

## D5 Nelson Bay Centre

### Application

This Part applies to the land identified in Figure DI (p. D-117) as Nelson Bay Centre

**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.

### Objectives

D5.A	General Precinct Provisions	<ul style="list-style-type: none"> <li>To provide general provisions that apply to all precincts identified in the Nelson Bay Centre</li> <li>To maintain and enhance important views and ensure <b>development</b> integrates within the natural topography</li> <li>To ensure <b>development</b> contributes to the existing compact and interconnected street pattern</li> <li>To ensure buildings reinforce the natural amphitheatre landform of the Nelson Bay Town Centre</li> <li>To ensure <b>development</b> is designed so as to contribute positively to the surrounding <b>public domain</b></li> <li>To ensure <b>development</b> enhances the desired local character</li> </ul>
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### Requirements

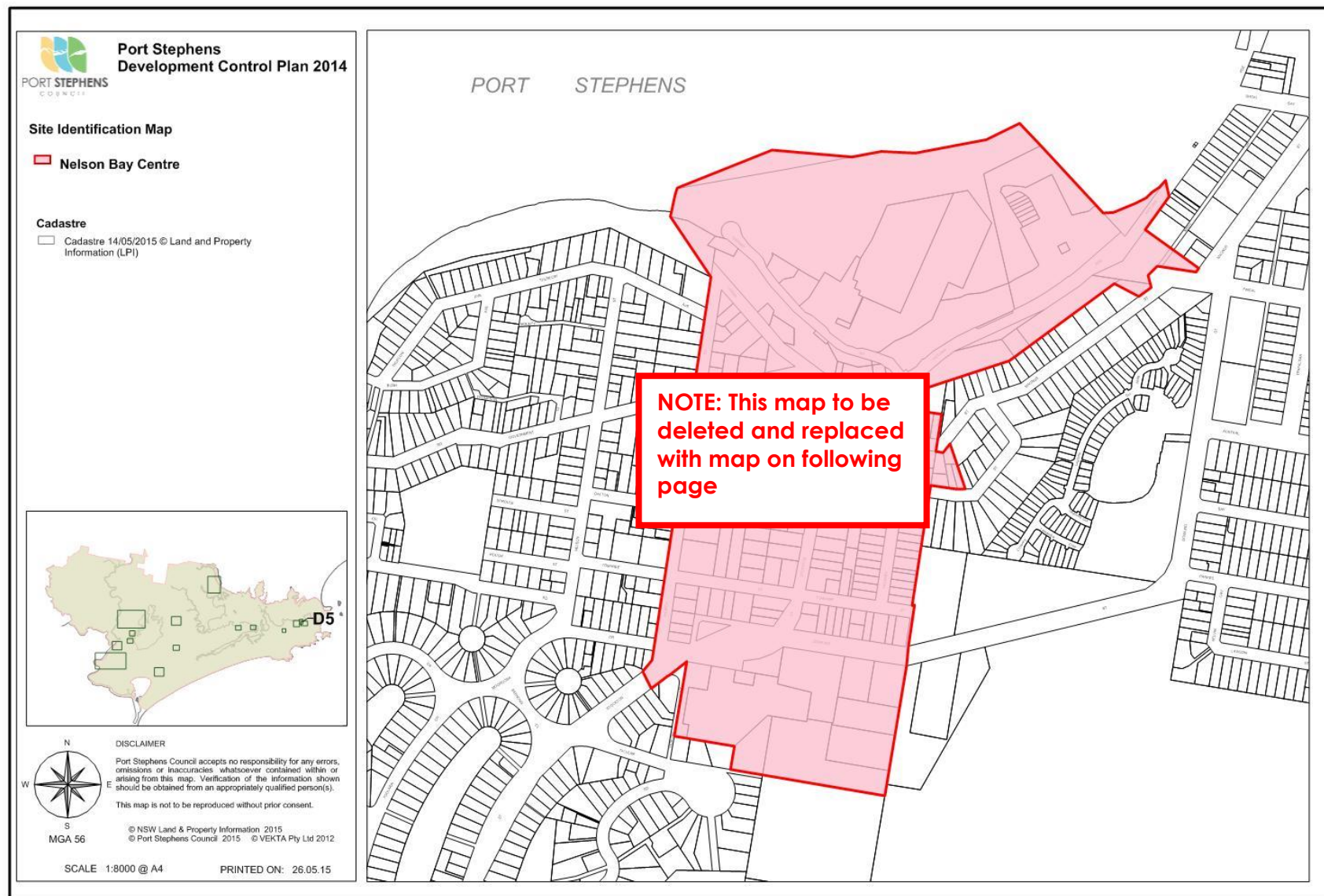
D5.1	Significant Vistas	<p><b>Development</b> preserves the important <b>vistas</b> identified by Figure DJ (p. D-118)</p> <p><b>Note:</b> C1.3 requires street layout to respond to the topographical features of the site</p>
D5.2	Street Layout	<p>The street layout is consistent with Figure DJ (p. D-118)</p> <p><b>Note:</b> C1.3 requires the street network to be interconnected to provide a grid-like structure</p>
D5.3	Roof Design	<p><b>Development</b> is to ensure that roof tops do not <b>adversely impact</b> on the <b>public domain</b> when:</p> <ul style="list-style-type: none"> <li>Viewed from buildings at higher elevations</li> <li>When approaching the town centre</li> <li>Viewed from the street</li> </ul> <p><b>Note:</b> C2.1 requires <b>building height</b> to be in accordance with the <b>Local Environmental Plan</b>, clauses 4.3 and 5.6</p>
D5.4	NSW Coastal Planning Guidelines	<p>Building materials are reflective of existing buildings with reference made to the NSW Coastal Planning Guidelines<sup>12</sup></p> <p><b>Note:</b> C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale</p>
D5.5	Design Excellence	<p><b>Development</b> is to demonstrate design excellence, including:</p> <ul style="list-style-type: none"> <li>Consistency with the desired character statements set out in this chapter; and</li> <li>Consideration of impacts on the <b>public domain</b> including overshadowing and the scale of the streetscape.</li> </ul> <p><b>Development</b> may be referred to the Urban Design Panel.</p>

Objectives		
D5.B	Desired Character - Village Precinct	<ul style="list-style-type: none"> <li>To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide <b>development</b> within the Village Precinct as identified by Figure DJ (p. D-118)</li> <li>To ensure street activation and passive surveillance through <b>activated street fronts</b></li> <li>To facilitate <b>development</b> that is safe and secure for pedestrians and contributes to <b>public domain</b> safety by incorporating principles of <b>Crime Prevention through Environmental Design (CPTED)</b>, such as: <ul style="list-style-type: none"> <li>- Territorial Re-enforcement</li> <li>- Surveillance</li> <li>- Access Control</li> <li>- Space/Activity Management</li> </ul> </li> </ul>
Requirement		
D5.6	Desired Character – Village Precinct	<p><b>Development</b> within the Village Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> <li>Magnus Street is a pedestrian focused main street and acts as a focal point for the town centre</li> <li><b>Development</b> is fine grained and intensive retail and commercial that presents street activation <ul style="list-style-type: none"> <li>- <b>Development</b> provides continuity of an activated street frontage for localities where <b>business or retail premises</b> predominately face the street and have direct pedestrian access from the street</li> </ul> </li> </ul> <p><b>Note:</b> C2.18 requires street activation for those localities identified in Part D – Specific Areas</p> <ul style="list-style-type: none"> <li><b>Development</b> retains and enhances the existing character and function of Stockton and Magnus Streets as the main shopping streets in the town centre</li> <li>Tall buildings have setbacks above the street and are designed to ensure that they do not visually dominate at the street level <ul style="list-style-type: none"> <li>- Facades should be detailed to promote clearly defined ground floor, first floor and second floor elements to manage the proportion of <b>building height</b></li> <li>- Articulation of the ground floor should maintain the rhythm of the traditional main street shop fronts</li> </ul> </li> </ul> <p><b>Note:</b> C2.8 requires a minimum front setback of 3m from the <b>front property line</b> for the second floor</p>

Objectives		
D5.C	Desired Character – Town Living and Commercial Precinct	<ul style="list-style-type: none"> <li>To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide <b>development</b> within the Town Living and Commercial Precinct as identified by Figure DJ (p. D-118)</li> <li>To encourage a diversity of <b>residential accommodation</b> types to provide <b>critical mass</b> to support the role of the village precinct</li> </ul>
Requirement		
D5.7	Desired Character – Town Living and Commercial Precinct	<p><b>Development</b> within the Town Living and Commercial Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> <li>A wide range of uses including residential, retail and business <b>development</b> will occur in the precinct. This will attract a range of housing types including <b>residential flat buildings, multi dwelling housing</b> and shop top housing</li> <li>The precinct is appropriate for larger scale <b>developments</b>, with large footprints, that may not be suitable for the Village Precinct</li> <li>The mix of uses may encourage residential living with live-work opportunities and boutique commercial office space</li> <li><b>Development</b> will have regard for adjacent precincts that provide a change in scale</li> <li>Mature street plantings are to assist in enclosing the street for pedestrians and reducing the scale of large style buildings located in this area</li> </ul> <p><b>Note:</b> C1.5 requires that street trees be provided in accordance with the <b>tree technical specification</b><sup>1</sup></p>
Objectives		
D5.D	Desired Character – Tourism and Leisure Precinct	<ul style="list-style-type: none"> <li>To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide <b>development</b> within the Tourism and Leisure Precinct as identified by Figure DJ (p. D-118)</li> <li>To facilitate tourism and leisure precinct that provides consideration to the roles of adjoining precincts</li> </ul>
Requirement		
D5.8	Desired Character – Tourism and Leisure Precinct	<p><b>Development</b> within the Tourism and Leisure Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> <li><b>Development</b> fronting Apex Park is to <del>provide activate street fronts</del>, facilitate access to adjoining precincts and contribute linking the Town Centre through Apex Park to the <b>Foreshore</b></li> </ul> <p><del><b>Note:</b> C2.18 requires street activation for those localities identified in Part D – Specific Areas</del></p> <ul style="list-style-type: none"> <li><b>Development</b> for a hotel and conference centre would be appropriate in this location</li> </ul>

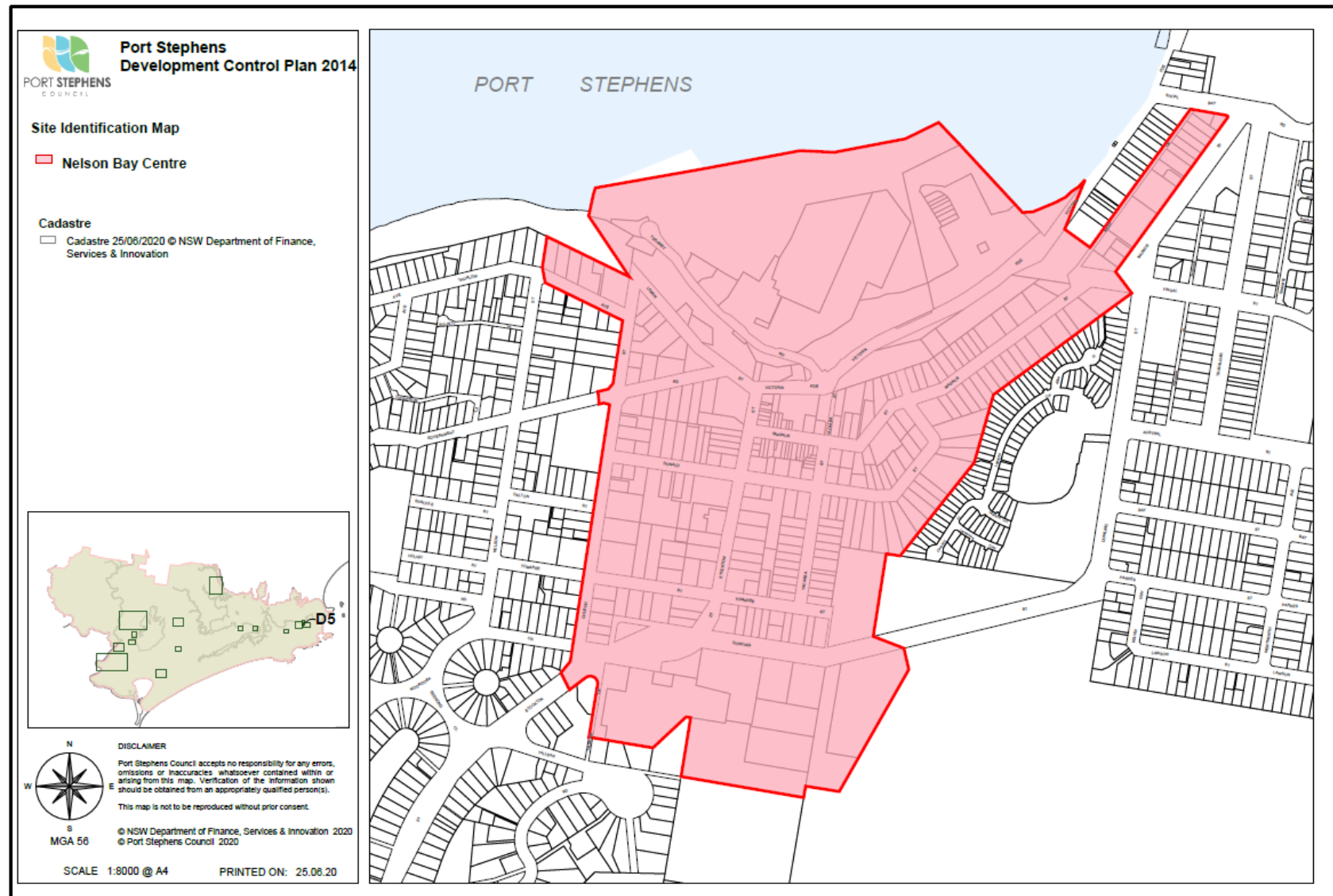
Objectives		
D5.E	Desired Character – Foreshore Precinct	<ul style="list-style-type: none"> <li>To provide character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide <b>development</b> within the Foreshore Precinct as identified by Figure DJ (p. D-118)</li> <li>To encourage <b>development</b> to address the waterfront and to provides an attractive safe pedestrian environment</li> <li>To encourage the establishment of a destination <b>development</b> that will integrate with established and future pedestrian circulation patterns</li> </ul>
Requirement		
D5.9	Desired Character – Foreshore Precinct	<p><b>Development</b> within the Foreshore Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> <li><b>Development</b> provides legibility, which reinforces the visual and cultural importance of the waterfront <ul style="list-style-type: none"> <li><b>Development</b> incorporates public art, which can act as landmarks</li> </ul> </li> </ul> <p><b>Note:</b> C2.27 requires <b>commercial development</b> of a significant scale and that provides frontage to the <b>public domain</b> to incorporate public art in accordance with Council's <i>Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens</i></p> <ul style="list-style-type: none"> <li>Water and marine related activities are complimentary to commercial and leisure related uses</li> <li>Accessible area that attracts a range of users</li> </ul>
Objectives		
D5.F	Desired Character – Green Link Precinct	<ul style="list-style-type: none"> <li>To provide a range of character statements identified through the Nelson Bay Town Centre and Foreshore Strategy to guide <b>development</b> within the Green Link Precinct as identified by Figure DJ (p. D-118)</li> <li>To encourage the establishment of a destination <b>development</b> that will integrate with established and future pedestrian circulation patterns</li> </ul>
Requirement		
D5.10	Desired Character – Green Link Precinct	<p><b>Development</b> within the Green Link Precinct as identified on Figure DJ (p. D-118) has regard for the following desired character statements:</p> <ul style="list-style-type: none"> <li>The Green Link at Nelson Bay's central meeting place is reinforced by connecting paths and as a future location of cyclist end of trip facilities</li> <li>A transition area that facilities movement between the Town Centre and Foreshore</li> <li>This green space is appropriate for passive and small scale active recreation uses</li> </ul>

**Figure D1:**  
Nelson Bay  
Centre Land  
Application  
Map

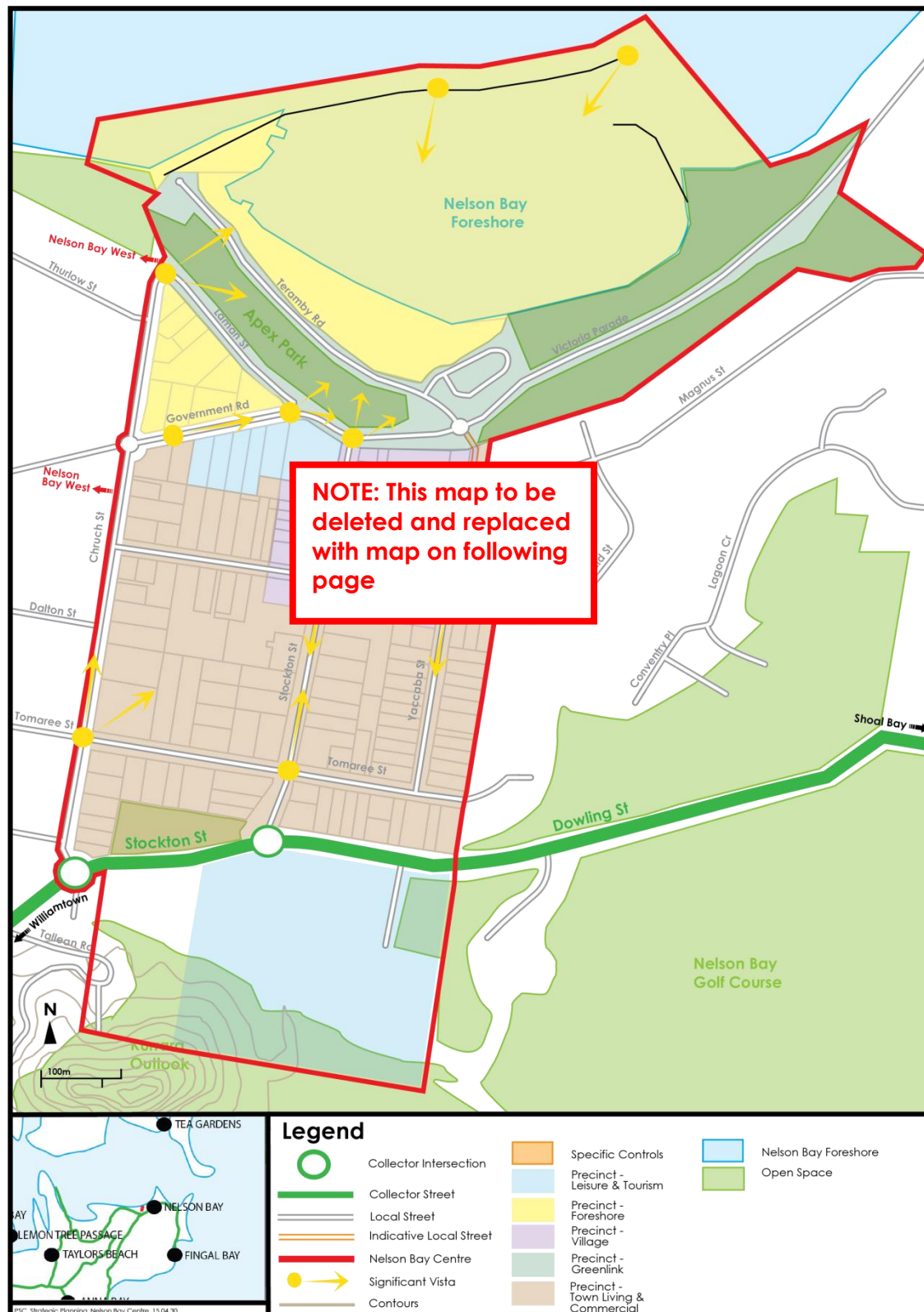




**Figure D1:**  
Nelson Bay  
Centre Land  
Application Map



**Figure DJ:** Nelson Bay Centre Locality Controls Map





**Figure DJ:**  
Nelson Bay  
Centre Locality  
Controls Map





## D6 Nelson Bay West

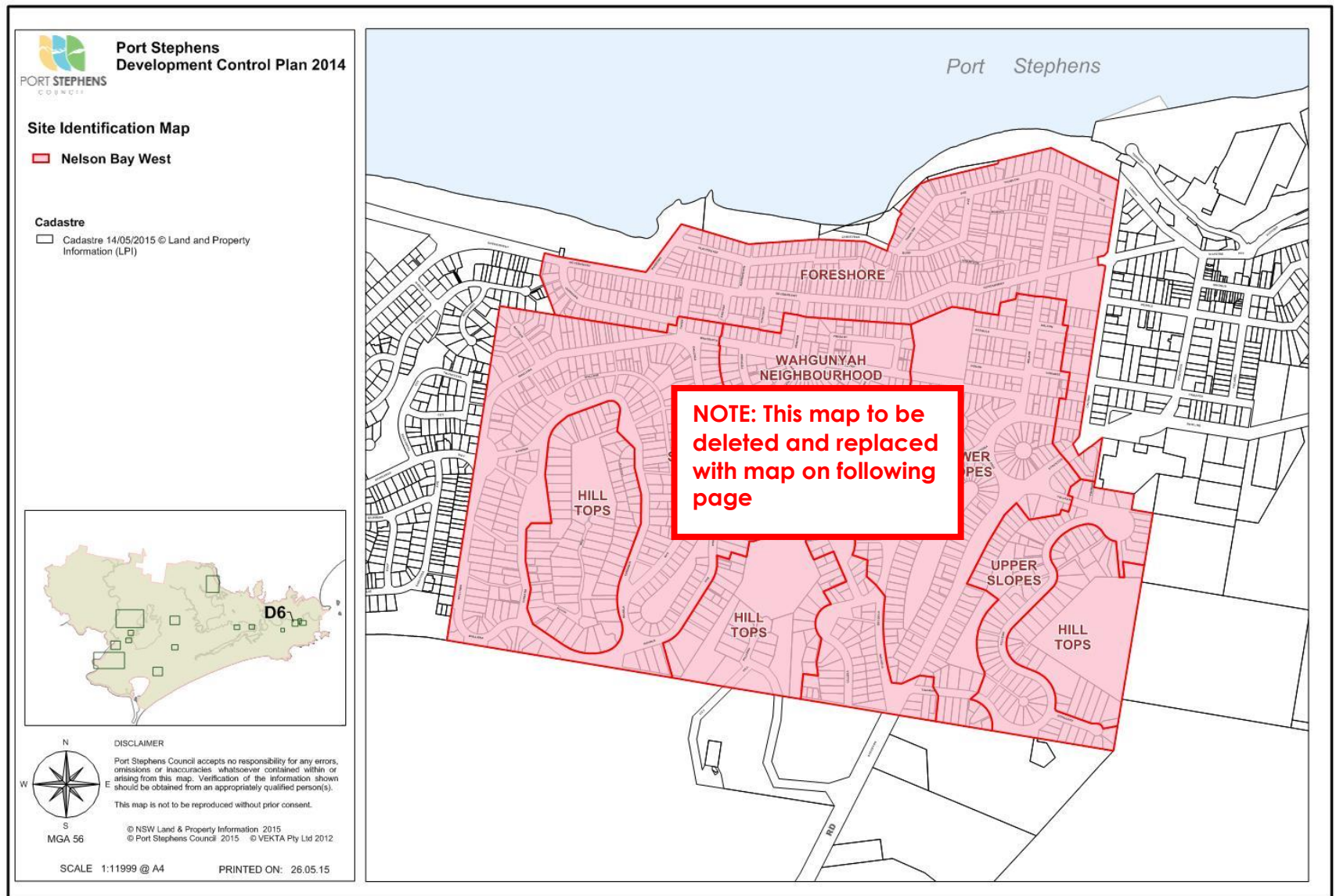
Application				
This Part applies to the land identified in Figure DK (p. D-121) as Nelson Bay West				
Objective				
D6.A	Setbacks	To ensure <b>development</b> provides continuity and consistency to the <b>public domain</b>		
Requirements				
D6.1	Front Setback	Minimum front setback of 6m		
D6.2	<b>Secondary Setbacks</b> (Corner Lots)	Minimum <b>secondary setback</b> of 3m		
D6.3	Side Setback	Minimum side setback of 2m for Town Centre Edge, Foreshore, Wahgunyah Neighbourhood and Lower Slopes		
D6.4		Minimum side setback of 3m for Upper Slopes and Hill Tops <b>Note:</b> C4.10 requires a minimum <b>ground level (finished)</b> side setback of 0.9m		
Objective				
D6.B	On-site Detention	To regulate the impacts on the capacity of the <b>public drainage</b> system		
Requirement				
D6.5	<b>Impervious surfaces</b>	<b>On-site detention</b> is required where <b>impervious surfaces</b> exceed the listed percentage of <b>site area</b> : <ul style="list-style-type: none"><li>Town Centre Edge – 75%</li><li>Foreshore – 60%</li><li>Wahgunyah – 65%</li><li>Lower Slopes – 65%</li><li>Upper Slopes and Hilltops – 50%</li></ul> <b>Note:</b> B4.2 requires <b>on-site detention</b> where <b>impervious surfaces</b> exceed the total percentage of <b>site area</b> as listed under Figure BD (p. B-29)		
Objective				
D6.C	Landscaping	To ensure landscaping is within context through the appropriate selection of species and site coverage		
Requirement				
D6.6	Landscape Coverage	A <b>Landscape Plan</b> within Nelson Bay West achieves the following <b>site area</b> percentage coverage targets:		
		Location	Landscape Area	Endemic Species
		Town Centre Edge	25%	10%
		Foreshore	40%	20%
				Native Vegetation
				N/A
				N/A

# D6

## NELSON BAY WEST

		Wahgunyah	34%	20%	N/A
		Lower Slopes	34%	20%	N/A
		Upper Slopes	50%	35%	70%
		Hill Tops	50%	35%	90%

**Figure DK:**  
Nelson Bay  
West Land  
Application  
Map





**Figure DK:**  
Nelson Bay  
West Land  
Application Map

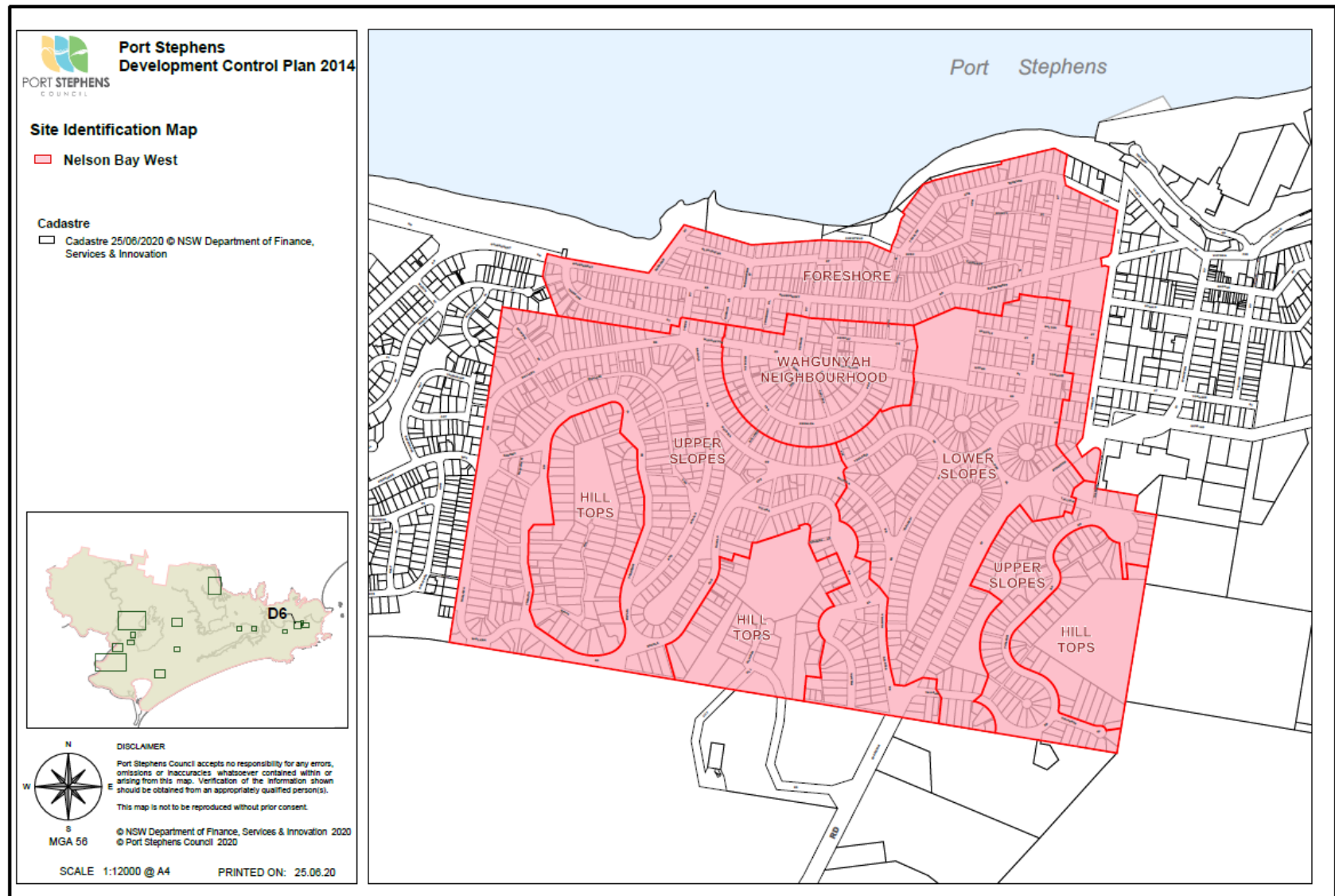
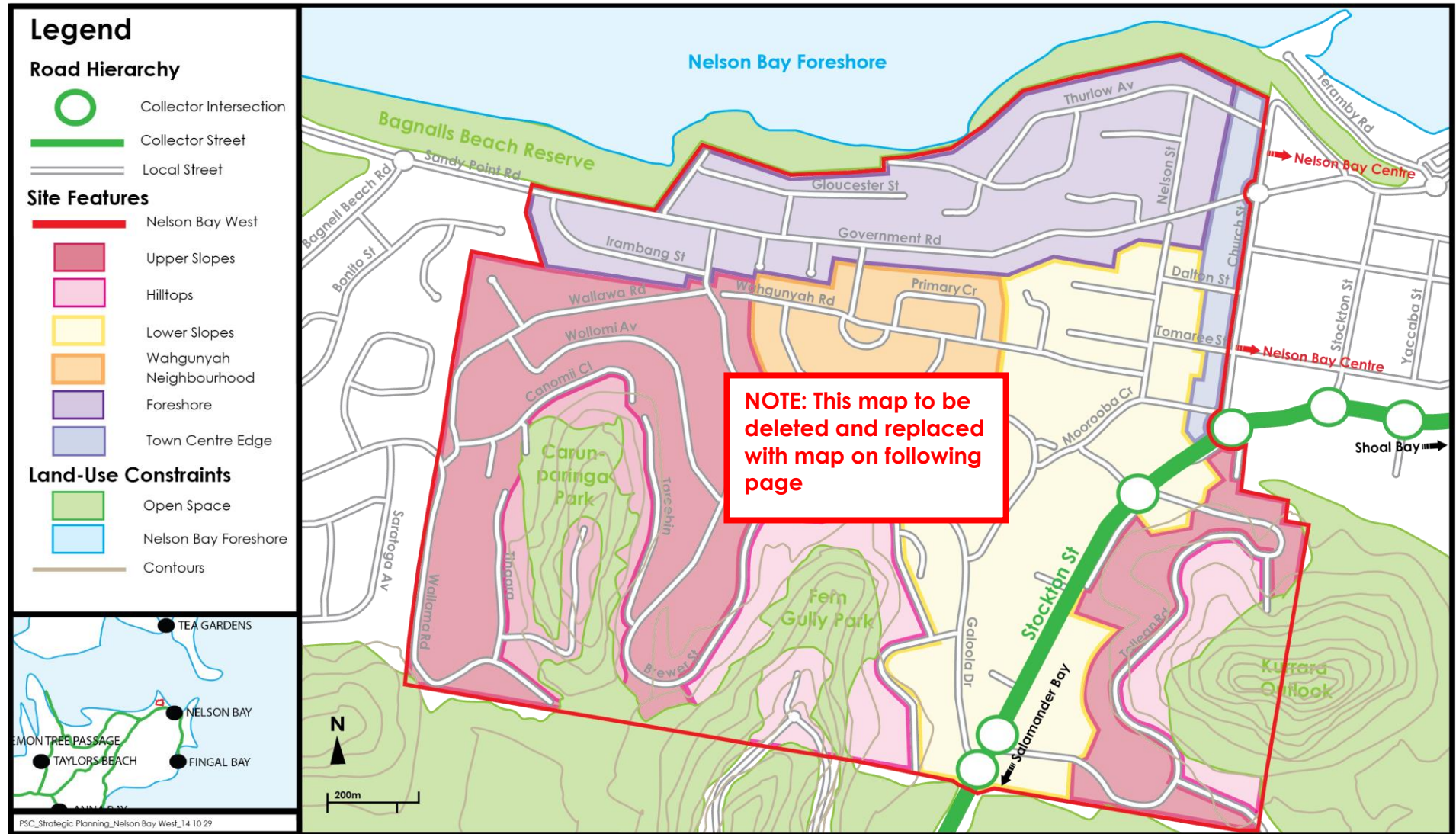


Figure DL: Nelson Bay West Locality Controls Map





**Figure DL:**  
Nelson Bay  
West Locality  
Controls Map

