



PORT STEPHENS
COUNCIL

Port Stephens Development Control Plan 2025



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Quick Start Guide

If the Port Stephens Development Control Plan 2025 (DCP) applies, the steps listed below set out the process to be followed:

Step 1

Refer to the reference table at the start of Section B – General Provisions, Section C – Development Type and Section D – Specific Areas to determine which chapters within those sections apply to the proposed development type.

Step 2

If a chapter applies, then refer to the requirements listed under that chapter. Where those requirements cannot be met, demonstrate compliance with the objectives.

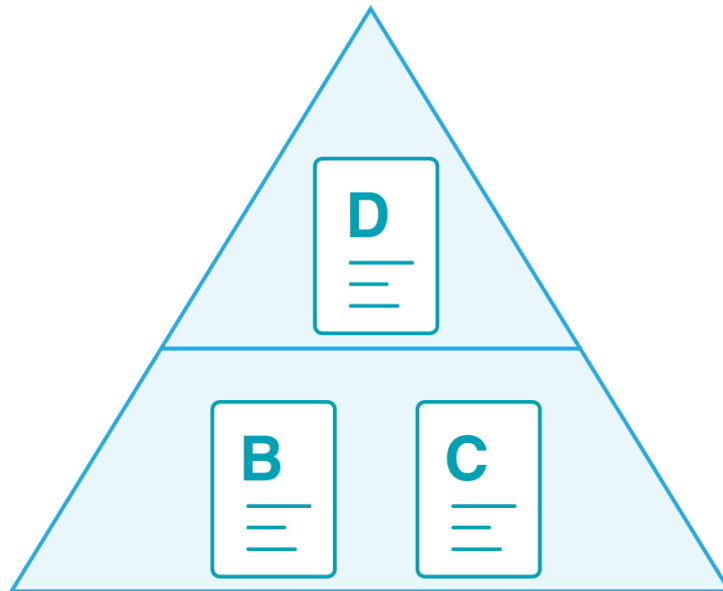
Step 3

Address the relevant objectives and requirements within the Statement of Environmental Effects (SEE) that is to be provided by the applicant with the lodgement of the development application.

The Development Application Supporting Handbook (DASH) sets out information that is required to accompany a development application to address the relevant objectives and controls of this chapter.

This Quick Start Guide is not a formal part of this Plan. The legislative interpretation of this Plan is provided under Section A – Introduction.

The following diagram seeks to quickly illustrate the Structure of this Plan. Most notably, the requirements and objectives listed under Section D – Specific Areas overrides those requirements and objectives listed under Section B – General Provisions and Section C – Development Types. While, Section A – Introduction and Section E – Schedules simply exist to support the interpretation of the other chapters.



Requirements of Section D are in addition to Sections B & C however in the event of any inconsistency, Section D prevails.

A

Introduction

A Introduction

A1 Name of this Plan

The name of this Plan is the Port Stephens Development Control Plan 2025 (DCP).

A2 Aim of this Plan

The aim of this Plan is to facilitate development in accordance with the *Local Environmental Plan* (LEP) applying to the land to which this Plan applies.

A3 Commencement of this Plan

This Plan was adopted by Council on 28 October 2025 and commenced on 30 October 2025.

A4 Savings

This Plan does not apply to any development application or tree permit lodged but not determined before its commencement.

A5 Land to which this Plan applies

This Plan applies to the land within the Port Stephens local government area.

A6 Development to which this Plan applies

This Plan applies to all development requiring development consent in accordance with Part 4 Development Assessment of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In determining a development application, Council is to consider relevant provisions of this Plan under section 4.15 of the EP&A Act.

This Plan does not apply to development that is:

- exempt
- permissible without consent and assessed under Part 5 Environmental assessment of the EP&A Act
- assessed under the provisions of another Environmental Planning Instrument (EPI) that excludes the provisions of the *Local Environmental Plan* (LEP).

A7 Supporting documentation and information

A development application assessed under this Plan must be accompanied by the relevant supporting documentation prescribed in Council's Development Application Supporting Handbook (DASH).

A Tree Permit required under this Plan must be submitted with the information specified on the online Tree Removal and Pruning Form.

A8 Interpretation

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.

A reference to any Australian Standard, legislation or supporting documentation includes a reference to any amendment or replacement as made.

A9 Structure of this Plan

This Plan is divided into sections, chapters, sub-chapters, objectives and controls. The sections are as follows:

Quick Start Guide, Table of Contents and Checklists

Provides tools to increase the useability of the Plan

Section A - Introduction

Explains the purpose of this Plan and legislative requirements

Section B – General Provisions

Provides development objectives and requirements that relate to the site in all locations in which development is proposed. This section is to be referenced by all development applications.

Section C – Development Types

Provides development objectives and requirements that relate to specific development types. Development will generally fall within one or more of these specified development types. The requirements under this section are to be read in conjunction with the General Provisions, which relate to all development applications.

Section D – Specific Areas

Provides development objectives and requirements that relate to a specific locality in which development is proposed. The provisions of this section provide specific location requirements that apply in conjunction with other sections and prevail to the extent of any inconsistency.

Section E - Schedules

Provides definitions to important terms and references to assist in the accurate interpretation of the Plan.

This Plan seeks to facilitate permissible development and support alternative merit-based approaches to development that is permissible under the LEP. This is consistent with the purpose and status of a development control plan under section 3.42 of the EP&A Act as follows:

1. The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development which this Part applies and to the consent authority for any such development:
 - a) Giving effect to the aims of any environmental planning instrument that applies to the development.
 - b) Facilitating development that is permissible under any instrument.
 - c) Achieving the objectives of land zones under any such instrumentThe provisions of a development control plan made for that purposes are not statutory requirements.
2. The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (c)–(e).
3. Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.

A10 Explanation of development objectives and requirements

The relevant chapters of this Plan contain development objectives and requirements. A development objective clearly states the intent of a development requirement.

Where the development requirement cannot be achieved, the applicant is provided with the opportunity to demonstrate through alternative merit-based solutions how the proposed development complies with the development objective. This approach seeks to encourage a merit-based approach to the evaluation of development applications, while ensuring appropriate consideration is provided to the intent of the development requirements.

A11 Relationship to legislation, plans and policies

This Plan must be read in conjunction with the *Port Stephens Local Environmental Plan 2013*. This Plan:

- Was prepared in accordance with section 3.43 of the EP&A Act and Part 2 of the *Environmental Planning and Assessment Regulation 2021*.
- Identifies further detail of Council's requirements for local development requiring development consent.

- Is consistent with the provisions of the LEP and other applicable EPI, however, in the event of any inconsistency, the requirements of the EPI will prevail in accordance with section 3.28 Inconsistency between instruments of the EPA&A Act.
- Replaces the whole of the Port Stephens Development Control Plan 2014 (DCP 2014).
- Is to be applied in conjunction with other Council development guidelines, policy, specifications and technical manuals, where cited.

A12 Monitoring and review

Section 3.21 of the EP&A Act requires councils to keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are -- having regard to such changing circumstances as may be relevant -- achieved to the maximum extent possible.

Port Stephens Council (PSC) will aim to regularly review this Plan.



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