

## MINUTES ORDINARY COUNCIL - 10 JUNE 2025

Councillor Giacomo Arnott left the meeting at 7:21pm.  
Councillor Peter Francis left the meeting at 7:21pm.

### ITEM NO. 4

**FILE NO: 25/14109**  
**EDRMS NO: PSC2024-03481**

### DRAFT DEVELOPMENT CONTROL PLAN 2025

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 2025 **(ATTACHMENT 1)** on public exhibition for a minimum of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2021.
  - 2) A further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the Development Control Plan 2025.
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### ORDINARY COUNCIL MEETING - 10 JUNE 2025 MOTION

119	<p><b>Councillor Chris Doohan</b> <b>Councillor Jason Wells</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 2025 <b>(ATTACHMENT 1)</b> on public exhibition for a minimum of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2021.</li><li>2) A further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the Development Control Plan 2025.</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 Leah Anderson, Crs Rosalyn Armstrong, Chris Doohan, Nathan Errington, Mark Watson 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 the draft Port Stephens Development Control Plan 2025 (draft DCP) (**ATTACHMENT 1**) on public exhibition for a period of 28 days.

The existing Port Stephens Development Control Plan 2014 (current DCP) has been the subject of a comprehensive review and a draft DCP has been prepared with the intention to repeal and replace the current DCP.

The primary role of the Development Control Plan (DCP) is to guide permissible development by:

- Giving effect to the aims and objectives of the Port Stephens Local Environmental Plan 2013 (LEP)
- Facilitating permissible development under the LEP
- Providing flexibility to allow alternative solutions to meet the LEP objectives.

The provisions of a DCP for these purposes are not statutory requirements or development standards.

The preparation and exhibition of the draft DCP completes committed actions under the Port Stephens Local Housing Strategy (LHS), specifically:

- To implement process improvements to streamline assessments and reduce the cost of housing
- To improve the development feasibility of medium density developments in centres
- To enable more efficient and sustainable development outcomes for new housing including small lot housing, residential flat buildings and shop top housing.

Actions in the LHS were prioritised in order to meet the State Government housing targets for the LGA. Council received grant funding in 2024 through the Australian Government's Housing Support Program. This grant support has enabled the comprehensive review of the existing DCP and the development of the digital DCP platform.

The key changes resulting from the comprehensive review have been summarised below.

### Housing affordability

Controls for all types of housing have been reviewed and rationalised to find cost savings for applicants where possible. There are also customer-focused changes that will make it easier to prepare simple housing applications. These changes include:

- Introducing an online DCP platform with tools to facilitate ease of use, which includes:
  - A matrix to make the identification of lodgement requirements easier based on development types.
  - Search, print and save functionality to make it easier to prepare an application.
  - Use of a mobile and tablet friendly platform.
  - Ease of access to glossary terms.
  - Ease of access through hyperlinks to relevant sites, maps, documents and forms.
- Relocating information around specific assessment requirements and development types to a Development Application Supporting Handbook.
- New mapping and explanatory figures that are clear and uniform.
- The use of plain English to explain planning jargon, making it easier for users to interpret and understand.

#### Faster approvals

The changes related to improved assessment timeframes include the provision of consistent controls for different types of housing. The use of consistent requirements for setbacks, landscaping and other residential requirements will make it easier and quicker to assess housing applications.

Controls have also been rationalised to remove duplication, consolidate related subject matter or to relocate information requirements so that overall there are less controls to address in an application. This is aimed at speeding up processing times for applications and reduce the administrative burden for both applicants and Council. Clearer information about upfront requirements has been provided in the Development Application Supporting Handbook which is aimed at reducing the need to request further information from an applicant during assessment. This is intended to speed up overall assessment and determination timeframes for applicants.

#### Better environmental outcomes

The draft DCP includes new protections targeting unauthorised underscrubbing of native vegetation on large residential lots. There are also new controls that will provide better protections for koala habitat, greater guidance on biodiversity corridors and buffer areas as well as information relating to development in mapped coastal vulnerability areas as a result of the Coastal Management Program.

#### Other amendments

At its meeting on 27 February 2024, Minute No. 14 (**ATTACHMENT 2**) Council resolved to request a report be prepared outlining the best way to implement an amendment to the DCP to include provisions related to electric vehicle (EV) charging infrastructure for dwelling houses, dual occupancies and semi-detached dwellings. As part of the DCP review, EV charging requirements were benchmarked against other councils, with research undertaken on installation options and costs. The

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controls proposed in the draft DCP are intended to facilitate EV trends and usage whilst limiting any adverse cost impacts on housing affordability.

The flooding chapter has been restructured to align with the NSW Flood Risk Management Manual and the recently released NSW Shelter in Place Guidelines. It is noted that a standalone amendment of the flooding chapter is proposed for late 2025 in response to the cumulative flood controls developed in collaboration with Maitland City Council and the City of Newcastle.

A detailed explanation of all amendments has been provided in the fact sheets prepared for each DCP chapter (**ATTACHMENT 3**).

### 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

The development of the draft DCP and digital DCP platform has been managed within existing budget resources and using grant funding received through the Australian Government's Housing Support Program.

There are no foreseen negative financial or resource implications for Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes	\$100,000	Australian Government's Housing Support Program funding.
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that information requirements for applications are not clear resulting in incomplete applications, requests for further information and assessment delays.	Low	Adopt the recommendations.	Yes
There is a risk that DCP controls are hard to navigate, overly onerous, and increase the cost of new housing.	Low	Adopt the recommendations.	Yes
There is a risk that DCP controls do not adequately protect the environment or respond to sustainability trends.	Low	Adopt the recommendations.	Yes

**National Housing Accord 2024**

The Australian Government has agreed to a National Housing Accord with states and territories, local government, institutional investors and the construction sector to deliver 1 million well-located homes over the next 5 years. The Commonwealth will provide \$3.5 billion in payments to state, territory and local governments to support the delivery of new homes towards the National Housing Accord target. The Australian Government's Housing Support Program is part of that funding commitment and the review of the DCP received grant funding through the Housing Support Program.

**Hunter Regional Plan 2041 (HRP)**

The HRP identifies that Port Stephens is forecast to grow by approximately 20,000 people over the next 20 years and specifies a projected housing demand for Port Stephens of 11,100 dwellings. The HRP includes actions for Council to adopt a LHS with actions to respond to these housing targets. The draft DCP gives effect to the actions in the LHS.

The DCP is also consistent with HRP objectives to incorporate sustainable planning and resilience in planning decisions, protect biodiversity and facilitate delivery of well-located homes.

### Port Stephens Local Housing Strategy (LHS)

The draft DCP is consistent with the LHS and aligns with actions to:

- Implement process improvements to better streamline assessments and reduce the cost of housing (Action 2.7).
- Amend planning controls to improve feasibility for medium density developments in centres (Action 3.2).
- Enable more efficient and sustainable development outcomes for new greenfield housing and encouraging provision of small lot housing through controls (Action 3.3).
- Consider development controls for residential flat buildings, serviced apartments and shop top housing (Action 3.5).

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

Part 3 of the EP&A Act defines the purpose of a DCP. This legislative framework has informed the content of the draft DCP. Should Council resolve to proceed with the amendment, all necessary matters in preparing the plan would be carried out in accordance with the EP&A Act.

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

Part 2 of the Environmental Planning & Assessment Regulation 2021 provides further guidance in regard to the form, structure and subject matter of DCPs. The draft DCP has been prepared with regard for these sections. 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.

The EP&A Regulation requires the draft DCP to be listed on planning certificates from the commencement of the exhibition period.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

Chapter 2 of the Biodiversity and Conservation SEPP outlines planning provisions for the regulation of clearing vegetation in non-rural areas. The draft DCP aligns with the SEPP and declares the vegetation in non-rural areas of Port Stephens to which this Chapter of the SEPP applies.

### Port Stephens Local Environmental Plan 2013 (LEP)

The draft DCP has been prepared to give effect to the aims and objectives of the LEP.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed amendments are considered to have positive social, environmental and economic implications. The amendment will improve access to information for the community and provide clearer approval and assessment requirements. The draft DCP will facilitate increased certainty and confidence in planning processes and outcomes and facilitate housing in Port Stephens. The amendments will support improved environmental outcomes and sustainable development.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

**External communications and engagement**

The following communication and engagement has been conducted in the preparation of the draft DCP:

INFORM	<ul style="list-style-type: none"><li>• <b>Update on the website</b> to inform the community that the DCP was under review. <b>Council Advisory Groups (Heritage, Environment and Community Engagement)</b> received briefings on the project.</li></ul>
CONSULT	<ul style="list-style-type: none"><li>• <b>Update on the website</b> - An email address was provided for the community to contribute suggestions and make enquiries.</li><li>• <b>Targeted Development Industry Survey</b> – A survey was distributed to the development industry including planning, engineering and ecological consultants, architects, developers and members of peak industry bodies.</li></ul>

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	<ul style="list-style-type: none"><li>• <b>Port Stephens Development Forum</b> – A presentation was given at the Port Stephens Development Forum to provide feedback on the survey results. Discussion and suggestions made during the Forum were recorded and incorporated in the review</li><li>• <b>Agency consultation</b> - Hunter Water Corporation and the Commonwealth Department of Defence received relevant draft chapters (B3 Stormwater Management and B6 Aircraft Noise and Safety) and provided feedback and guidance.</li><li>• <b>Industry engagement</b> included targeted engagement with the Urban Development Institute of Australia (UDIA).</li></ul>
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The following communication and engagement is planned:

CONSULT	Following Council's endorsement, the draft DCP will be placed on public exhibition for 28 days and will be notified through social media, direct email to stakeholders, print advertising and Council's website.
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### Internal communications and engagement

Consultation has been undertaken by the Strategy and Environment Section with:

- Assets Section.
- Development and Compliance Section.
- Public Domain and Services Section.
- Communications and Customer Experience Section.

### OPTIONS

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

### ATTACHMENTS

- 1) Draft Development Control Plan 2025. (Provided under separate cover)
- 2) Council Meeting 27 February 2024 Minute 014. (Provided under separate cover)
- 3) DCP-Fact Sheets. (Provided under separate cover)

### COUNCILLORS' ROOM/DASHBOARD

Nil.

### TABLED DOCUMENTS

Nil.