park and faunal movement corridor.

Controls

D10.15 Subdivision development is to provide public open space of a minimum area of 1.5 hectares in the centre of the site, as shown in Figure 64.

D10.16 Subdivision development is to ensure that the CPTED principles are implemented during the design of paths that are not adjacent to a road. This must include the provision of pedestrian lighting, clear sight lines, and universally accessible design features to promote safety and accessibility.

D10.E Landscape

Objective

To provide landscaping that is appropriate for the coastal bushland context, and that integrates with housing development.

Controls

D10.17 All local streets within the subdivision development shall feature informal endemic street tree plantings.

D10.18 Access to the adjacent land to the north and east must be limited by physical barriers to limit ecological impacts. These measures can include the installation of appropriate barriers or fencing.

D10.19 Landscaping is provided as follows:

- If the lot has an area of at least 200m^2 but not more than 300m^2 - 10% of the area of the lot
- If the lot has an area of at least 300m^2 but not more than 450m^2 - 15% of the area of the lot
- A principle landscaped area, measuring at least 1.5m wide and at least 3m long, must be provided as part of the development.

D10.F Solar access

Objective

To ensure that reasonable access to sunlight is maintained for occupants of new dwellings.

Controls

D10.20 Subdivision development is to include lot size and dimensions for north and south facing lots that ensure future dwellings can contain adequate solar access to private open space areas. The lot size and dimensions are to be informed by solar diagrams with indicative building massing.

D10.21 A minimum of 2 hours of sunlight must be available between 9am and 3pm on June 21 to at least 50% of the private open space.

D10.22 A minimum of 50% of private open space of adjoining dwellings must remain unaffected by any shadow for a minimum of 2 hours between 9am and 3pm on June 21.

D10.G Setbacks, bulk and scale

Objective

To facilitate a diversity of housing within the development area.

Controls

D10.23 A residential lot that has an area less than 500m² provides a minimum lot width of 8m.

Lots greater than 500m² are defined in Subdivision C1.1.

D10.24 The following setbacks must be provided for development on lots less than 300m²:

- Minimum 2m to any road frontage
- Minimum 0.9m to side for ground level
- 0m to one side only (ground and upper storeys)
- Minimum 1.5m to side for upper storeys
- Minimum 4m to rear for ground level
- Minimum 6m to rear for upper storeys
- Minimum 5.5m to garage from the road frontage
- 16m² private open space, minimum dimensions of 4mx4m

D10.25 Rear setbacks for north and south facing lots that are less than 300m² are to be informed by solar diagrams and must ensure adequate solar access is available to the site and adjoining properties.

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