

Explanation of Amendments to DCP

Chapter D5 and Chapter D6 of the Port Stephens Development Control Plan (DCP) 2014 are proposed to be amended as outlined below.

ITEM NO.	EXPLANATION OF AMENDMENT
1	<p>Insert a note into the Application of Chapter D5, Nelson Bay Centre:</p> <p>Note: State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development provides relevant controls for residential flat buildings, including provisions for view sharing and visual privacy. Where there is inconsistency between the provisions of the State Policy and this Development Control Plan, the provisions of the State Policy prevail.</p> <p>Explanation: Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (the Delivery Program) includes an action (action 11) to include DCP controls relating to view sharing and visual privacy for residential flat buildings. State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) includes provisions that address view sharing and visual privacy for residential flat buildings, and prevails over any inconsistent DCP controls. Adding DCP controls to address the Delivery Program action are therefore unnecessary, however the above note will reinforce the operation of SEPP 65.</p>
2	<p>Insert the following objectives at the end of D5.A:</p> <ul style="list-style-type: none">• To ensure development is designed so as to contribute positively to the surrounding public domain• To ensure development enhances the desired local character <p>Explanation: A number of the matters identified in Action 11 of the Delivery Program relate to the context of development with the surrounding built form and public domain (eg upper storey setbacks, floor plates (ie FSR), and daylight access at street level (ie bulk and scale and overshadowing)). There are existing controls in the DCP that address these aspects of development, however there are no objectives that relate to these controls. Objectives assist the assessment of a development application by providing clarity on the intent of the controls. The objectives also align with the NSW Government Architect document Better Placed, providing a link to the State vision for how development relates to its context, including public spaces.</p>
3	<p>Insert a new clause after clause 5.4 titled 'Design Excellence':</p>

Development is to demonstrate design excellence, including:

- Consistency with the desired character statements set out in this chapter; and
- Consideration of impacts on the **public domain** including overshadowing and the scale of the streetscape.

Development may be referred to the Urban Design Panel.

Explanation: Action 11 of the Delivery Program requires planning controls to encourage design excellence. Local character, including public spaces, is identified as a matter relevant to design excellence in the Delivery Program. An independent Urban Design Panel (UDP) comprising members with experience in architecture and urban design, has been established to review development proposals throughout Port Stephens, and will provide independent design excellence advice in Nelson Bay.

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- 4 Delete the words ‘provide **active street fronts**,’ and the note from clause 5.8.

Explanation: A planning proposal (which will be exhibited concurrently with the DCP) will amend the LEP to include active street frontage requirements for Nelson Bay. The existing DCP controls will no longer be needed.

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- 5 Amend Figures DI and DJ to reflect the expanded strategy boundary adopted with the Delivery Program. The new areas should be identified in Figure DJ as:

- For areas expanded to the west and fronting onto the part of Magnus street that is east of Donald Street – Precinct Foreshore
- For the area expanded to the south of Dowling Street – Precinct Leisure and Tourism; and
- For all other areas – Precinct Town Living and Commercial.

Explanation: The controls in this chapter relate to the Delivery Program outcomes. The strategy boundary has been changed, and now applies to additional land. This will ensure the Delivery Program and DCP align.

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- 6 Amend Figures DK and DL in Chapter D6 to excise the area to which Chapter D5 will now apply.

Explanation: This is a consequent amendment required because Chapter D5 will now provide the character controls for this land.

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- 7 No amendments are proposed to Figure DM in Chapter D7.

Explanation: A consequent amendment is not required because the controls in Chapter D7 do not address the same matters as those addressed by Chapter D5.
