

ORDINARY COUNCIL MEETING 10 FEBRUARY 2015

ITEM NO. 1

FILE NO: 16-2014-91-1

DEVELOPMENT APPLICATION FOR A BOUNDARY REALIGNMENT, DWELLING AND EARTHWORKS (EARTH MOUND) AT NO. 13-15 PORT STEPHENS DRIVE, ANNA BAY

REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2015-91-1 for boundary realignment, dwelling and earthworks (earth mound) at No. 13-15 Port Stephens Drive, Anna Bay for the reasons contained in **(ATTACHMENT 3)**.

MOTION

003	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Steve Tucker
	That Council approve the Development Application 16-2014-91-1 for boundary realignment, dwelling and earthworks (earth mound) at No. 13-15 Port Stephens Drive, Anna Bay subject to the conditions tabled at the Council meeting of 10 February 2015.

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

Those for the Motion: Mayor Bruce MacKenzie , Crs Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

Cr Chris Doohan entered the meeting at 5.51pm following the voting on Item 1, in Committee of the Whole.

MOTION

005	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council approve the Development Application 16-2014-91-1 for boundary realignment, dwelling and earthworks (earth mound) at No. 13-15 Port Stephens Drive, Anna Bay subject to the conditions tabled at the Council meeting of 10 February 2015.

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

Those for the Motion: Mayor Bruce MacKenzie , Crs Paul Le Mottee, Chris Doohan, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

ITEM NO. 2

FILE NO: PSC2014-03597

PLANNING PROPOSAL – 2885 PACIFIC HIGHWAY, HEATHERBRAE (MOTTO FARM)

**REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION
MANAGER**

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at (**ATTACHMENT 1**) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 to amend Schedule 1 'Additional permitted uses' of the Port Stephens Local Environmental Plan 2013 to permit (with consent) a 'service station', 'restaurant or café and 'take-away food and drink premises' on land at 2885 Pacific Highway Heatherbrae (Lots 1, 2 and 3 DP 264023; Lot 1 DP 350551; and Lot 101 DP 807522); and
- 2) Forward the Planning Proposal at (**ATTACHMENT 1**) the NSW Department of Planning and Environment for a Gateway Determination.

**ORDINARY COUNCIL MEETING – 10 FEBRUARY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

MOTION

006	<p>Councillor Ken Jordan Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal at (ATTACHMENT 1) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 to amend Schedule 1 'Additional permitted uses' of the Port Stephens Local Environmental Plan 2013 to permit (with consent) a 'service station', 'restaurant or café and 'take-away food and drink premises' on land at 2885 Pacific Highway Heatherbrae (Lots 1, 2 and 3 DP 264023; Lot 1 DP 350551; and Lot 101 DP 807522); and 2) Forward the Planning Proposal at (ATTACHMENT 1) the NSW Department of Planning and Environment for a Gateway Determination.
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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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: A2004-0217 &
PSC2009-06567**

**PLANNING PROPOSAL TO AMEND THE LEP – EXEMPT DEVELOPMENT –
WATER STORAGE FACILITIES**

MAYOR BRUCE MACKENZIE

THAT COUNCIL:

- 1) Resolve to immediately prepare a Planning Proposal to amend the LEP to include the following:

Add to Schedule 2 Exempt Development:

Water Storage Facilities

- a) Must only be constructed on land zoned RU1 Primary Production or RU2 Rural Landscape;
- b) Must be less than 1 Megalitre if the subdivision was approved before 1 January 1999 with harvestable water rights or be built on minor streams that capture a maximum of 10 per cent of the property's average regional rainfall run-off;
- c) Must not be on land mapped as Class 1, 2, 3 or 4 on the Acid Sulfate Soils Map;
- d) Maximum depth of 5 metres Australian Height Datum when within 500m of adjacent Class 1, 2, 3 or 4 Acid Sulfate Soil Land and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land;
- e) Minimum distance from any property boundary – 10m;
- f) Must not contain a spillway more than 1m in height;
- g) Must not involve works within 40m of the banks of a named watercourse.

Note: Farm dams must comply with the NSW Farm Dams Policy (Harvestable Dams Policy), a copy of which can be obtained from the NSW Office of Water or relevant State Government Authority

**ORDINARY COUNCIL MEETING –10 FEBRUARY 2015
MOTION**

021	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p>
	<p>It was resolved that Council immediately prepare a Planning Proposal to amend the LEP to include the following:</p> <p>Add to Schedule 2 Exempt Development:</p> <p>Water Storage Facilities</p> <ul style="list-style-type: none"> a) Must only be constructed on land zoned RU1 Primary Production or RU2 Rural Landscape; b) Must be less than 1 Megalitre if the subdivision was approved before 1 January 1999 with harvestable water rights or be built on minor streams that capture a maximum of 10 per cent of the property's average regional rainfall run-off; c) Must not be on land mapped as Class 1, 2, 3 or 4 on the Acid Sulfate Soils Map; d) Maximum depth of 5 metres Australian Height Datum when within 500m of adjacent Class 1, 2, 3 or 4 Acid Sulfate Soil Land and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land; e) Minimum distance from any property boundary – 10m; f) Must not contain a spillway more than 1m in height; g) Must not involve works within 40m of the banks of a named watercourse. <p>Note: Farm dams must comply with the NSW Farm Dams Policy (Harvestable Dams Policy), a copy of which can be obtained from the NSW Office of Water or relevant State Government Authority</p>

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: A2004-0217 &
PSC2009-06567**

**PLANNING PROPOSAL TO AMEND THE LEP – EXEMPT DEVELOPMENT –
REALIGNMENT OF BOUNDARIES**

MAYOR BRUCE MACKENZIE

THAT COUNCIL:

- 1) Resolve to immediately prepare a Planning Proposal to amend the LEP to include the following:

Add to Schedule 2 Exempt Development:

Realignment of Boundaries

The Realignment of Boundaries pursuant to this Clause:

- a) must be of minimal environmental impact, and
- b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994), and
- c) cannot be carried out in a wilderness area (identified under the Wilderness Act 1987).
- d) cannot be carried on land on which a heritage item or draft heritage item is situated.

This Clause applies to land in Zones:

- i. RU1 Primary Production,
- ii. RU2 Rural Landscape,
- iii. RU3 Forestry,
- iv. RU4 Primary Production Small Lots,
- v. RU6 Transition,
- vi. R5 Large Lot Residential,
- vii. E2 Environmental Conservation,

- viii. E3 Environmental Management or
- ix. E4 Environmental Living.

The subdivision of land, for the purpose only of any one or more of the following, is exempt development specified for this clause:

- a) widening a public road,
- b) a realignment of boundaries:
 - i. that will not create additional lots or the opportunity for additional dwellings, and
 - ii. that will not create a resultant lot that is more than 15% different in area to at least one pre-existing lot
 - iii. that will not result in one or more lots that are smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size), and
 - iv. that will not adversely affect the provision of existing services on a lot, and
 - v. that will not result in any increased bush fire risk to existing buildings,
- c) rectifying an encroachment on a lot,
- e) creating a public reserve,
- d) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Add to Part 4 Principal Development Standards

Exceptions to minimum subdivision lot size for lot boundary adjustments in certain Rural, Residential and Environmental Zones.

The objective of this clause is to facilitate boundary adjustments between lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.

- 1) This clause applies to land in the following zones:
 - i. RU1 Primary Production,
 - ii. RU2 Rural Landscape,
 - iii. RU3 Forestry,
 - iv. RU4 Primary Production Small Lots,
 - v. RU6 Transition,
 - vi. R5 Large Lot Residential,
 - vii. E2 Environmental Conservation,
 - viii. E3 Environmental Management or
 - ix. E4 Environmental Living.

 - 2) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that:
 - a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - b) the number of dwellings or opportunities for dwellings on each lot after subdivision will be the same as before the subdivision, and
 - c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - d) if the land is in a rural zone, the agricultural viability of the land will not be adversely affected as a result of the subdivision.
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**ORDINARY COUNCIL MEETING –10 FEBRUARY 2015
MOTION**

022	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p> <p>It was resolved that Council immediately prepare a Planning Proposal to amend the LEP to include the following:</p> <p style="padding-left: 40px;"><u>Add to Schedule 2 Exempt Development:</u></p> <p>Realignment of Boundaries</p> <p>The Realignment of Boundaries pursuant to this Clause:</p> <ol style="list-style-type: none"> a) must be of minimal environmental impact, and b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994), and c) cannot be carried out in a wilderness area (identified under the Wilderness Act 1987). d) cannot be carried on land on which a heritage item or draft heritage item is situated. <p>This Clause applies to land in Zones:</p> <ol style="list-style-type: none"> x. RU1 Primary Production, xi. RU2 Rural Landscape, xii. RU3 Forestry, xiii. RU4 Primary Production Small Lots, xiv. RU6 Transition, xv. R5 Large Lot Residential, xvi. E2 Environmental Conservation, xvii. E3 Environmental Management or xviii. E4 Environmental Living. <p>The subdivision of land, for the purpose only of any one or more of the following, is exempt development specified for this clause:</p> <ol style="list-style-type: none"> a) widening a public road, b) a realignment of boundaries: <ol style="list-style-type: none"> i. that will not create additional lots or the opportunity for additional dwellings, and ii. that will not create a resultant lot that is more than 15%
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	<p>different in area to at least one pre-existing lot</p> <ul style="list-style-type: none"> iii. that will not result in one or more lots that are smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size), and iv. that will not adversely affect the provision of existing services on a lot, and v. that will not result in any increased bush fire risk to existing buildings, <ul style="list-style-type: none"> c) rectifying an encroachment on a lot, e) creating a public reserve, d) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets. <p><u>Add to Part 4 Principal Development Standards</u></p> <p>Exceptions to minimum subdivision lot size for lot boundary adjustments in certain Rural, Residential and Environmental Zones.</p> <p>The objective of this clause is to facilitate boundary adjustments between lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.</p> <ul style="list-style-type: none"> 1) This clause applies to land in the following zones: <ul style="list-style-type: none"> x. RU1 Primary Production, xi. RU2 Rural Landscape, xii. RU3 Forestry, xiii. RU4 Primary Production Small Lots, xiv. RU6 Transition, xv. R5 Large Lot Residential, xvi. E2 Environmental Conservation, xvii. E3 Environmental Management or xviii. E4 Environmental Living. 2) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and
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	<p>the consent authority is satisfied that:</p> <ul style="list-style-type: none"> a) the subdivision will not create additional lots or the opportunity for additional dwellings, and b) the number of dwellings or opportunities for dwellings on each lot after subdivision will be the same as before the subdivision, and c) the potential for land use conflict will not be increased as a result of the subdivision, and d) if the land is in a rural zone, the agricultural viability of the land will not be adversely affected as a result of the subdivision.
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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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

There being no further business the meeting closed at 6.47pm.

ORDINARY COUNCIL MEETING 24 FEBRUARY 2015

ITEM NO. 3

FILE NO: A2004-0790

REZONING OF COUNCIL OWNED LAND AT 795 MEDOWIE ROAD MEDOWIE

REPORT OF: CARMEL FOSTER – GROUP MANAGER CORPORATE
SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to formally submit a Planning Proposal for part of the Council owned site as identified and detailed in the body of this report, for Council's consideration as the land owner;
 - 2) Resolve to approve funding required to prepare the Planning Proposal and the Rezoning Request as detailed in the body of this report.
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**ORDINARY COUNCIL MEETING – 24 FEBRUARY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

MOTION

029	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Resolve to formally submit a Planning Proposal for part of the Council owned site as identified and detailed in the body of this report, for Council's consideration as the land owner;

	2) Resolve to approve funding required to prepare the Planning Proposal and the Rezoning Request as detailed in the body of this report.
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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 Bruce MacKenzie, Crs Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 10 MARCH 2015

ITEM NO. 1

FILE NO: 16-2014-222-1

DEVELOPMENT APPLICATION FOR A CHANGE OF USE FROM TOURIST LODGE AND MANAGERS RESIDENCE TO DETACHED DUAL OCCUPANCY DEVELOPMENT AT NO 713 NEWLINE ROAD, EAGLETON (LOT 11 DP881743)

REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 3) Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons:
 - a. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);
 - b. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);
- 4) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).

ORDINARY COUNCIL MEETING – 10 MARCH 2015

MOTION

040	Councillor Steve Tucker Councillor John Nell
	It was resolved that Council move into Committee of the Whole.

Cr Paul Le Mottee left at 5.31pm, prior to Item 1, in Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Sally Dover</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons: <ol style="list-style-type: none"> c. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979); d. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979; 2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy). 3) Given Council has previously indicated support for this rezoning application via minute no 221 of 28 July 2009, and it was Council's understanding the proposal would be included in the comprehensive Local Environmental Plan (LEP), Council resolve that no fees are applicable for the planning proposal.
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 6.04pm, prior to Item 1, in Open Council.

042	<p>Councillor Chris Doohan Councillor John Nell</p>
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	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons: <ol style="list-style-type: none"> e. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979); f. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979); 2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy). 3) Given Council has previously indicated support for this rezoning application via minute no 221 of 28 July 2009, and it was Council's understanding the proposal would be included in the comprehensive Local Environmental Plan (LEP), Council resolve that no fees are applicable for the planning proposal.
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

ITEM NO. 2

FILE NO: PSC2006-2237

PLANNING PROPOSAL - KINGSTON - MEDOWIE ROAD MEDOWIE

REPORT OF: **TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION
MANAGER**

GROUP: **DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend the Planning Proposal as exhibited to include an additional local provisions clause into Part 7 of the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements for the decommissioning of the poultry farm operating at Lot 199 DP 17437 as follows:
"Clause 7.20 Development at Medowie Road, Medowie
 - (1) *This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.*
 - (2) *Despite any other provision of this Plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."*
- 2) Subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - proceed with the Planning Proposal at **(ATTACHMENT 1)** and request the NSW Minister for Planning to amend the *Port Stephens Local Environmental Plan 2013* in accordance with the provisions of Section 59 of the *NSW Environmental Planning and Assessment Act 1979* to rezone land at Medowie Road Medowie for residential and environmental conservation purposes as follows:
 - a) Rezone Lots 1 & 2 DP 567481; Lots 7 & 8 DP 855814; part of Lot 200 DP 19739; part of Lot 199 DP 17437; and part of Lot 9 DP 855814 from RU2 Rural Landscape to R2 Low Density Residential;
 - b) Rezone part of Lot 9 DP 855814 from RU2 Rural Landscape to part E2 Environmental Conservation.

ORDINARY COUNCIL MEETING – 10 MARCH 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Geoff Dingle Councillor Chris Doohan</p>
	<p>That the recommendation be adopted.</p>

Cr Paul Le Mottee returned to the meeting at 5.34pm, during Item 2, in Committee of the Whole.

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

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

Cr Paul Le Mottee returned to the meeting at 6.04pm, during Item 2, in Open Council.

043	<p>Councillor John Morello Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Amend the Planning Proposal as exhibited to include an additional local provisions clause into Part 7 of the <i>Port Stephens Local Environmental Plan 2013</i> requiring satisfactory arrangements for the decommissioning of the poultry farm operating at Lot 199 DP 17437 as follows: <ul style="list-style-type: none"> "<i>Clause 7.20 Development at Medowie Road, Medowie</i> (1) <i>This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.</i> (2) <i>Despite any other provision of this Plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."</i> 2) Subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - proceed with the Planning Proposal at (ATTACHMENT 1) and request the NSW Minister for Planning to amend the <i>Port Stephens Local Environmental Plan 2013</i> in accordance with the provisions of Section 59 of the <i>NSW Environmental Planning and Assessment Act 1979</i> to rezone land at Medowie Road Medowie for residential and environmental conservation purposes as follows: <ol style="list-style-type: none"> c) Rezone Lots 1 & 2 DP 567481; Lots 7 & 8 DP 855814; part of Lot 200 DP 19739; part of Lot 199 DP 17437; and part of Lot 9 DP 855814 from RU2 Rural Landscape to R2 Low
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	Density Residential; d) Rezone part of Lot 9 DP 855814 from RU2 Rural Landscape to part E2 Environmental Conservation.
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

ITEM NO. 3

FILE NO: PSC2012-02056

MEDOWIE LOCAL AREA CONTRIBUTIONS PLAN – TRAFFIC AND TRANSPORT

REPORT OF: **TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION
MANAGER**

GROUP: **DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the *Port Stephens Section 94 Development Contributions Plan 2007* and *Port Stephens Section 94A Development Contributions Plan*, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for a minimum period of 28 days in accordance with the provisions of Clause 26 of the *Environmental Planning and Assessment Regulation 2000*;
- 2) Following public exhibition, report the matter back to Council for its consideration of any submissions;
- 3) If no submissions are received during the public exhibition period, adopt the *Port Stephens Section 94 Development Contributions Plan 2007* and *Section 94A Development Contributions Plan*, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport.

ORDINARY COUNCIL MEETING – 10 MARCH 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Chris Doohan Councillor Geoff Dingle</p>
	<p>That the recommendation be adopted.</p>

AMENDMENT

	<p>Councillor Bruce MacKenzie Councillor Paul Le Mottee</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Place the <i>Port Stephens Section 94 Development Contributions Plan 2007</i> and <i>Port Stephens Section 94A Development Contributions Plan</i>, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for a minimum period of 28 days in accordance with the provisions of Clause 26 of the <i>Environmental Planning and Assessment Regulation 2000</i>;

	2) Following public exhibition, report the matter back to Council for its consideration.
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The amendment on being put became the motion which was carried.

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

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

044	<p>Councillor John Morello Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Place the <i>Port Stephens Section 94 Development Contributions Plan 2007</i> and <i>Port Stephens Section 94A Development Contributions Plan</i>, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for a minimum period of 28 days in accordance with the provisions of Clause 26 of the <i>Environmental Planning and Assessment Regulation 2000</i>; 2) Following public exhibition, report the matter back to Council for its consideration.
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING 14 APRIL 2015

ITEM NO. 2

FILE NO: PSC2015-01000/020
TRIM REF NO: 16-2014-471-1

**DEVELOPMENT APPLICATION FOR RESIDENTIAL FLAT BUILDING COMPRISING
14 AFFORDABLE RESIDENTIAL HOUSING UNITS AT NO. 40-42 GLENELG
STREET RAYMOND TERRACE**

**REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER**

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) **(ATTACHMENT 2)** subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 14 APRIL 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>That Council defer Item 2 to the next meeting of Council to be held on 12 May 2015.</p>

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

Those for the motion: Mayor Bruce MacKenzie, Cr Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

Cr Paul Le Mottee entered the meeting at 5.43pm following Item 2, in Committee of the Whole.

Cr Paul Le Mottee left the meeting at 6.48pm, prior to Item 2, in Open Council.

**ORDINARY COUNCIL MEETING - 14 APRIL 2015
MOTION**

091	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council defer Item 2 to the next meeting of Council to be held on 12 May 2015.

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

Those for the motion: Mayor Bruce MacKenzie, Cr Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

ITEM NO. 1

FILE NO: PSC2015-01000/028
TRIM REF NO: 16-2015-28-1

DEVELOPMENT APPLICATION FOR DETACHED DUAL OCCUPANCY AND
EARTHWORKS AT NO. 887 NEWLINE ROAD, EAGLETON (LOT 4 DP56479)

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2015-28-1 for a detached dual occupancy and earthworks at No. 887 Newline Road, Eagleton (Lot 4 DP 56479) (**ATTACHMENT 1**) for the reasons contained in (**ATTACHMENT 3**).
-

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p>
	<p>That Council approve the Development Application 16-2015-28-1 for a detached dual occupancy and earthworks at No. 887 Newline Road, Eagleton (Lot 4 DP 56479) in accordance with the Conditions of Consent tabled.</p>

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

Those for the motion: Mayor Bruce MacKenzie, Cr Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the motion: Cr Peter Kafer, Geoff Dingle and John Nell.

ORDINARY COUNCIL MEETING - 14 APRIL 2015
MOTION

072	<p>Councillor Chris Doohan Councillor John Morello</p>
	<p>It was resolved that Council approve the Development Application 16-2015-28-1 for a detached dual occupancy and earthworks at No. 887 Newline Road, Eagleton (Lot 4 DP 56479) in accordance with the</p>

Conditions of Consent tabled.

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

Those for the motion: Mayor Bruce MacKenzie, Cr Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the motion: Cr Peter Kafer, Geoff Dingle and John Nell.

ITEM NO. 5

FILE NO: PSC2015-01000/057
TRIM REF NO: PSC2008-1496

PLANNING AGREEMENT - FISHERMANS BAY ESTATE - DA 16-2012-800-1

REPORT OF: **TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT SECTION
MANAGER**

GROUP: **DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Planning Agreement with Landcom (trading as UrbanGrowth NSW) in accordance with the draft Planning Agreement (**ATTACHMENT 1**);
- 2) Place the Planning Agreement on exhibition for a period of not less than 28 days;
- 3) Should no submissions be made, the Planning Agreement be entered into.

**ORDINARY COUNCIL MEETING - 14 APRIL 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

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

Those for the motion: Mayor Bruce MacKenzie, Cr Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

**ORDINARY COUNCIL MEETING - 14 APRIL 2015
MOTION**

075	<p>Councillor Chris Doohan Councillor John Morello</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the Planning Agreement with Landcom (trading as UrbanGrowth NSW) in accordance with the draft Planning

Agreement (**ATTACHMENT 1**);

- 2) Place the Planning Agreement on exhibition for a period of not less than 28 days;
- 3) Should no submissions be made, the Planning Agreement be entered into.

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

Those for the motion: Mayor Bruce MacKenzie, Cr Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING 12 MAY 2015

ITEM NO. 1

FILE NO: PSC2015-01000/122
TRIM REF NO: 16-2014-471-1

**DEVELOPMENT APPLICATION FOR RESIDENTIAL FLAT BUILDING COMPRISING
14 AFFORDABLE RESIDENTIAL HOUSING UNITS AT NO 40-42 GLENELG
STREET RAYMOND TERRACE**

**REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER**
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (**ATTACHMENT 2**) subject to the conditions contained in (**ATTACHMENT 4**).

**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

001	<p>Councillor Ken Jordan Councillor Peter Kafer</p> <p>That Council move into Committee of the Whole.</p>
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COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee left the meeting at 05:45pm.

002	<p>Councillor Ken Jordan Councillor Peter Kafer</p> <p>It was resolved that Council defer Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (ATTACHMENT 2) subject to the conditions contained in (ATTACHMENT 4) until the next Council meeting to be held on 26 May 2015.</p>
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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: Crs Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

Councillor Paul Le Mottee left the meeting at 06:13pm.

<p>003</p>	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council defer Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (ATTACHMENT 2) subject to the conditions contained in (ATTACHMENT 4) until the next Council meeting to be held on 26 May 2015.</p>
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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: Crs Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, John Nell and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 06:14pm.

ITEM NO. 2

FILE NO: PSC2015-01000/129
TRIM REF NO: PSC2009-08546

PLANNING PROPOSAL - VARIOUS COUNCIL OWNED LANDS

**REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT SECTION
MANAGER**
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to support the following deferred matters from the Planning Proposal - **(ATTACHMENT 1)** - that has been publicly exhibited to amend the Port Stephens Local Environmental Plan 2013:
 - a. Reclassify Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land; and
 - b. Reclassify Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential;
 - 2) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.
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ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee returned to the meeting at 05:47pm.
Councillor Ken Jordan left the meeting at 05:47pm.
Councillor Ken Jordan returned to the meeting at 05:50pm.

004	<p>Councillor Peter Kafer Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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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: Crs Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION

005	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Resolve to support the following deferred matters from the Planning Proposal - (ATTACHMENT 1) - that has been publicly exhibited to amend the Port Stephens Local Environmental Plan 2013: <ol style="list-style-type: none"> a. Reclassify Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land; and b. Reclassify Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential; 2) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.
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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: Crs Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 26 MAY 2015

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2015-01000/282
TRIM REF NO: PSC2015-01247

DANGEROUS TREES

THAT COUNCIL:

- 1) Allocate \$100,000 in the 2014-2015 financial year to remove dangerous and/or inappropriate trees from road reserves and open space network. That the funding be provided in the 2014-2015 March 2015 Quarterly budget review.
- 2) Undertake a review of the street tree planting guidelines and prepare a report for Council that addresses potential conflict between trees in the road reserve, built property and utilities.
- 3) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is a risk to human life or property for a period of 12 months.

ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION

006	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Allocate \$100,000 in the 2014-2015 financial year to remove dangerous and/or inappropriate trees from road reserves and open space network. That the funding be provided in the 2014-2015 March 2015 Quarterly budget review. 2) Undertake a review of the street tree planting guidelines and prepare a report for Council that addresses potential conflict between trees in the road reserve, built property and utilities. 3) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is a risk to human life or property for a period of 12 months.
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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 Bruce MacKenzie, Crs Chris Doohan , Sally Dover, Paul Le Mottee , John Morello and Steve Tucker.

Those against the Motion: Cr John Nell.

ITEM NO. 1

FILE NO: PSC2015-01000/268
TRIM REF NO: 16-2014-471-1

**DEVELOPMENT APPLICATION FOR RESIDENTIAL FLAT BUILDING COMPRISING
14 AFFORDABLE RESIDENTIAL HOUSING UNITS AT NO 40-42 GLENELG
STREET RAYMOND TERRACE**

**REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER**
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) **(ATTACHMENT 2)** subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION**

007	<p>Councillor Steve Tucker Councillor Paul Le Mottee</p> <p>That Council move into Committee of the Whole.</p>
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Councillor Paul Le Mottee left the meeting at 06:40pm, in Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

008	<p>Councillor John Nell Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Chris Doohan, Sally Dover, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION

Councillor Paul Le Mottee left the meeting at 07:00pm, in Open Council.

009	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (ATTACHMENT 2) subject to the conditions contained in (ATTACHMENT 4).</p>
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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 Bruce MacKenzie, Crs Chris Doohan, Sally Dover, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 07:00pm, in Open Council.

Councillor Paul Le Mottee returned to the meeting at 06:45pm, in Committee of the Whole.

ITEM NO. 2

FILE NO: PSC2015-01000/116
TRIM REF NO: PSC2009-09539

RAYMOND TERRACE & HEATHERBRAE STRATEGY 2015-2031

**REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT SECTION
MANAGER**
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 (**ATTACHMENT 1**) and to amend the Draft Port Stephens Development Control Plan 2014 with the proposed site specific parts for D1 – Heatherbrae and D9 – Raymond Terrace Town Centre (**ATTACHMENT 2**).
 - 2) Place the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 with the accompanying amendments to the Port Stephens Development Control Plan 2014 on public exhibition for a minimum period of 28 days.
 - 3) Following public exhibition, report this matter back to Council.
-

ORDINARY COUNCIL MEETING - 26 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

010	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION

011	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 (ATTACHMENT 1) and to amend the Draft Port Stephens Development Control Plan 2014 with the proposed site specific parts for D1 – Heatherbrae and D9 – Raymond Terrace Town Centre (ATTACHMENT 2). 2) Place the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 with the accompanying amendments to the Port Stephens Development Control Plan 2014 on public exhibition for a minimum period of 28 days. 3) Following public exhibition, report this matter back to Council.
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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 Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 9 JUNE 2015

ITEM NO. 1

**FILE NO: PSC2015-01000/150
TRIM REF NO: 2008-827-2**

**SECTION 96(3) APPLICATIONS TO MODIFY DEVELOPMENT CONSENT NO. 16-
2008-827-2 NO. 470 MARSH RD, BOBS FARM**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve in part the Section 96 application modifications for following Conditions of Consent:
 - a) Amending Condition 6 to reflect the current requirements for the construction of buildings in bushfire prone areas under Australian Standard 3959-2009 by apply a Bushfire Attack Level (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation.
 - b) Removal of Conditions 20 and 21 relating to driveway construction requirements.
 - c) The BASIX requirements have been met, therefore no further action is needed in relation to the requested condition to be removed.

- 2) Refuse the remaining Section 96 application modifications (Modify Development Consent No. 16-2008-827-2) for the following reasons:
 - a) The development is inconsistent with the provisions of the Port Stephens Council LEP 2012. In particular Clause 7.3 planning considerations for development in flood prone land.
 - b) Removal of conditions relating to statutory Building Code of Australia (BCA) requirements in relation to upgrading a non-habitable structure to a habitable structure.
 - c) Issuing a development consent for the S96 application is not consistent with Council's duty of care in the protection of the residents, State Emergency Services and the property owners from the personal and property risks associated with flood events, safety and non-compliances with Building Code of Australia and associated Australian Standards.

ORDINARY COUNCIL MEETING - 9 JUNE 2015
MOTION

012	<p>Councillor Sally Dover Councillor Geoff Dingle</p> <p>It was resolved that Council move into Committee of the Whole.</p>
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Cr Chris Doohan entered the meeting at 5.31pm, during Item 1.

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Sally Dover</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Approve in part the Section 96 application modifications for following Conditions of Consent: <ol style="list-style-type: none"> a) Amending Condition 6 to reflect the current requirements for the construction of buildings in bushfire prone areas under Australian Standard 3959-2009 by apply a Bushfire Attack Level (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation. b) Removal of Conditions 20 and 21 relating to driveway construction requirements. c) The BASIX requirements have been met, therefore no further action is needed in relation to the requested condition to be removed. d) Amend condition 11 to enable a modification to reduce the AHD level by 40mm (to 1.84m AHD) for the electrical pillar to remain in its current location. 2) Refuse the remaining Section 96 application modifications (Modify Development Consent No. 16-2008-827-2) for the following reasons: <ol style="list-style-type: none"> a) It is not reasonable to remove conditions relating to statutory Building Code of Australia (BCA) requirements for upgrading a non-habitable structure to a habitable structure. b) Issuing a development consent for the S96 application is not consistent with Council's duty of care in relation to safety and non-compliances with Building Code of Australia and associated Australian Standards.
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Peter Kafer, Paul Le Mottee, and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 9 JUNE 2015
MOTION

013	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve in part the Section 96 application modifications for following Conditions of Consent: <ol style="list-style-type: none"> a) Amending Condition 6 to reflect the current requirements for the construction of buildings in bushfire prone areas under Australian Standard 3959-2009 by apply a Bushfire Attack Level (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation. b) Removal of Conditions 20 and 21 relating to driveway construction requirements. c) The BASIX requirements have been met, therefore no further action is needed in relation to the requested condition to be removed. d) Amend condition 11 to enable a modification to reduce the AHD level by 40mm (to 1.84m AHD) for the electrical pillar to remain in its current location. 2) Refuse the remaining Section 96 application modifications (Modify Development Consent No. 16-2008-827-2) for the following reasons: <ol style="list-style-type: none"> a) It is not reasonable to remove conditions relating to statutory Building Code of Australia (BCA) requirements for upgrading a non-habitable structure to a habitable structure. b) Issuing a development consent for the S96 application is not consistent with Council's duty of care in relation to safety and non-compliances with Building Code of Australia and associated Australian Standards.
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Peter Kafer, Paul Le Mottee, and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 2

**FILE NO: PSC2015-01000/345
TRIM REF NO: PSC2015-01634**

**PROPOSED AMENDMENTS TO THE PORT STEPHENS DEVELOPMENT
CONTROL PLAN - TREE MANAGEMENT**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the relevant Port Stephens Development Control Plan (**ATTACHMENT 1**).
- 2) Place the proposed amendments to the Port Stephens Development Control Plan on public exhibition for a period of 28 days.
- 3) Following exhibition, report this matter back to Council.

**ORDINARY COUNCIL MEETING - 9 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>That the recommendation be adopted, and that the Supplementary Information be received and noted.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Peter Kafer, Paul Le Mottee and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 9 JUNE 2015
MOTION**

014	<p>Councillor Chris Doohan Councillor Steve Tucker</p>
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	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the amendments to the relevant Port Stephens Development Control Plan (ATTACHMENT 1). 2) Place the proposed amendments to the Port Stephens Development Control Plan on public exhibition for a period of 28 days. 3) Following exhibition, report this matter back to Council. 4) Receive and note the Supplementary Information.
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan , Sally Dover, Peter Kafer, Paul Le Mottee, and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 23 JUNE 2015

ITEM NO. 1

FILE NO: PSC2015-01000/401
TRIM REF NO: 14/907

DA 16-2014-799-1 CHANGE OF USE (DUAL OCCUPANCY), ALTERATIONS AND ADDITIONS, AND RELOCATION OF MANAGERS RESIDENCE AT 254 TAREAN ROAD, KARUAH (LOT 1 DP507141)

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-799-1 for a change of use to a dual occupancy, alterations and additions, and relocation of managers residence at 254 Tarean Road, Karuah (Lot 1 DP507141) subject to the conditions contained in **(ATTACHMENT 3)**.

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Mayor Bruce MacKenzie</p> <p>That Council approve Development Application 16-2014-799-1 for a change of use to a dual occupancy, alterations and additions and relocation of managers residence at 254 Tarean Road, Karuah (Lot 1 DP 507141) subject to the conditions in (ATTACHMENT 3), except for condition 2 that relates to the Section 94 contribution of which is removed.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION

015	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council approve Development Application 16-2014-799-1 for a change of use to a dual occupancy, alterations and additions and relocation of managers residence at 254 Tarean Road, Karuah (Lot 1 DP 507141) subject to the conditions in (Attachment 3), except for condition 2 that relates to the Section 94 contribution of which is removed.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 28 JULY 2015

ITEM NO. 1

**FILE NO: PSC2015-01000/527
TRIM REF NO: 15/187**

**DEVELOPMENT APPLICATION 16-2015-107-1 FOR LOG PROCESSING WORKS
AT 30 FERODALE ROAD, MEDOWIE (LOT 1 DP733278)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2015-107-1 for Log Processing Works at 30 Ferodale Road, Medowie (Lot 1 DP733278) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

016	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>That Council move into Committee of the Whole.</p>
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COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <ol style="list-style-type: none"> 1) Approve Development Application 16-2015-107-1 for Log Processing Works at 30 Ferodale Road, Medowie (Lot 1 DP733278) subject to the conditions contained in (ATTACHMENT 3) subject to the following amendments: <ol style="list-style-type: none"> a) Conditions 3 and 4 be deferred for 6 months. b) Condition 5 Post and wire' be inserted in after 'rural style fencing'. c) Condition 6 be amended to add a further clause: other related timber products
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	<p>d) Condition 8 - 'Where possible/practical' be inserted after 'active dust suppression measures are to be undertaken'</p> <p>e) Condition 11 be amended to remove the first sentence "When the development is in operation the L10 noise level measured over a period of not less than 15 minutes must not exceed the background noise by more than 10db(A) when measured from the property boundary".</p> <p>f) Condition 12 be amended to increase raw logs from 100 tonnes to 200 tonnes, the maximum height from 2m to 3m and the stacking pattern to neatly stacked logs. It should read: "A maximum of 200 tonnes of raw logs is to be stored on the site at any one time and is to be contained within the log storage area shown on the approved plan. Log piles are to be neatly stacked to a maximum height of 3m above ground level with appropriate upright posts to ensure logs do not collapse".</p> <p>g) Condition 15 have the term 'licensed waste facility' amended to 'disposed of in accordance with legislative requirements'.</p>
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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: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Crs Geoff Dingle and Peter Kafer

ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

	<p>Councillor Geoff Dingle Councillor Peter Kafer</p> <p>The amendment put was that Council:</p> <p>1) Refuse Development Application 16-2015-107-1 for Log Processing Works at 30 Ferodale Road, Medowie (Lot 1 DP733278) subject to the conditions contained in (ATTACHMENT 3).</p>
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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: Crs Geoff Dingle and Peter Kafer

Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The Motion was lost.

ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

017	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p> <p>It was resolved that Council;</p> <p>1) Approve Development Application 16-2015-107-1 for Log Processing Works at 30 Ferodale Road, Medowie (Lot 1 DP733278) subject to the conditions contained in (ATTACHMENT 3) subject to the following amendments:</p> <ul style="list-style-type: none"> a) Conditions 3 and 4 be deferred for 6 months. b) Condition 5 'Post and wire' be inserted in after 'rural style fencing'. c) Condition 6 be amended to add a further clause: other related timber products d) Condition 8 'Where possible/practical' be inserted after 'active dust suppression measures are to be undertaken' e) Condition 11 be amended to remove the first sentence "When the development is in operation the L10 noise level measured over a period of not less than 15 minutes must not exceed the background noise by more than 10db(A) when measured from the property boundary". f) Condition 12 be amended to increase raw logs from 100 tonnes to 200 tonnes, the maximum height from 2m to 3m and the stacking pattern to neatly stacked logs. It should read: "A maximum of 200 tonnes of raw logs is to be stored on the site at any one time and is to be contained within the log storage area shown on the approved plan. Log piles are to be neatly stacked to a maximum height of 3m above ground level with appropriate upright posts to ensure logs do not collapse". g) Condition 15 have the term 'licensed waste facility' amended to 'disposed of in accordance with legislative requirements'.
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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: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Crs Geoff Dingle and Peter Kafer

ITEM NO. 2

FILE NO: PSC2015-01000/531
TRIM REF NO: PSC2013-00406

POLICY REVIEW - DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised 'Development Applications to be Reported to Council' policy shown at **(ATTACHMENT 2)**.
 - 2) Place the 'Development Applications to be Reported to Council' policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the 'Planning Matters to be Reported to Council' policy dated 13 August 2013, Minute Number 217 **(ATTACHMENT 1)**, should no submissions be received.
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ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

018	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the revised 'Development Applications to be Reported to Council' policy shown at (ATTACHMENT 2). 2) Place the 'Development Applications to be Reported to Council' policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council. 3) Revoke the 'Planning Matters to be Reported to Council' policy dated 13 August 2013, Minute Number 217 (ATTACHMENT 1), should no submissions be received.
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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: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ITEM NO. 3

FILE NO: PSC2015-01000/610
TRIM REF NO: 14/508

MODIFICATION TO DEVELOPMENT CONSENT 16-2014-331-1 - EXEMPTION TO S94A DEVELOPMENT CONTRIBUTIONS MURROOK CULTURE CENTRE, 2163 NELSON BAY ROAD, WILLIAMTOWN (LOT 1 DP 748265)

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Modification to Development Application DA No. 16-2014-331-2 for a reduction in Section 94A Development Contributions for Murrook Culture Centre, Williamtown subject to the conditions contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

019	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p>
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	1) Approve Modification to Development Application DA No. 16-2014-331-2 for a reduction in Section 94A Development Contributions for Murrook Culture Centre, Williamstown subject to the conditions contained in (ATTACHMENT 3) .
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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: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ITEM NO. 4

**FILE NO: PSC2015-01000/220
TRIM REF NO: PSC2015-00487**

DRAFT PORT STEPHENS RURAL RESIDENTIAL STRATEGY

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the draft Port Stephens Rural Residential Strategy (**ATTACHMENT 1**) for the purposes of public exhibition.
- 2) Place the draft Port Stephens Rural Residential Strategy on public exhibition for a minimum of 28 days.
- 3) Report back to Council following public exhibition for consideration.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>That the recommendation be adopted with the amendments as per the supplementary information received and noted on 28 July 2015 and the amendment that the public exhibition period from 28 days to 42 days.</p>
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

020	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p> <ol style="list-style-type: none"> 1) Adopt the draft Port Stephens Rural Residential Strategy (ATTACHMENT 1) for the purposes of public exhibition. 2) Place the draft Port Stephens Rural Residential Strategy on public exhibition for a minimum of 28 days. 3) Report back to Council following public exhibition for consideration. 4) Make amendments as per supplementary information to include the following details to recommendation 1: <ol style="list-style-type: none"> a) Update the exclusionary mapping, and relevant investigation areas, to accurately reflect Council's zoning maps contained within the Port Stephens Local Environmental Plan 2013 to be consistent with the locational criteria. b) Develop higher resolution versions of maps within the draft Strategy to facilitate review during the public exhibition period. 5) Amend the public exhibition period from 28 days to 42 days.
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ITEM NO. 5

FILE NO: PSC2015-01000/538
TRIM REF NO: PSC2015-01301

PLANNING PROPOSAL - BOOMERANG PARK

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at (**ATTACHMENT 1**) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
 - 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.
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ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Geoff Dingle Councillor Peter Kafer</p> <p>The amendment put was that Council:</p> <ol style="list-style-type: none"> 1) Refuse the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
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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: Crs Geoff Dingle and Peter Kafer



Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The Motion was lost.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>A motion was moved and seconded that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land. With the following amendments: <ol style="list-style-type: none"> a) Council reaffirm its position that the site is to be developed for seniors housing only. b) Council register a restriction / covenant on the use of land to formalise it to only be used for seniors housing post gateway determination. 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.
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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: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Crs Geoff Dingle and Peter Kafer

The motion was carried.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

021	<p>Councillor Geoff Dingle Councillor Peter Kafer</p> <ol style="list-style-type: none"> 1) Refuse the Planning Proposal at (ATTACHMENT 1) to rezone the
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	subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
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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: Crs Geoff Dingle and Peter Kafer

Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The motion was lost.

ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

	<p>Councillor Peter Kafer Councillor Geoff Dingle</p> <p>Cr Kafer moved a motion of no confidence in Council.</p> <p>The motion was lost.</p>
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ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

022	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>A motion was moved and seconded that Council:</p> <p>1) Adopt the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land. With the following amendments.</p> <p>a) Council reaffirm its position that the site is to be developed for seniors housing only.</p> <p>b) Council register a restriction / covenant on the use of land to formalise it to only be used for seniors housing post gateway</p>
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	<p>determination.</p> <p>2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.</p>
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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: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Crs Geoff Dingle and Peter Kafer

The motion was carried.

ITEM NO. 6

FILE NO: PSC2015-01000/559
TRIM REF NO: PSC2014-00920

PLANNING PROPOSAL - KINDLEBARK DRIVE MEDOWIE

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at **(ATTACHMENT 1)** for the purposes of Section 55 of the *Environmental Planning and Assessment Act 1979* seeking to amend the *Port Stephens Local Environmental Plan 2013* to:
 - a) Rezone land 142 Kindlebark Drive (Lot 10, DP1154803); 1A Heritage Avenue (Lot 61, DP 1106425); 140A Kindlebark Drive (Lot 2, DP 270731); 140 Kindlebark Drive (Lot 3, DP 270731); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731); and 140B Kindlebark Drive (Lot 6, DP 270731) from R5 Large Lot Residential to R2 Low Density Residential;
 - b) Amend Schedule 1 'Additional permitted uses' in respect of land at 142 Kindlebark Drive (Lot 10, DP 1154803) to permit:
 - hotel or motel accommodation;
 - function centre;
 - restaurant or café;
 - small bar;
 - cellar door premises;
 - commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'.
 - 2) Forward the Planning Proposal **(ATTACHMENT 1)** to the NSW Department of Planning and Environment for a Gateway Determination and request delegated authority to make the Plan.
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ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION

023	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p> <p>1) Adopt the Planning Proposal at (ATTACHMENT 1) for the purposes of Section 55 of the <i>Environmental Planning and Assessment Act 1979</i> seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> to:</p> <p>a) Rezone land 142 Kindlebark Drive (Lot 10, DP1154803); 1A Heritage Avenue (Lot 61, DP 1106425); 140A Kindlebark Drive (Lot 2, DP 270731); 140 Kindlebark Drive (Lot 3, DP 270731); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731); and 140B Kindlebark Drive (Lot 6, DP 270731) from R5 Large Lot Residential to R2 Low Density Residential;</p> <p>b) Amend Schedule 1 'Additional permitted uses' in respect of land at 142 Kindlebark Drive (Lot 10, DP 1154803) to permit:</p> <ul style="list-style-type: none"> - hotel or motel accommodation; - function centre; - restaurant or café; - small bar;
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	<ul style="list-style-type: none"> - cellar door premises; - commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'. <p>2) Forward the Planning Proposal (ATTACHMENT 1) to the NSW Department of Planning and Environment for a Gateway Determination and request delegated authority to make the Plan.</p>
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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: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ITEM NO. 7

**FILE NO: PSC2015-01000/505
TRIM REF NO: PSC2009-09777**

**PROPOSED ROAD CLOSURE - UNFORMED FORMER SECTION OF
CLARENCE STREET, WALLALONG**

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the owners of Lots 17 and 18 DP1006527 making application to Crown Land for the proposed closure and purchase under Section 34 *Roads Act 1993* of a currently unconstructed section of road previously known as Clarence Street, Wallalong.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Peter Kafer Councillor Paul Le Mottee</p> <p>That the recommendation be adopted.</p>
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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: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

024	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Consents to the owners of Lots 17 and 18 DP1006527 making application to Crown Land for the proposed closure and purchase
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	under Section 34 <i>Roads Act 1993</i> of a currently unconstructed section of road previously known as Clarence Street, Wallalong.
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

ORDINARY COUNCIL MEETING 11 AUGUST 2015

ITEM NO. 2

FILE NO: PSC2015-01000/598
TRIM REF NO: PSC2015-01071

PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at **(ATTACHMENT 1)** to amend Schedule 1 Additional Permitted Uses of *Port Stephens Local Environmental Plan 2013* to include development for the purposes of a dual occupancy on the subject land.
- 2) Forward the Planning Proposal to the NSW Department of Planning and Environment under section 56 in the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.

Cr Paul Le Mottee left the meeting at 5:57pm during Committee of the Whole.

ORDINARY COUNCIL MEETING - 11 AUGUST 2015

MOTION

025	<p>Councillor Ken Jordan Councillor John Morello</p> <p>That Council move into Committee of the Whole.</p>
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**ORDINARY COUNCIL MEETING - 11 AUGUST 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor John Morello</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal at (ATTACHMENT 1) to amend Schedule 1 Additional Permitted Uses of <i>Port Stephens Local Environmental Plan 2013</i> to include development for the purposes of
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	<p>a dual occupancy on the subject land.</p> <p>2) Forward the Planning Proposal to the NSW Department of Planning and Environment under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.</p>
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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: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Bruce MacKenzie, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil

Cr Paul Le Mottee returned to the meeting at 5:58pm during Committee of the Whole.

Cr Paul Le Mottee left the meeting at 6:26pm during open Council.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2015
MOTION**

026	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal at (ATTACHMENT 1) to amend Schedule 1 Additional Permitted Uses of <i>Port Stephens Local Environmental Plan 2013</i> to include development for the purposes of a dual occupancy on the subject land. 2) Forward the Planning Proposal to the NSW Department of Planning and Environment under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.
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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: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Bruce MacKenzie, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil

Cr Paul Le Mottee returned to the meeting at 6:28pm during open Council.

ORDINARY COUNCIL MEETING 25 AUGUST 2015

ITEM NO. 1

FILE NO: PSC2015-01000/672
TRIM REF NO: PSC2015-01575

**PORT STEPHENS DEVELOPMENT CONTROL PLAN - B1 TREE
MANAGEMENT**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the submissions raised during the exhibition period.
- 2) Endorse the amendments to the Port Stephens Development Control Plan 2014 – B1 Tree Management chapter incorporating the proposed changes to the exhibited draft plan (**ATTACHMENT 1**).
- 3) Provide public notice within 28 days the amendment to Port Stephens Development Control Plan 2014 - B1 Tree Management chapter has been approved in accordance with the Environmental Planning & Assessment Regulation 2000.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2015
MOTION**

027	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p> <p>It was resolved that Council bring Items 1 and Item 5 forward and that it be dealt with in open council.</p>
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**ORDINARY COUNCIL MEETING - 25 AUGUST 2015
MOTION**

028	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Consider the submissions raised during the exhibition period. 2) Endorse the amendments to the Port Stephens Development
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	<p>Control Plan 2014 – B1 Tree Management chapter incorporating the proposed changes to the exhibited draft plan (ATTACHMENT 1).</p> <p>3) Provide public notice within 28 days the amendment to Port Stephens Development Control Plan 2014 - B1 Tree Management chapter has been approved in accordance with the Environmental Planning & Assessment Regulation 2000.</p>
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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: Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil

ORDINARY COUNCIL MEETING 22 SEPTEMBER 2015

ITEM NO. 5

FILE NO: PSC2015-01000/768
TRIM REF NO: 14/584

**SECTION 96 DEVELOPMENT APPLICATION FOR A MACHINERY SHED
AT LOT:1A, 2A & 6A DP:9901 NO.7, 9 & 11 HIGH ST, HINTON**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

Approve the Section 96 Development Application 16-2014-384-2 (Machinery Shed) for an earth mound and machinery shed for the following reasons:

- 1) The proposed Section 96 application reduces the previously approved shed footprint by 60% minimising the impact on the site, local environment and risk to person and property.
- 2) The proposal seeks to lower the previously approved Flood Planning Level
(FPL) from 6.0m AHD to 5.34m AHD to match the existing shed floor level for usability and access with the adjacent structure and economical construction methods.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

029	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council approve the Section 96 Development Application 16-2014-384-2 (Machinery Shed) for an earth mound and machinery shed for the following reasons:</p> <ol style="list-style-type: none"> 1) The proposed Section 96 application reduces the previously approved shed footprint by 60% minimising the impact on the site, local environment and risk to person and property. 2) The proposal seeks to lower the previously approved Flood Planning Level (FPL) from 6.0m AHD to 5.34m AHD to match the existing shed floor level for usability and access with the adjacent structure and economical construction methods.
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 27 OCTOBER 2015

ITEM NO. 1

FILE NO: PSC2015-01000/664
TRIM REF NO: PSC2006-1515

**PLANNING PROPOSAL - 8 WAROPARA ROAD MEDOWIE (LOT 10 DP
1051742)**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Subject to adoption of a development contributions plan for traffic and transport infrastructure in Medowie – Adopt the planning proposal **(ATTACHMENT 1)** to amend minimum lot size provisions from 10,000m² to 1,000m² applying to part of 8 Waropara Road Medowie (Lot 10 DP 1051742).
- 2) Request the NSW Minister for Planning make the necessary amendments to the Port Stephens Local Environmental Plan 2013 under Section 59 of the *Environmental Planning and Assessment Act 1979* (NSW).

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

030	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council move into Committee of the Whole.</p>
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COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee left the meeting at 07:08pm.

Councillor Paul Le Mottee returned to the meeting at 07:09pm.

	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Cr Geoff Dingle.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

Councillor Paul Le Mottee left the meeting at 07:34pm following the block vote of item 1 to 18, excluding 2, 7 and 8.

031	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Subject to adoption of a development contributions plan for traffic and transport infrastructure in Medowie – Adopt the planning proposal (ATTACHMENT 1) to amend minimum lot size provisions from 10,000m² to 1,000m² applying to part of 8 Waropara Road Medowie (Lot 10 DP 1051742). 2) Request the NSW Minister for Planning make the necessary amendments to the Port Stephens Local Environmental Plan 2013 under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
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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 Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Cr Geoff Dingle.

Councillor Paul Le Mottee left the meeting at 07:18pm, in Committee of the Whole.

ITEM NO. 2

**FILE NO: PSC2015-01000/965
TRIM REF NO: PSC2014-03597**

**PLANNING PROPOSAL - 2885 PACIFIC HIGHWAY - MOTTO FARM
MOTEL**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 (NSW) Schedule 1 - Additional Permitted Uses to permit (with consent) a 'service station', 'restaurant or café' and 'take-away food and drink premises' on land at 2885 Pacific Highway, Heatherbrae.
 - 2) Exercise delegation to make this plan under the *Environmental Planning and Assessment Act 1979* (NSW) s 59(1).
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

032	<p>Councillor Ken Jordan Councillor Steve Tucker</p>
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	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 (NSW) Schedule 1 - Additional Permitted Uses to permit (with consent) a 'service station', 'restaurant or café' and 'take-away food and drink premises' on land at 2885 Pacific Highway, Heatherbrae.2) Exercise delegation to make this plan under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) s 59(1).
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Councillor Paul Le Mottee returned to the meeting at 07:34pm.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 24 NOVEMBER 2015

ITEM NO. 1

FILE NO: PSC2015-01000/969
TRIM REF NO: 16-2014-41-2

**SECTION 96 APPLICATION FOR DEVELOPMENT APPLICATION FOR
STORAGE SHED AT NO. 69 FRANCIS AVE LEMON TREE PASSAGE**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse the Section 96 Application 16-2014-41-2 to amend Development Consent 16-2014-41-1 for a storage shed at No. 69 Francis Avenue, Lemon Tree Passage for the following reasons:
 - a) The development is inconsistent with the objectives of the R2 Low Density Residential Zone of Port Stephens Local Environmental Plan 2013, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity.
 - b) The development does not comply with the following clauses of Port Stephens Development Control Plan 2014; Clauses C4.F Setback Objectives, C4.10 Front Setbacks, C4.16 Garage setbacks and C4.31 side boundary setback.
 - c) The building changes to the existing constructed storage shed to reduce its bulk and scale have not been carried out as per the previous resolution of Council from the Ordinary Meeting of 14 October 2014.

ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
MOTION

033	<p>Councillor John Nell Councillor John Morello</p> <p>It was resolved that Council that Council move into Committee of the Whole.</p>
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Councillor Peter Kafer left the meeting at 5.50pm, prior to voting on the item.

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>RECOMMENDATION:</p> <p>That Council that the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Sally Dover, Ken Jordan, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Crs Geoff Dingle.

Councillor Peter Kafer returned to the meeting at 5.53pm, following the item being voting on.

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
MOTION**

034	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Refuse the Section 96 Application 16-2014-41-2 to amend Development Consent 16-2014-41-1 for a storage shed at No. 69 Francis Avenue, Lemon Tree Passage for the following reasons: <ol style="list-style-type: none"> a) The development is inconsistent with the objectives of the R2 Low Density Residential Zone of Port Stephens Local Environmental Plan 2013, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity. b) The development does not comply with the following clauses of Port Stephens Development Control Plan 2014; Clauses C4.F Setback Objectives, C4.10 Front Setbacks, C4.16 Garage setbacks and C4.31 side boundary setback. c) The building changes to the existing constructed storage shed to reduce its bulk and scale have not been carried out as per the previous resolution of Council from the Ordinary Meeting of 14 October 2014.
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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 Bruce MacKenzie, Crs Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Cr Geoff Dingle.

ITEM NO. 2

FILE NO: PSC2015-01000
TRIM REF NO: PSC2009-09539

DRAFT RAYMOND TERRACE AND HEATHERBRAE STRATEGY 2015-2031 AND PROPOSED AMENDMENTS TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the exhibited Raymond Terrace and Heatherbrae Strategy 2015-2031 with the associated amendments highlighted in yellow **(ATTACHMENT 1)**.
 - 2) Endorse the exhibited amendments to the Port Stephens Development Control Plan 2014 – D1 Heatherbrae and D9 Raymond Terrace Town Centre with associated amendments highlighted in yellow **(ATTACHMENT 2)**.
 - 3) Note the submissions received during the public exhibition period by endorsing the planning comments provided as **(ATTACHMENT 3)**.
 - 4) Provide public notice within 28 days that the proposed amendments to the Port Stephens Development Control Plan 2014 – D1 Heatherbrae and D9 Raymond Terrace Town Centre chapters have been approved in accordance with the *Environmental Planning and Assessment Regulation 2000 (NSW)*.
 - 5) Seek nominations from members of the Raymond Terrace and Heatherbrae communities to form the Strategy Implementation Panel in accordance with the listed Terms of Reference **(ATTACHMENT 4)**.
 - 6) Upon receipt of the nominations for the Strategy Implementation Panel report the matter to Council for endorsement and formal adoption of the Terms of Reference.
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**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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AMENDMENT

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
MOTION**

	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Endorse the exhibited Raymond Terrace and Heatherbrae Strategy 2015-2031 with the associated amendments highlighted in yellow (ATTACHMENT 1), subject to the Strategy being reviewed every five (5) years and the building height limits in Raymond Terrace be increased to ten (10) storeys. 2) Endorse the exhibited amendments to the Port Stephens Development Control Plan 2014 – D1 Heatherbrae and D9 Raymond Terrace Town Centre with associated amendments highlighted in yellow (ATTACHMENT 2). 3) Note the submissions received during the public exhibition period by endorsing the planning comments provided as (ATTACHMENT 3). 4) Provide public notice within 28 days that the proposed amendments to the Port Stephens Development Control Plan 2014 – D1 Heatherbrae and D9 Raymond Terrace Town Centre chapters have been approved in accordance with the <i>Environmental Planning and Assessment Regulation 2000 (NSW)</i>. 5) Seek nominations from members of the Raymond Terrace and Heatherbrae communities to form the Strategy Implementation Panel in accordance with the listed Terms of Reference (ATTACHMENT 4). 6) Upon receipt of the nominations for the Strategy Implementation Panel report the matter to Council for endorsement and formal adoption of the Terms of Reference.
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The amendment on being put became the motion, which was carried.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.



Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
MOTION**

035	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the exhibited Raymond Terrace and Heatherbrae Strategy 2015-2031 with the associated amendments highlighted in yellow (ATTACHMENT 1), subject to the Strategy being reviewed every five (5) years and the building height limits in Raymond Terrace be increased to ten (10) storeys. 2) Endorse the exhibited amendments to the Port Stephens Development Control Plan 2014 – D1 Heatherbrae and D9 Raymond Terrace Town Centre with associated amendments highlighted in yellow (ATTACHMENT 2). 3) Building height limits in Raymond Terrace be increased to ten (10) storeys. 3) Note the submissions received during the public exhibition period by endorsing the planning comments provided as (ATTACHMENT 3). 4) Provide public notice within 28 days that the proposed amendments to the Port Stephens Development Control Plan 2014 – D1 Heatherbrae and D9 Raymond Terrace Town Centre chapters have been approved in accordance with the <i>Environmental Planning and Assessment Regulation 2000 (NSW)</i>. 5) Seek nominations from members of the Raymond Terrace and Heatherbrae communities to form the Strategy Implementation Panel in accordance with the listed Terms of Reference (ATTACHMENT 4). 6) Upon receipt of the nominations for the Strategy Implementation Panel report the matter to Council for endorsement and formal adoption of the Terms of Reference.
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 3

FILE NO: PSC2015-01000/994
TRIM REF NO: PSC2013-03818

**DRAFT REVISED MEDOWIE PLANNING STRATEGY AND TOWN
CENTRE MASTER PLAN**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft revised Medowie Planning Strategy (**ATTACHMENT 1**) and draft Medowie Town Centre Master Plan (**ATTACHMENT 2**) for public exhibition for a period of 60 days commencing in February 2016.
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**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Geoff Dingle Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
MOTION**

036	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council endorse the draft revised Medowie Planning Strategy (ATTACHMENT 1) and draft Medowie Town Centre Master Plan (ATTACHMENT 2) for public exhibition for a period of 60 days commencing in February 2016.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 4

FILE NO: PSC2015-01000V2/026
TRIM REF NO: PSC2012-02056

**MEDOWIE LOCAL AREA CONTRIBUTIONS PLAN FOR TRAFFIC AND
TRANSPORT INFRASTRUCTURE**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions received and summarised at **(ATTACHMENT 1)** during the public exhibition period.
- 2) Endorse the proposed amendments to the exhibited Port Stephens Development Contributions Plan 2007 and Port Stephens Section 94A Development Contributions Plan.
- 3) Adopt the amendments to the Port Stephens Development Contributions Plan 2007 and Port Stephens Section 94A Development Contributions Plan to include local area development contributions towards traffic and transport infrastructure in Medowie as summarised in **(ATTACHMENT 2)** in accordance with the provisions of Section 31 of the *Environmental Planning and Assessment Regulation 2000* (NSW) and Section 94EA of the *Environmental Planning and Assessment Act 1979* (NSW).

ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Steve Tucker Councillor Geoff Dingle</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2015
MOTION**

037	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the submissions received and summarised at (ATTACHMENT 1) during the public exhibition period. 2) Endorse the proposed amendments to the exhibited Port Stephens Development Contributions Plan 2007 and Port Stephens Section 94A Development Contributions Plan. 3) Adopt the amendments to the Port Stephens Development Contributions Plan 2007 and Port Stephens Section 94A Development Contributions Plan to include local area development contributions towards traffic and transport infrastructure in Medowie as summarised in (ATTACHMENT 2) in accordance with the provisions of Section 31 of the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW) and Section 94EA of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 8 DECEMBER 2015

ITEM NO. 2

FILE NO: PSC2015-01000V2/002
TRIM REF NO: 16-2014-168-1

**SECTION 96(1A) MODIFICATION TO APPROVED RURAL LANDSHARING
COMMUNITY (AMEND STAGING AND CONDITIONS) AT 15 GREEN
WATTLE CREEK ROAD, BUTTERWICK (LOT 1 DP999947)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Section 96(1A) Modification Application DA No. 16-2014-168-2 for a Rural Landsharing Community (amended staging and conditions) at 15 Green Wattle Creek Road, Butterwick (Lot 1 DP999947) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2015
MOTION**

038	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council approve Section 96(1A) Modification Application DA No. 16-2014-168-2 for a Rural Landsharing Community (amended staging and conditions) at 15 Green Wattle Creek Road, Butterwick (Lot 1 DP999947) subject to the conditions contained in (ATTACHMENT 3) being amended to include staging of the internal roads.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 1

FILE NO: PSC2015-01000V2/054
TRIM REF NO: 13/844

**DEVELOPMENT APPLICATION FOR A TWO LOT SUBDIVISION AT
NO.130A RICHARDSON ROAD, RAYMOND TERRACE (LOT 1 DP 735177)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application No. 16-2013-579-1 for a two lot subdivision at 130A Richardson Road, Raymond Terrace subject to the conditions contained in (**ATTACHMENT 3**).
- 2) Endorse the draft Planning Agreement (PA) as offered by the land owner for contributions towards Halloran Way (**ATTACHMENT 4**).
- 3) Place the Planning Agreement on exhibition for a period of not less than 28 days.
- 4) Should no submissions be made, enter into the Planning Agreement.

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2015
MOTION**

039	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council move into Committee of the Whole.</p>
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COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee left the meeting in Open Council at 7.02pm, prior to consideration of Items 1 and 3.

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2015
MOTION**

040	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve Development Application No. 16-2013-579-1 for a two lot subdivision at 130A Richardson Road, Raymond Terrace subject to the conditions contained in (ATTACHMENT 3). 2) Endorse the draft Planning Agreement (PA) as offered by the land owner for contributions towards Halloran Way (ATTACHMENT 4). 3) Place the Planning Agreement on exhibition for a period of not less than 28 days. 4) Should no submissions be made, enter into the Planning Agreement.
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 3

FILE NO: PSC2015-01000/982
TRIM REF NO: PSC2015-01071

PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER
DEVELOPMENT SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend Schedule 1 Additional Permitted Uses of *Port Stephens Local Environmental Plan 2013* to include development for the purposes of a detached dual occupancy at 713 Newline Road, Eagleton (Lot 11 DP881743).
- 2) Use its delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* (NSW) to submit the draft final planning proposal to the Minister requesting that the plan be made.

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, John Morello and Steve Tucker.

Those against the Motion: Cr John Nell.

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2015
MOTION**

041	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the planning proposal (ATTACHMENT 1) to amend Schedule 1 Additional Permitted Uses of <i>Port Stephens Local Environmental Plan 2013</i> to include development for the purposes of a detached dual occupancy at 713 Newline Road, Eagleton (Lot 11 DP881743). 2) Use its delegations under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) to submit the draft final planning proposal to the Minister requesting that the plan be made.
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, John Morello and Steve Tucker.

Those against the Motion: Cr John Nell.