

**DCP 12**

# **Stuarts Point**



Kangaroo  
Shire Council

Development Control Plan 12



## **DEVELOPMENT CONTROL PLAN NO. 12 STUARTS POINT**

### **CITATION**

This plan may be referred to as "Development Control Plan No. 12 –Stuarts Point".

### **SCOPE OF THIS PLAN**

This plan applies to all development on land zoned 2(v) Village or Township within the village of Stuarts Point including land located immediately to the west of Grassy Head Road zoned 4 (a) General Industrial.

### **RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS**

This plan has been prepared to be consistent with all relevant State Environmental Planning Policies; North Coast Regional Environmental Plan 1988 and Kempsey Local Environmental Plan 1987.

The provisions of any of these Instruments shall prevail to the extent of any inconsistency with this plan.

This plan shall prevail to the extent of any inconsistency with any other Development Control Plan applying to development within Stuarts Point.

### **AIMS AND OBJECTIVES**

1. To provide the planning policy framework for enhancing and maintaining residential, commercial and industrial development within the village of Stuarts Point.
2. To identify, enhance and protect the key elements which comprise the present character of Stuarts Point without removing the incentive for development.
3. To promote urban consolidation through the encouragement of high quality medium density development.
4. To ensure that investigations are carried out in relation to particular large holdings within the village of Stuarts Point prior to further development proceeding.

### **INTERPRETATION**

Terms and definitions, other than those referred to specifically in this plan, adopt the meanings prescribed by the Environmental Planning and Assessment Act, 1979 and all relevant Environmental Planning Instruments including Kempsey Local Environmental Plan 1987.

### **COMMERCIAL DEVELOPMENT**

#### **Aims and Objectives**

1. To provide for consolidation of the existing commercial centre through the identification of a neighbourhood commercial precinct.
2. To provide for the establishment of a future integrated shopping complex through the establishment of a set design criteria.
3. To maintain flexibility of planning controls to allow establishment of single neighbourhood shops throughout the village.

### **Neighbourhood Commercial Precinct**

1. Development for the purpose of commercial premises, not being an integrated shopping complex, is to be confined to within the "Neighbourhood Commercial Precinct" as identified in the Development Control Plan Map.
2. The design of buildings within the Commercial Precinct is to demonstrate a regard for the existing architectural character of Stuarts Point.
3. Sufficient details are to be submitted with Development applications to enable Council to fully evaluate the proposed appearance of buildings.
4. Carparking and service vehicle delivery areas are to be provided on site.
5. Development proposals are to include details of proposed signage and avoid the use of protruding wall signs, roof signs or illuminated signs.

### **Integrated Shopping Complex**

Any proposal for an integrated shopping complex is to have regard to the following design criteria:

1. The provision of a minimum of approximately 2000m<sup>2</sup> of gross floorspace incorporating a supermarket and specialty shops.
2. Parking is to be provided on site at the rate of one (1) SPACE PER 20m<sup>2</sup> of gross floorspace for the supermarket component and one (1) space per 35m<sup>2</sup> of gross floorspace for specialty shops.
3. Adequate provision is to be made for the incorporation of existing trees in a manner which will ensure their long-term survival.
4. A plan of survey prepared and endorsed by a registered surveyor is to be submitted with Development Applications identifying the location of all trees on site.
5. Building design is to demonstrate regard for the existing architectural character of Stuarts Point.
6. Pole signs are not to exceed 6.2 metres in height and shall not contain advertising signs other than commercial signs within the meaning of Ordinance No. 55 of the Local Government Act.
7. Landscaping is to utilise native species similar to those naturally occurring in the locality.
8. Where substantial clearing is proposed, Development Applications are to be accompanied by a statement prepared by a suitably qualified ecological consultant indicating that the proposal will not reduce the habitat of any endangered fauna within the meaning of the National Parks and Wildlife Act 1974.
9. Applications are to be accompanied by a traffic study prepared by a qualified engineer, indicating that proposals will not have any long term or short term adverse impact on traffic movements in the area.
10. Adequate provisions are to be made for the disposal of effluent, such that no adjoining property will be adversely affected.

11. A licence from the Environmental Protection Authority will be required for on site disposal of effluent.
12. Provision is to be made for connection to Council's sewerage system when services become available.

### **Neighbourhood Stores**

Council will give consideration to proposals for stores outside of the Neighbourhood Commercial Precinct (not being an integrated shopping complex) provided the following criteria have been met:

1. The store complies with the definition of a "general store" under the provisions of Kempsey Local Environmental Plan 1987.
2. Not more than one (1) such store is contained within the building.
3. Adequate carparking is to be provided for the development.
4. Council is satisfied that the proposal will not reduce the viability of the Neighbourhood Commercial Precinct.
5. The proposal will not reduce the amenity of any adjoining residence.

### **RESIDENTIAL DEVELOPMENT**

#### **Aims and Objectives**

1. To identify residential and tourist accommodation as the continued dominant form of development within the village.
2. To protect visually sensitive areas from unsympathetic development by identifying appropriate design criteria
3. To prevent premature and sporadic subdivisions by ensuring consolidation of existing urban areas, thereby promoting the economic provision of public services.
4. To ensure that future subdivision design has adequate regard for the existing environmental constraints and recognises the need to preserve important flora and fauna.

#### **Locational Criteria**

1. Residential development, including residential subdivision, is to demonstrate consideration of the future amenity of residents, having regard to the proximity of existing and future commercial and industrial development as well as the proposed sewerage treatment plant (see "Commercial Development", "Industrial Development" and "Sewerage treatment Plant").

#### **Design Criteria**

1. Consideration is to be given to the design of adjoining buildings and buildings within the locality.
2. Buildings fronting Marine Parade are to be designed so as to minimise their visual impact on the adjoining reserve and the Macleay River.

3. Buildings fronting Marine Parade are to be constructed of materials which are of a low reflective colour and which compliment the adjoining reserve.
4. The front setback of buildings fronting Marine Parade is to be densely planted with species to be that occur naturally in the locality.

### **Residential Subdivision**

1. Subdivision for the purposes shall only occur on land located immediately adjacent to existing or approved residential subdivisions.
2. Existing land holdings shall not be subdivided where such fragmentation is likely to prevent the orderly and economic future subdivision of land for residential purposes.
3. Development for residential purposes will not be approved unless adequate regard has been paid to the likely impact on flora and fauna.
4. Council will not approve of any plan of subdivision of:
  - Lot 1422, DP 533781, Ocean Avenue;
  - Lot 143, DP 752438, Second Avenue;
  - Lot 37, DP 604990, Kimpton Street; or
  - Lot 113, DP 815166, Grassy Head Rd

unless:

1. a comprehensive drainage strategy has been formulated for all affected lands including the relationship with the proposed subdivision and all proposed drainage works;
2. in accordance with Clause 14 of Kempsey Local Environmental Plan 1987, Council is satisfied that each proposed lot is connected to a sewerage system or satisfactory arrangements have been made for the future provision of a sewerage service to each lot;
3. a detailed study of native flora and fauna has been carried out by a suitably qualified ecological consultant identifying areas of native habitat to be retained; a statement as to the likely impact on any flora and fauna identified as endangered or threatened under the National Parks and Wildlife Act 1974; and means that are to be employed to minimise any such impact;
4. details are to be submitted relating to proposed bushfire control measures;
5. a traffic study prepared by a suitably qualified Traffic Engineer has been prepared which identifies a road hierarchy strategy and the relationship of the proposed subdivision to that strategy including provision for the proposed Tourist Drive linking to the south.

### **ENVIRONMENTAL PROTECTION/OPEN SPACE**

#### **Aims and Objectives**

1. To ensure that development occurs in a manner that will not have an unacceptable impact on the environment and scenic quality of the area.
2. To ensure that adequate provision is made for the supply of open space suitable for the active and passive recreational requirements of residents.

### **General Development Criteria**

1. A minimum of 2.83 hectares per 1,000 people is to be dedicated as public open space in a form considered by council to be suitable for development for purposes.
2. Areas required for drainage shall be dedicated as drainage reserve and shall not be offset against land required to be dedicated for open space.
3. Areas required for habitat protection, excluding land required for drainage purposes, may be offset against land required to be dedicated for open space provided adequate useable open space has been provided in the vicinity.
4. Areas required to provide for bushfire trails and radiation buffers shall not be offset against land required to be dedicated for open space.
5. Where insufficient or inappropriate land is available to meet open space requirements, Council will require the payment of a cash contribution in lieu of accepting dedication of land in accordance with the Section 94 Plan relating to the provision of open space.
6. Development of lands known as:
  - Lot 1422, DP 533481, Ocean Avenue;
  - Lot 143, DP 752438, Second Avenue;
  - Lot 37, DP 604990, Kimpton St; and
  - Lot 113, DP 815166, Grassy Head Roadshall not proceed unless a comprehensive study of flora and fauna is submitted in accordance with the requirements of this Plan for Residential Subdivision and identifying land required for habitat protection, drainage and public recreation.
7. Land suitable for development for public recreation is to be provided such that 75% of new allotments are within 500 metres.

### **Foreshore Protection Precinct**

1. The area to the east of Marine Parade, adjacent to the Macleay River, referred to on the Development Control Plan Map as the Foreshore Protection Precinct is to remain largely in its existing state.
2. Any buildings erected within the existing caravan park are to be designed so as to minimise any visual impact and are to make provision for suitable landscaping.
3. Any landscaping required for buildings within the Foreshore Protection Precinct is to incorporate native species similar to those naturally occurring in the locality.
4. Buildings, other than those required for the caravan park, are to be restricted to picnic shelters of open timber pole construction.

## **INDUSTRIAL DEVELOPMENT**

### **Aims and Objectives**

1. To ensure that industrial development occurs in a manner that will not detract from the amenity of existing and future residents.
2. To identify development criteria aimed at reducing potential traffic conflict.
3. To protect the visual amenity of the locality.

### **Development Criteria**

1. Development for the purpose of industrial activity is to be generally confined to land zoned 4(a) General Industrial.
2. Proposals for industrial development on land zoned 2 (v) Village will need to demonstrate that there will be no adverse impact on existing or potential residents by reason of emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
3. A strip not less than 25 metres wide running parallel to Grassy Head Road is to be set aside as a scenic buffer.
4. Lands required for the scenic buffer between Grassy Head Road and the industrial area shall be retained by means of an appropriate Section 88B Instrument within the ownership of the land zoned 4 (a) General Industrial. The Section 88B Instrument will be required for any development of the 4 (a) zoned parcel and shall specify that the care and maintenance of the area is to be the responsibility of the owners and that no trees are to be removed.
5. Development of all lands zoned 4 (a) General Industrial fronting Grassy Head Road is to provide for two (2) only points of access. Any proposed development shall demonstrate how to access to future development via this single means of access can be achieved.
6. The façade of buildings facing Grassy Head Road shall be of masonry brick construction.
7. Landscaping is to be provided within the area fronting Grassy Head Road using native species which compliment the required scenic buffer.

