

**ITEM NO. 3**

**FILE NO: 23/236208  
EDRMS NO: PSC2022-01211**

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - CHAPTER  
D12 RICHARDSON ROAD**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Port Stephens Development Control Plan 2014 Chapter D12 Richardson Road (western precinct) **(ATTACHMENT 1)** as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
  - 2) Endorse the lots in the Richardson Road western precinct shown in **(ATTACHMENT 2)** for investigation as excess Council land for potential sale.
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**ORDINARY COUNCIL MEETING - 24 OCTOBER 2023  
MOTION**

<b>252</b>	<p><b>Councillor Glen Dunkley Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Place the draft Port Stephens Development Control Plan 2014 Chapter D12 Richardson Road (western precinct) <b>(ATTACHMENT 1)</b> as amended on public exhibition for a period of 28 days.</li><li>2) Endorse the lots in the Richardson Road western precinct shown in <b>(ATTACHMENT 2)</b> for investigation as excess Council land for potential sale.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to seek Council endorsement to place draft amendments to the Port Stephens Development Control Plan 2014 (DCP) Chapter D12 Richardson Road (western precinct) (**ATTACHMENT 1**) on public exhibition for a period of 28 days.

This report also seeks Council endorsement to investigate the lots identified in (**ATTACHMENT 2**) as excess land for potential sale in the Richardson Road western precinct.

### DCP Chapter D12 Richardson Road (western precinct)

On 14 March 2023, Minute No. 048 (**ATTACHMENT 3**), Council adopted the administrative amendment to the DCP. At this meeting, the need for DCP Chapter D12 Richardson Road to apply to the undeveloped western portion of the precinct was raised by Councillors. Council subsequently resolved to undertake a further review of DCP Chapter D12 Richardson Road with respect to the western portion of the precinct. This was to include the need to maintain the proposed road layout and the potential sale of excess land in this area.

The western precinct of Richardson Road is considered to be all land west of Lake View Crescent. The existing DCP Chapter D12 Richardson Road nominates a structure for this area that includes 2 roads, being, Halloran Way (Road 1) and a proposed northern loop road (Road 2) to facilitate the envisaged residential development of the precinct.

Following the review and consultation with property owners in the area, it is proposed to remove Road 2 from DCP Chapter D12 Richardson Road. The purpose is to assist in maintaining the existing amenity of the area and to reduce potential future traffic impacts on existing residents. There are currently no sites that require Road 2 for access. In addition to this, its proposed alignment is in close proximity to several existing dwellings.

Halloran Way (Road 1) is proposed to be retained in DCP Chapter D12 Richardson Road (western precinct). The purpose is to maintain existing and future potential access, should landowners choose to undertake future development consistent with the existing R2 Low Density Residential zoning of the land.

Council does not support the closure of Halloran Way (Road 1) as it is a dedicated public road, although not constructed, which provides access to a number of residential properties along it.

The DCP has been amended to include additional objectives and development controls with regard to landscaping, setbacks and fencing within the precinct to assist in protecting and enhancing the residential amenity and character of the area (**ATTACHMENT 1**).

## MINUTES ORDINARY COUNCIL - 24 OCTOBER 2023

Land already dedicated for Road 2 is identified as excess Council land for further investigation (**ATTACHMENT 2**) and may be considered for closure under the Roads Act 1993 and sale following a future resolution of Council.

Small strips of community land fronting Richardson Road (**ATTACHMENT 2**) have been identified for further investigation for a future reclassification project as excess Council land. Due to their small size, they are not developable as stand-alone lots and do not serve any recreational purpose under the existing RE1 Public Recreation zone.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

### FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

There are positive financial implications from the potential future sale of excess Council land identified in (**ATTACHMENT 2**).

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Exhibition managed within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

#### Environmental Planning and Assessment Act 1979 (EP&A Act)

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the amendment, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

## MINUTES ORDINARY COUNCIL - 24 OCTOBER 2023

### Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Division 2 of Part 2 of the EP&A Regulations specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulation.

### Port Stephens Development Control Plan 2014 (DCP)

This report recommends the exhibition of proposed amendments to DCP Chapter D12 Richardson Road. The amendment proposes to remove the northern loop road (Road 2) from the western precinct and include additional objectives and development controls to seek to protect and enhance the residential amenity and character of the area.

<b>Risk</b>	<b><u><a href="#">Risk Ranking</a></u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the revised road layout and development controls are not supported by landowners in the DCP Chapter D12 Richardson Road (western precinct).	Low	Accept the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed amendments to DCP Chapter D12 Richardson Road western precinct have positive social, environmental and economic implications. The removal of Road 2 will lessen potential future amenity impacts to residents due to traffic. Its removal will also assist in retaining the existing character of the area.

Noting the difficulties in delivering Road 1, its retention in DCP Chapter D12 Richardson Road western precinct will provide for the potential future development of the land and provide for a safer connection to Richardson Road via the nearby roundabout. Should landowners seek to undertake further residential development permitted under the existing R2 Low Density Residential zone, this will result in a logical and planned development outcome.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to identify and consider any issues prior to exhibition.

### Internal

Internal consultation has been undertaken with the Development Planning team on the draft amendment to Chapter D12 Richardson Road western precinct and the Strategic Property section has been consulted on excess land in the area, including the need to retain Halloran Way (Road 1) which is a dedicated public road and provides access to a number of residential properties along it.

### External

Prior to the preparation of this report, the Strategic Planning team wrote to all landowners within the DCP Chapter D12 Richardson Road western precinct to seek preliminary feedback on the existing development controls. 6 Responses were received.

Key themes raised in the responses received were:

- Desire to maintain the existing semi-rural large lot lifestyle and amenity
- Negative amenity impacts from future traffic (including buses) on Halloran Way
- Some acknowledgement of the potential connection benefits of Halloran Way
- Negative amenity and traffic impacts from Road 2
- Interest in purchasing potential excess adjoining land.

A preliminary submissions table is at **(ATTACHMENT 4)**.

Copies of the preliminary feedback received from landowners are provided in the **COUNCILLORS ROOM**.

Given the desired outcomes, preliminary consultation was also undertaken with the NSW Department of Planning and Environment (Department). The Department advised that the Government is focused on addressing the housing crisis and taking steps to provide more optimal density and more diverse housing typologies. **(ATTACHMENT 5)**.

If supported, the proposed draft amendments to the DCP will be placed on public exhibition for a period of 28 days.

The amendments will be made available on Council's website in accordance with the EP&A Regulation and the Port Stephens Community Participation Plan.

Submissions on the proposed draft amendments to the DCP will be invited during the public exhibition period and, if submissions are received, they will be considered in a future report back to Council including any recommended post-exhibition changes.

Landowners within DCP Chapter 12 Richardson Road western precinct will be notified in writing of the exhibition. This will provide the opportunity for landowners to make submissions during the formal exhibition period.

## **MINUTES ORDINARY COUNCIL - 24 OCTOBER 2023**

A submission summary table will be included with the post-exhibition report to Council.

### **OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

### **ATTACHMENTS**

- 1) Draft DCP Chapter D12 Richardson Road (western precinct).
- 2) Excess Council land for investigation.
- 3) Minute No. 048, 14 March 2023.
- 4) Preliminary Submissions Summary Table.
- 5) NSW Department of Planning and Environment Advice.

### **COUNCILLORS ROOM**

- 1) Copy of Preliminary Submission.

### **TABLED DOCUMENTS**

Nil.

## ITEM 3 - ATTACHMENT 1 DRAFT DCP CHAPTER D12 RICHARDSON ROAD (WESTERN PRECINCT).

# D12 Richardson Road - Raymond Terrace

## Application

This Part applies to the land identified in Figure DV as Richardson Road - Raymond Terrace including additional objectives and controls for the Richardson Road Western Precinct.

## D12.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

### Development controls

#### Street layout

- D12.1 Street layout is generally consistent with the locality controls map at Figure DW.
- D12.2 No additional direct **driveway** access to and from Richardson Road is permitted.

#### Connectivity

- D12.3 The **subdivision** of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported. **Development applications** must provide for wider street network connectivity in a grid-like structure.
- D12.4 **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.

#### Transport movement hierarchy

- D12.5 Local roads connecting to Richardson Road, Halloran Way and Baluster Street are constructed as bus routes in accordance with Council's infrastructure specification<sup>12</sup>.
- D12.6 Pedestrian and shared paths are provided in accordance with Council's Infrastructure specification<sup>12</sup>.

#### Road connections to Richardson Road

- D12.7 Access to Richardson Road must be provided in accordance with Figure DW.

#### Street trees along Richardson Road

- D12.8 **Landscaping plans** for **subdivisions** along Richardson Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with the **tree technical specification**<sup>1</sup>.

Note: This requirement is in addition to the requirements under Part C1.

## ITEM 3 - ATTACHMENT 1 DRAFT DCP CHAPTER D12 RICHARDSON ROAD (WESTERN PRECINCT).

## D12

## D12.B Staging

## Objective

To ensure that the staging of **subdivision** is informed by site analysis and infrastructure provision

## Development controls

## Staging

D12.9	<p>Stage 1 is completed prior to stage 2 commencing provides for continued road construction to the western intersection of Benjamin Lee Drive and Richardson Road.</p> <p>Note: The <b>Local Environmental Plan</b> requires a staging plan</p>
D12.10	<p>Stage 2 can occur prior to stage 1, if:</p> <ul style="list-style-type: none"> <li>continuous road construction is provided to the western intersection of Benjamin Lee Drive and Richardson Road</li> </ul>
D12.11	<p>Stage 23 must:</p> <ul style="list-style-type: none"> <li>provide continuous road construction to Baluster Street; and</li> <li>demonstrate the Halloran Way and Richardson Road intersection has adequate capacity to support traffic generated by the <b>development</b>.</li> <li><b>development</b> that exceeds the intersection capacity must provide a continuous road connection to Stage 34 and can only be completed once the eastern intersection at Benjamin Lee Drive and Richardson Road identified in Figure DW is operational.</li> </ul>
D12.12	<p>Stage 34 must provide continuous road construction to Richardson Road in accordance with Figure DW and the eastern intersection of Benjamin Lee Drive and Richardson Road must be operational.</p>

## D12.C Aircraft noise

## Objectives

- To ensure **development** satisfies the requirements of the **Local Environmental Plan**, clause 7.5
- To ensure appropriate consideration is given to land burdened by aircraft noise

## Development controls

## Aircraft noise

D12.13	<p>Richardson Road is located within the 20-25 and 25-30 <b>ANEF</b> contours.</p> <p>Note: B6.1 details what is to be considered when <b>development</b> is located within the aircraft noise planning area.</p>
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## ITEM 3 - ATTACHMENT 1 DRAFT DCP CHAPTER D12 RICHARDSON ROAD (WESTERN PRECINCT).

## D12

## D12.D 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.

## Development controls

## Stormwater drainage

D12.14 **On-site detention / on-site infiltration** is required for all new development where impervious areas are proposed.

D12.15 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.

Note: Part B4 provides further consideration towards **on-site detention / on-site infiltration**.

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

## Drainage reserves

D12.16 **Drainage reserves** are located generally in accordance with the locality controls map at Figure DW.

D12.17 All new **developments** must demonstrate that there would be no adverse impact on the operation of the **drainage reserve** or adjoining land on which stormwater is discharged.

## Water quality

D12.18 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.

## ITEM 3 - ATTACHMENT 1 DRAFT DCP CHAPTER D12 RICHARDSON ROAD (WESTERN PRECINCT).

## D12

## D12.E Richardson Road Western Precinct

## Objectives

- To protect and enhance the existing low density residential amenity and character of the area
- To ensure development provides appropriate landscaping cover and maintains established vegetation where possible
- To ensure residential development does not hinder the proper and orderly development of the area
- To ensure suitable access arrangements for residential development is provided

## Development controls

## Landscaping

D12.19 A landscape plan for any residential development is to be provided which shows:

- minimum of 30% landscaping area
- 50% of species are to be native species
- 30% of landscaped area within the front setback
- Existing trees are to be retained where possible
- Appropriate response to bushfire risk.

D12.20 Land adjoining Richardson Road must provide a landscape buffer 5m deep consisting of predominantly native and low maintenance species.

## Setbacks

D12.21 Minimum front **setback** of 5m

D12.22 Minimum side **setback** of 2m

D12.23 Minimum upper storey **setback** of 3m

## General

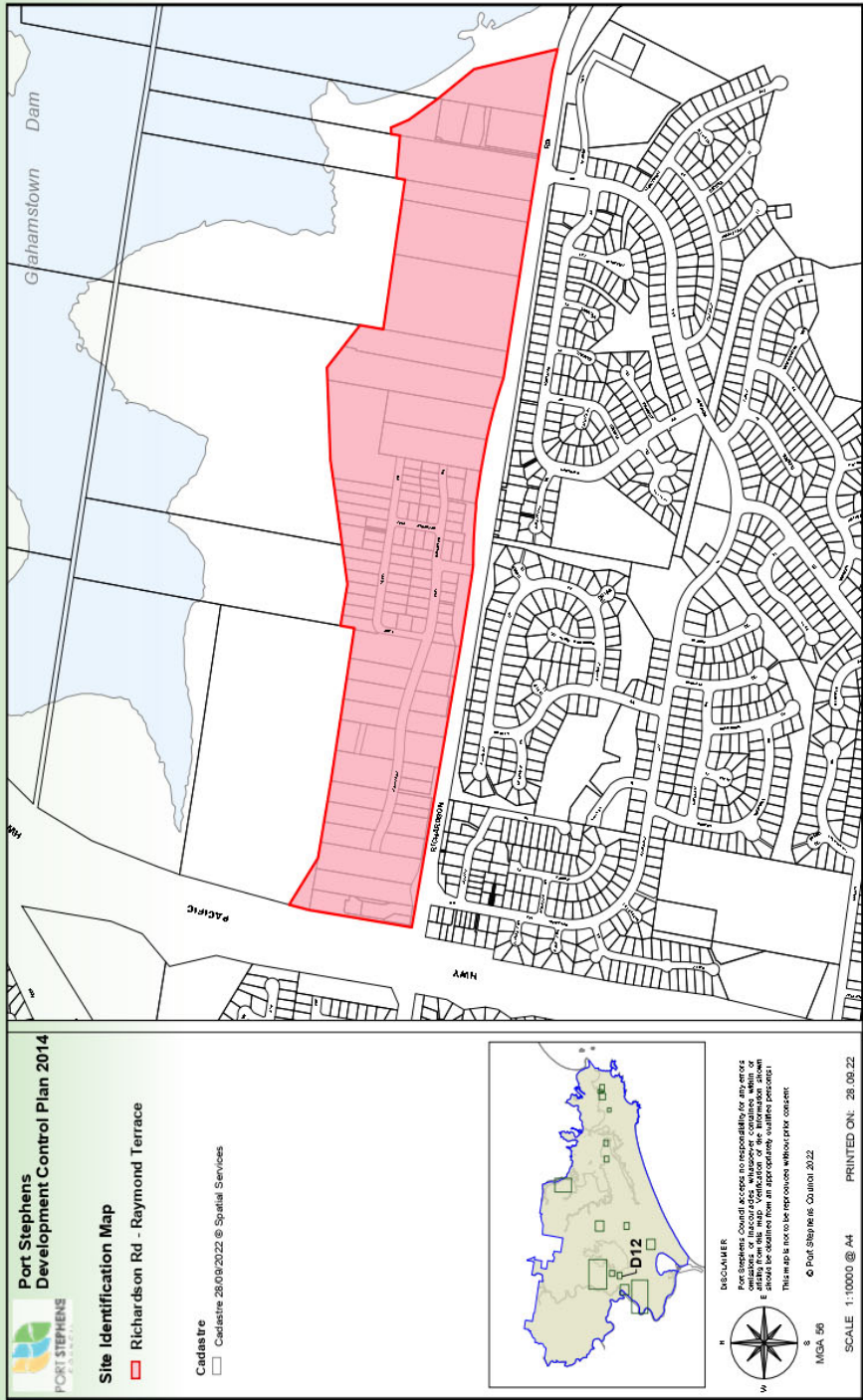
D12.24 Fencing forward of the building line is to have a maximum height of 1.2m and be in a rural style (such as post and rail fencing)

D12.25 Vehicle access must be via Halloran Way. **Subdivision development** that proposes access to Halloran Way must include road construction from the site frontage connecting to the existing road network in accordance with the road layout shown in Figure DW Richardson Road - Raymond Terrace locality controls map.

D12.26 **Subdivision development** should allow for road connection to neighbouring lots to provide consistent road development. Where this cannot be achieved, cul-de-sacs may be considered where they service no more than 10 lots and are no longer than 75 metres.

# D12

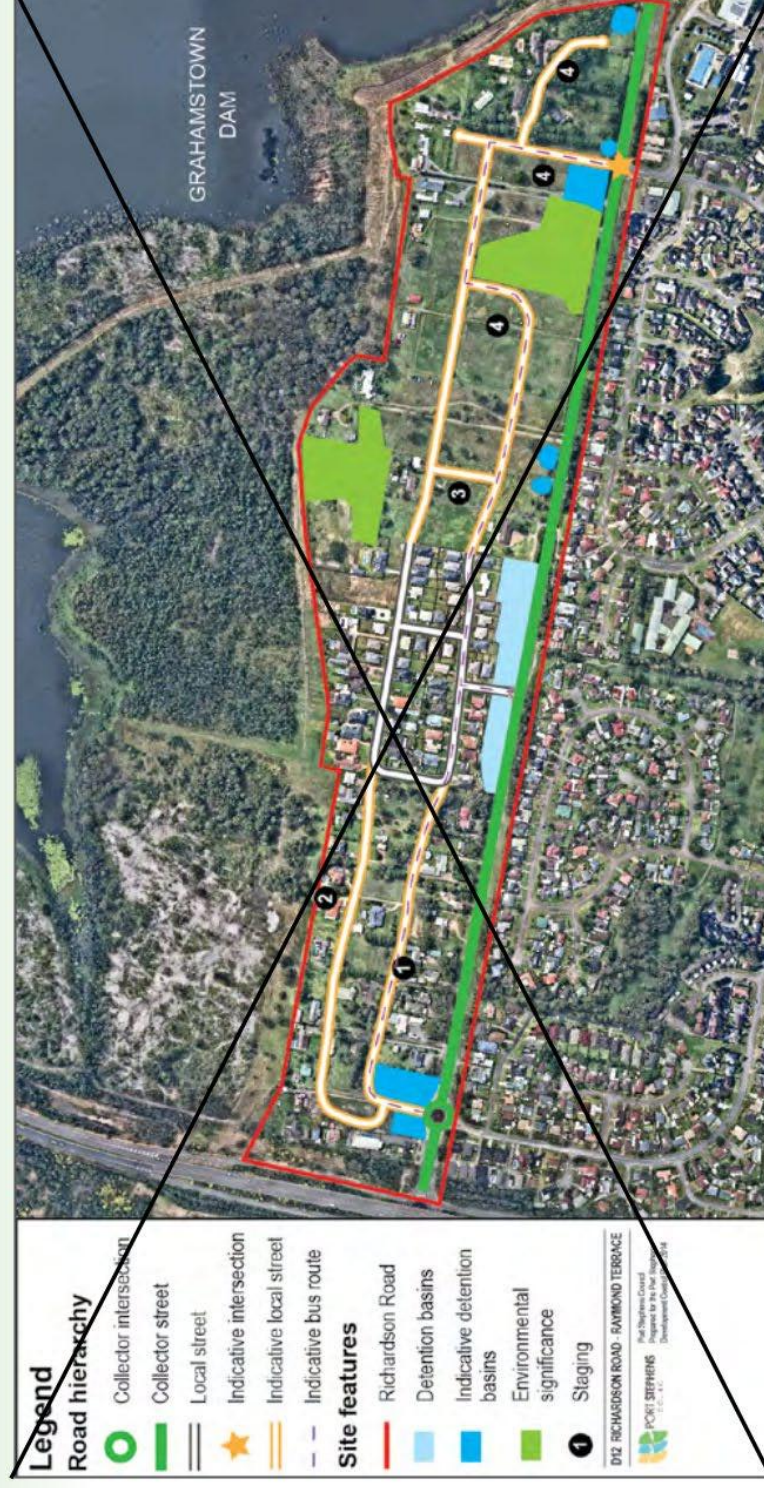
Figure DV: Richardson Road - Raymond Terrace land application map





## D12

Figure DW: Richardson Road--Raymond Terrace-locality-controls-map





D12

Figure DW: Richardson Road - Raymond Terrace locality controls map (proposed)







**ITEM 3 - ATTACHMENT 2      EXCESS COUNCIL LAND FOR INVESTIGATION.****Excess Council Land for Investigation - Richardson Road western precinct**

<b>Street No.</b>	<b>Lot and Deposited Plan No.</b>	<b>Classification</b>	<b>Zoning</b>
77A Richardson Road	Lot 573 DP 793280	Operational Land	RE1 Public Recreation
91B Richardson Road	Lot 603 DP 801962	Community Land	RE1 Public Recreation
97A Richardson Road	Lot 611 DP 1105622	Community Land	R2 Low Density Residential
99A Richardson Road	Lot 4 DP 789728	Community Land	RE1 Public Recreation
105A Richardson Road	Lot 4 DP 735177	Community Land	RE1 Public Recreation
119B Richardson Road	Lot 4 DP 818299	Community Land	RE1 Public Recreation
123A Richardson Road	Lot 1 DP 817760	Community Land	RE1 Public Recreation
127A Richardson Road	Lot 1 DP 715150	Community Land	RE1 Public Recreation
81B Richardson Road	Lot 3 DP 1069556	Operational Land	R2 Low Density Residential
Road 2	Public road	Public road	R2 Low Density Residential

**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

Councillor Peter Francis left the meeting at 6:26pm.

**ITEM NO. 3**

**FILE NO: 22/307845  
EDRMS NO: PSC2022-01211**

**DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 1)**.
  - 2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping **(ATTACHMENT 2)**.
  - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
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**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>048</b>	<p><b>Councillor Giacomo Arnott Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submissions received during the exhibition period <b>(ATTACHMENT 1)</b>.</li><li>2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping <b>(ATTACHMENT 2)</b>.</li><li>3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.</li><li>4) Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area.</li></ol>
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Cr Giacomo Arnott moved the following amendment to add an item 4, which was accepted by the seconder and merged into the original motion.



**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

"Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area."

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Amott, Chris Doohan, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Development Control Plan 2014 (DCP) – Housekeeping (**ATTACHMENT 2**) (the 'amendment') and to seek Council endorsement to make the amendment.

Housekeeping amendments are undertaken on a 2 year cycle to ensure Council's planning framework remains current and contemporary. The last housekeeping review was undertaken in 2020.

The amendment seeks to improve and update the DCP by correcting errors and removing controls that have been superseded or are redundant. It also provides to improve clarity in response to questions frequently asked by members of the community through Council's duty service. Some of the amendments include:

- Amending Chapter B1 Tree Management to align approval pathways and assessment requirements with Council policy and processes.
- Simplifying guidance on parking requirements in Chapter B8 Road Network and Parking to provide greater certainty and clarity.
- Amending Chapter B7 Heritage to be consistent with the Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW.
- Inserting new development controls for carports in Chapter C8 Ancillary Structures.
- Amending Chapter D12 Richardson Road – Raymond Terrace to include additional land to the east and include new development controls to guide future development and ensure appropriate planning outcomes.

A detailed explanation of the amendments is provided within (**ATTACHMENT 3**).

At its meeting on 8 November 2022, Council endorsed the draft amendment for exhibition. The draft was publicly exhibited for 28 days from Friday 11 November 2022 to Thursday 8 December 2022 in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).

**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

3 submissions were received during the exhibition period, and a further 2 submissions following exhibition. The submissions are summarised and addressed in **(ATTACHMENT 1)**.

A number of minor changes were made to the amendment in response to submissions to improve clarity. These changes are detailed in the explanation of amendments **(ATTACHMENT 3)** and in the response to submissions **(ATTACHMENT 1)**.

Additionally, following further internal consultation, the proposed locality controls map for Chapter D12 Richardson Road – Raymond Terrace was revised to respond to environmental constraints. The exhibited and the revised map are detailed within the explanation of amendments **(ATTACHMENT 3)**.

No other post-exhibition changes have been made to amendment.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no known legal, policy or risk implications resulting from the proposed recommendations.

**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**Environmental Planning and Assessment Act 1979 (EP&A Act)

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the amendment, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

Environmental Planning & Assessment Regulations 2000 (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulations.

Port Stephens Development Control Plan 2014 (DCP)

Section B of the DCP outlines general provisions applicable to most development applications and development types, Section C of the DCP outlines requirements and objectives applicable to specific development types (such as ancillary development), and Section D applies to specifically mapped areas.

The amendment will align the DCP with recently updated processes, assessment guidelines and specifications of Council, State and Commonwealth agencies. The changes proposed in **(ATTACHMENT 2)** would make the DCP more readable, easier to use, and more accurate.

The last housekeeping review of the DCP was undertaken in 2020. This is consistent with Council's approach on a 2 year cycle to ensure Council's planning framework remains current and contemporary.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk if the amendment is not made, that the DCP will contain outdated requirements and provisions.	Medium	Accept the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

The amendment will increase the usability of the DCP and amend or remove unnecessary controls to assist with its functionality and accuracy. The amendment will reduce the complexity of the DCP for community members. This may also reduce resourcing and costs incurred by Council responding to community enquiries regarding development.

The proposed amendments, whilst relatively minor in nature, will result in positive economic and social outcomes. Environmental impacts as a result of the amendment are unlikely to be significant. In relation to tree removal, the amendment to Chapter

**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

B1 Tree Management provides clearer guidance on when trees can be removed or pruned and does not amend, reduce or expand these circumstances.

The amendments to Chapter D12 Richardson Road – Raymond Terrace will assist in the delivery of housing on existing residentially zoned land in Raymond Terrace.

**CONSULTATION**

Preliminary consultation with key stakeholders has been undertaken by the Strategic Planning team to identify and consider any issues prior to exhibition.

Internal

Internal consultation has been undertaken with the Natural Systems team, the Development and Compliance Section, and the Engineering Services team.

External

As a result of consultation, a total of 5 submissions were received – 1 agency submission and 4 community submissions. Further details are outlined below.

Agency Consultation

External consultation has been undertaken with Transport for NSW and Hunter Water during preparation of the draft Chapter D12 Richardson Road – Raymond Terrace and the draft Chapter B4 Drainage and Water Quality respectively. Further consultation was undertaken with Transport for NSW with an agency submission received during the exhibition period. As a result, minor amendments were made to Chapter D12 Richardson Road – Raymond Terrace. These changes are detailed in the explanation of amendments (**ATTACHMENT 3**) and in the response to submissions (**ATTACHMENT 1**).

Community

The amendment was publicly exhibited for 28 days from Friday 11 November 2022 to Thursday 8 December 2022 in accordance with the Environmental Planning and Assessment Regulations 2021. 2 community submissions were received during the exhibition period, and a further 2 submissions following exhibition. The submissions are summarised and addressed in (**ATTACHMENT 1**).

Changes have been made to the amendment in response to submissions to provide clarity around the definition of an approved structure. More detail is provided in the explanation of amendments (**ATTACHMENT 3**) and in the response to submissions (**ATTACHMENT 1**). The presentation of Chapter B1 Tree management was also edited to remove highlighting from content that was repositioned but otherwise has not changed, to better distinguish between draft and current content.

**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

**OPTIONS**

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

**ATTACHMENTS**

- 1) Submissions Table.
- 2) Development Control Plan 2014 - Housekeeping. (Provided under separate cover)
- 3) Explanation of Amendments.

**COUNCILLORS ROOM**

- 1) Submissions.

**TABLED DOCUMENTS**

Nil.

**Submissions Table: Port Stephens Development Control Plan D12 Richardson Road (western precinct)**

Author	Summary	Response
Resident	The submission notes the long history of planning issues in the vicinity of Halloran Way.	Noted. The revised draft DCP for exhibition proposes amendments to seek to resolve planning outcomes in the area
	The submission notes the main issue is the lack of desire, as most of the subject area does not want to subdivide.	The desire to retain the semi-rural character of the subject area is acknowledged.
	The submission supports the creation of Halloran Way as means of reducing the number of access points to Richardson Road. Traffic flow can be problematic for residents and an exit by a roundabout would be beneficial.	Noted. Halloran Way is proposed to be retained to facilitate existing and future access to the Richardson Road western precinct.
	Road 2 (the northern loop road) will put residents at risk of negative amenity and security impacts and will decrease privacy.	Noted. The revised draft DCP for exhibition proposes to remove Road 2.
Resident	The writer constructed their residence in the 1990s under the original DCP, which allowed for the allocation of land to Council for the future construction of Halloran Way from the subdivision of original land holdings.	Noted. Review confirms the area has comprised large lots zoned for residential development since at least the Port Stephens Local Environmental Plan 1987. The accompanying DCP at the time included Halloran Way.
	The area provides an opportunity to secure a large and unique lot close to the centre of Raymond Terrace. The submission seeks to retain the large lot amenity of the area and does not support further subdivision.	The desire to in retain the rural residential character of the precinct is acknowledged. The existing R2 Low Density Residential zoning provides landowners with the option to subdivide at a future time if desired.
	The submission notes the future construction of Halloran Way appears problematic. Whilst Council has progressively secured ownership of land for Halloran Way, it is unclear how the cost of construction can be funded through any further subdivision of current properties. It would appear that Council may need to meet the cost of constructing the road in advance of any future additional subdivisions and potentially recover some of these costs through development fees. The submission notes the same dilemma	Noted. It is acknowledged that the construction of Halloran Way is challenging. The revised draft DCP for exhibition includes a requirement for future development to provide for the progressive construction of Halloran Way to any land proposed to be developed. The cost of constructing Halloran Way to a development site is to be borne by developers with any future development.

**ITEM 3 - ATTACHMENT 4 PRELIMINARY SUBMISSIONS SUMMARY TABLE.**

Author	Summary	Response
	would apply to construction of additional stormwater infrastructure.	The revised draft DCP retains the identification of common stormwater basins as a preferred stormwater solution.
	The submission notes the current DCP identifies Halloran Way as a potential (indicative) bus route and this would suggest that future construction of Halloran Way may demand higher standards than would otherwise be required.	The sections of road identified in Figure DW as an indicative bus route will need to be constructed in accordance with Council's Infrastructure Specification. This will require a road width of 12m. This is wider than some existing sections of Halloran Way, but will provide improved access for all residents.
	The submission notes Road 2 in the DCP has been recognised when positioning existing dwellings. It is unclear what subdivision guidelines would be required for further subdivision development along proposed Road 2 to occur, noting the difficulties in constructing Halloran Way.	The revised draft DCP for exhibition proposes to remove Road 2. The purpose is to seek to maintain amenity and safety for existing residents.
	The concept of staging future subdivision development in the greater Richardson Road area is a sensible requirement to ensure efficient allocation of Council and private resources to deliver consolidated infrastructure for existing residents at each stage	Noted. The revised draft DCP for exhibition includes provisions for staging the delivery of infrastructure with any future development.
	The submission sees the current DCP working in the interests of landowners to protect the Richardson Road precinct from ad-hoc subdivision with little or no consideration of existing residents. The writer would like to participate in any further formal review of the DCP.	Noted. The DCP seeks to provide guidance to the potential future development of the Richardson road area. Landowners within the western precinct will be directly notified of the exhibition of the revised draft DCP. This will provide further opportunity for landowners to make a submission.
Resident	The submission strongly objects to the proposed development outlined in the DCP. The writer has reviewed the current DCP and believes it will have detrimental effects on the local community.	Noted.
	The submission emphasises that when property was purchased in the area, the intention was to reside in a rural	Noted. The existing R2 Low Density Residential zoning is proposed to be retained. This will enable

**ITEM 3 - ATTACHMENT 4 PRELIMINARY SUBMISSIONS SUMMARY TABLE.**

Author	Summary	Response
	setting and there is no intention to develop.	landowners to subdivide should they seek to at a future time.
	Further development would disrupt the semi-rural amenity of the area and undermine the reasons why the writer located in this area.	The revised draft DCP for exhibition proposes amendments to balance potential future development and the existing large lot character of the area. It does this by proposing amendments to the DCP including additional landscaping and setback requirements and the removal of Road 2.
	The submission highlights the efforts of residents in maintaining a laneway in the precinct. They have diligently maintained adjoining land, contributing to the appeal of the area. It is important to acknowledge the value and importance of preserving such community spaces.	The efforts of landowners within the Richardson Road (western precinct) in maintaining the area is acknowledged and appreciated by Council.
	The submission requests the opportunity to purchase adjoining potential excess Council land. This would enable the landowner to secure a fence line and protect property boundaries.	Attachment 2 Excess council land identifies land for investigation for potential sale. Subject to detailed future review, if the identified land is confirmed as excess to requirements, there may be opportunity for adjoining landowners to purchase additional land.
	The submission notes there are numerous established rural properties, which serve as homes, agricultural land, and places of business for families. These properties contribute to the character and identity of the area, and their preservation should be a priority. The submission urges Council to reconsider Halloran Way, taking into account the potential adverse impacts on the existing community.	Halloran Way (Road 1) is proposed to be retained. The purpose is to maintain existing and future potential access, should landowners choose to undertake development in the future. The closure of Halloran Way is not recommended, as it is a dedicated public road, although not constructed, which provides access to a number of residential properties along it.
	The submission requests re-evaluation of the proposed development of the area and gives due consideration to the views and interests of affected residents. The writer looks forward to receiving Council's response and updates regarding the progress of the DCP.	Noted. The revised draft DCP for exhibition seeks to take into consideration the concerns of landowners raised in preliminary submissions.
Resident	The submission objects to Road 2 (the northern loop road) in the current DCP, raising concerns about negative	Noted. The revised draft DCP for exhibition proposed to remove Road 2.



## ITEM 3 - ATTACHMENT 4 PRELIMINARY SUBMISSIONS SUMMARY TABLE.

Author	Summary	Response
	amenity, security risk, traffic, servicing and cost impacts on existing residents.	
	The submission supports the retention of the existing rural lifestyle of the precinct.	Noted. The existing R2 Low Density Residential zoning is proposed to be retained. This will enable landowners to subdivide should they seek to at a future time.
	The submission is not aware of any accidents on Richardson Road from a private driveway.	Noted. It is not proposed to remove any existing legal access rights with the revised draft DCP for exhibition.
	The submission suggests for consideration alternate bus route and footpath suggestions, including use of existing bus stops and the bus route on Benjamin Lee Drive; extension of the footpath on both sides of Richardson Road; an additional bus stop near Halloran Way.	Under the Port Stephens Development Control Plan 2014, large subdivisions are required to demonstrate bus stops are located within 400m walking distance and accessible via footpaths. Much of the precinct is not located within 400m of an existing bus stop. Where applicable, existing footpaths will be extended to access new or existing bus stops. The Benjamin Lee Drive bus stop is not considered appropriate to service the precinct due to the need to cross Richardson Road.
	The submission writes the proposed bus route could enter via the existing Halloran Way, onto Balusters Street then exit onto the proposed intersection on Richardson Road (Stage 4 -Grahamstown Dam end) to accommodate the residents in Stages 3 & 4. The residents in Stage 1 & 2 could use existing bus stops located on Richardson Road or on Benjamin Lee Drive.	The existing intersection of Halloran Way and Baluster Street can support a bus, but is quite narrow. If stages 3 and 4 are developed prior to Stages 1 and 2, the bus route will enter at the existing Halloran way intersection. The intention to extend the bus route to the west into stages 1 and 2 is to provide a more accessible handle for buses. The need for the bus route through Stages 1 and 2 will be dependent on future development and will be determined during the development application stage.
	The submission understands the extension of Halloran Way (Stage 1) may be developed but there is no need for the additional access road in Stage 2.	Noted. The revised draft DCP for exhibition proposes to retain Road 1 (Halloran Way) and proposes to remove Road 2 (the northern loop road).
Resident	The submission notes the writer chose to live in this location due to the existing character of the area, which includes large lots, privacy, semi-rural	The large lot amenity of the western precinct of Richardson Road is acknowledged as a key feature of the area that local residents enjoy.

**ITEM 3 - ATTACHMENT 4 PRELIMINARY SUBMISSIONS SUMMARY TABLE.**

Author	Summary	Response
	character, natural flora and fauna and access to Richardson Road, and would be disappointed to see this character change with further development.	The existing zoning R2 Low Density Residential is proposed to be retained should landowners seek to undertake development at a future time.
	The submission raises concerns about Road 1 (Halloran Way) which suggests a local street and bus route and would create unnecessary traffic, noise, and privacy concerns.	Halloran Way (Road 1) is proposed to be retained. The purpose is to maintain existing and future potential access, should landowners choose to undertake development in the future. It is acknowledged that this will create additional traffic and amenity impacts, and that bus access may be required.
	The submission is concerned that large trees on private and Council property would be removed to make way for development, effecting the local wildlife population.	The revised draft DCP for exhibition proposes to increase landscaping and building setback requirements to encourage retention of tree cover and future tree planting. It is acknowledged that there may be necessary removal of some trees with the future construction of Halloran Way.
	The submission understands why the DCP may be necessary in Sections 3 and 4 as it includes parcels of land that are more suitable to development. In comparison, Section 1 is comprised of dwellings on comparatively smaller lots.	Noted. No changes are proposed to the DCP for the Richardson Road (eastern precinct). It is acknowledged the Richardson Road (western precinct) is comprised of comparatively smaller lots, and may be more challenging to develop.
	The submission notes that if the opportunity arises the writer would be interested in purchasing any adjacent excess land.	Attachment 2 Excess council land identifies land for investigation for potential sale. Subject to detailed review, if the identified land is confirmed as excess, there is likely to be opportunity for sale to adjoining landowners.
Resident	The submission objects to the proposed road development in the current DCP and emphasises the negative implications it would have on residents.	Noted. The objections to the proposed roads in the existing DCP is acknowledged.
	The submission notes the proposed development site is situated in an area that is disconnected from the writer's property. The construction of a road in this location would serve no logical purpose, is unnecessary, will have	The revised draft DCP for exhibition proposes to remove Road 2. The purpose is to improve amenity and safety for existing residents. The large lot amenity of the western precinct of Richardson Road is

**ITEM 3 - ATTACHMENT 4 PRELIMINARY SUBMISSIONS SUMMARY TABLE.**

Author	Summary	Response
	amenity impacts, create security issues and devalue property. The submission supports the retention of the existing semi-rural character of the area and the lifestyle, amenity and safety benefits (including for children) of the location.	acknowledged as a key feature of the area that local residents enjoy.
	The submission requests reconsideration of the decision to proceed with the construction of the proposed road and that the interest of existing residents are taken into account, and alternative solutions explored.	It is a recommendation of this report that landowners within the western precinct will be directly notified of the formal exhibition of the revised draft DCP. This will provide further opportunity for landowners to make a further submission to the review of the DCP.

ITEM 3 - ATTACHMENT 5 NSW DEPARTMENT OF PLANNING AND  
ENVIRONMENT ADVICE.

Department of Planning and Environment



Matthew Egan  
Port Stephens Council  
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20 September 2023

**Richardson Road Area, Raymond Terrace – Potential planning proposal**

Dear Mr Egan,

Thank you for the opportunity to provide advice regarding a potential planning proposal for land along Richardson Road, Raymond Terrace, as indicated in Attachment A. I understand Port Stephens Council is considering options to back zone the existing R2 Low Density Residential area and/or increase minimum lot size.

Our collective decisions about where and how to accommodate housing will influence people's lifestyles, our natural environment, carbon emissions, public infrastructure costs, public health costs and outcomes, social equity and economic competitiveness.

The options under consideration would reduce the housing potential of an area within 15-minute walk and cycle to some everyday needs. As such, I would consider the proposal does not appear consistent with the following matters.

Firstly, the *Hunter Regional Plan 2041* is seeking for neighbourhoods to become more nimble to accommodate different demographics. Rigid and difficult to change planning controls can limit these choices. For this reason, the regional plan sets requirements for the housing typologies that will not be prohibited in residential zones. This includes dual occupancies, semi-detached dwellings and multi-dwelling housing.

Rather than reducing the housing potential of the area, the department would be supportive of a more optimal density and more diverse housing typologies up to four stories. Particularly, if this may lead to an overall improvement in public benefit for the community, more efficient use of public infrastructure and protection of the drinking water catchment.

Secondly, reducing the housing potential of the area would be inconsistent with section 9.1 Ministerial direction 6.1 Residential Zones. This direction requires any planning proposal to broaden housing types (subclause 1a), make more efficient use of existing infrastructure and services (subclause 1b) and not reduce the permissible residential density of land (subclause 2b).

Thirdly, we have a shared responsibility to address the housing crisis and meet the goals of the National Housing Accord, and I want to thank council for the collaborative effort you have made and continue to make on behalf of the communities you represent. There is an immediate need for us to make sure the planning system presents no impediment to dwelling approvals and construction in appropriate locations.

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ENVIRONMENT ADVICE.**

Department of Planning and Environment



The Minister is asking councils to factor this into their decision-making and prioritise the delivery of housing when assessing development applications and rezoning schemes, so that the entire planning system is geared to addressing the housing shortfall.

We thank council for the opportunity to provide early advice on this matter.

Yours sincerely

**Dan Simpkins**  
**Director, Central Coast and Hunter**  
**Local and Regional Planning**

Enc. Attachment A



