



EXTRA ORDINARY COUNCIL MEETING 29 JANUARY 2019

NOTICE OF RESCISSION

ITEM NO. 1

**FILE NO: 18/433112
EDRMS NO: PSC2017-00020**

**DEVELOPMENT APPLICATION 16-2018-417-1 SINGLE STOREY DWELLING,
SHED AND FLOOD MOUND AT 251 CLARENCE TOWN ROAD, WOODVILLE
(LOT 3 DP1154596)**

**COUNCILLOR: JOHN NELL
GIACOMO ARNOTT
KEN JORDAN**

THAT COUNCIL:

Rescind its decision of 11 December 2018 on Item No. 1 Development Application 16-2018-417-1 single storey dwelling, shed and flood mound at 251 Clarence Town Road, Woodville (Lot 3 DP1154596).

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

	<p>Councillor Giacomo Arnott Councillor Ken Jordan</p> <p>That Council rescind its decision of 11 December 2018 on Item No. 1 Development Application 16-2018-417-1 single storey dwelling, shed and flood mound at 251 Clarence Town Road, Woodville (Lot 3 DP1154596).</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 Giacomo Arnott, Ken Jordan and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Sarah Smith and Steve Tucker.

The motion was lost.



Councillor Jaimie Abbott returned to the meeting at 6:52pm for Rescission Motion item 2.

Councillor Paul Le Mottee returned to the meeting at 6:52pm at item 2 for Rescission Motion item 2.

NOTICE OF RESCISSION

ITEM NO. 2

**FILE NO: 18/433120
EDRMS NO: PSC2017-00020**

**DEVELOPMENT APPLICATION 16-2018-233-1 SINGLE STOREY DWELLING
AND SHED WITH MEZZANINE AT 232 SEAHAM ROAD, NELSONS PLAINS (LOT
1 DP:707147)**

**COUNCILLOR: JOHN NELL
GIACOMO ARNOTT
KEN JORDAN**

THAT COUNCIL:

Rescind its decision of 11 December 2018 on Item No. 2 Development Application 16-2018-233-1 single storey dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (Lot 1 DP:707147).

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That Council rescind its decision of 11 December 2018 on Item No. 2 Development Application 16-2018-233-1 single storey dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (Lot 1 DP:707147).</p>
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Councillor Giacomo Arnott left the meeting at 7:01pm prior to voting.
Councillor Giacomo Arnott returned to the meeting at 7:02pm prior to voting.

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

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan and John Nell.
Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Paul Le Mottee,
Sarah Smith and Steve Tucker.

The motion was lost.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MATTER ARISING**

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council request a full brief of legal advice from an external legal provider regarding Council's and Councillors' risk and liability in approving items such as this item.</p>
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Cr Arnott and Cr Nell called for a division.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Paul Le Mottee,
Ryan Palmer, Sarah Smith and Steve Tucker.

The matter arising was lost.

Councillor Paul Le Mottee left the meeting at 7:24pm in Open Council.
Councillor Jaimie Abbott left the meeting at 7:24pm in Open Council.

ITEM NO. 2

**FILE NO: 18/413609
EDRMS NO: 16-2018-417-1**

**DEVELOPMENT APPLICATION 16-2018-417-1 - SINGLE STOREY DWELLING,
SHED AND FLOOD MOUND AT 251 CLARENCE TOWN ROAD, WOODVILLE
(LOT 3 DP1154596)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2018-417-1 for a single dwelling, shed and flood mound at 251 Clarence Town Road, Woodville (LOT: 3 DP: 1154596) for reasons contained in **(ATTACHMENT 4)**.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

	<p>Councillor Giacomo Arnott Councillor Ken Jordan</p> <p>That item 2 be deferred to seek independent legal advice regarding legal issues surrounding mounds being approved.</p>
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Cr Arnott and Cr Jordan called for a division.

Those for the Motion: Crs Giacomo Arnott, Ken Jordan and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Sarah Smith and Steve Tucker.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

001	<p>Mayor Ryan Palmer Councillor Steve Tucker</p> <p>It was resolved that Council approve Development Application 16-2018-417-1 for a single dwelling, shed and flood mound at 251 Clarence Town Road, Woodville (LOT: 3 DP: 1154596) subject to the conditions contained in (ATTACHMENT 5).</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 Glen Dunkley, Ryan Palmer, Sarah Smith and Steve Tucker

Those against the Motion: Crs Giacomo Arnott, Ken Jordan and John Nell.

Councillor Jaimie Abbott returned to the meeting at 7:42pm in Open Council after voting had occurred on item 2.

Councillor Paul Le Mottee returned to the meeting at 7:43pm in Open Council after voting had occurred on item 2.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MATTER ARISING**

002	<p>Councillor Ken Jordan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Form a committee comprising of Councillors and Council staff to re-write the Floodplain policy. 2) Invite the SES to address the newly formed committee.
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Cr Jordan and Cr Arnott called for a division.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



ITEM NO. 3

**FILE NO: 18/413610
EDRMS NO: 16-2018-233-1**

**DEVELOPMENT APPLICATION 16-2018-233-1 - SINGLE STOREY DWELLING
AND SHED WITH MEZZANINE AT 232 SEAHAM ROAD, NELSONS PLAINS (LOT
1 DP:707147)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse development application 16-2018-233-1 for a single dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (LOT: 1 DP: 707147) for reasons contained in **(ATTACHMENT 4)**.
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Councillor Glen Dunkley left the meeting at 7:52pm in Open Council.
Councillor Glen Dunkley returned to the meeting at 7:53pm in Open Council.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That item 3 be deferred to seek independent legal advice on the legal implications on approving items of this nature.</p>
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Cr Arnott and Cr Nell called for a division.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

The motion was lost.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

	<p>Mayor Ryan Palmer Councillor Paul Le Mottee</p> <p>That Council approve development application 16-2018-233-1 for a single dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (LOT: 1 DP: 707147) subject to the conditions contained in (ATTACHMENT 5).</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 Ryan Palmer, Crs Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan and John Nell.

The motion was lost.

**EXTRA ORDINARY COUNCIL MEETING - 29 JANUARY 2019
MOTION**

003	<p>Councillor Giacomo Arnott Councillor Ken Jordan</p> <p>It was resolved that Council refuse development application 16-2018-233-1 for a single dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (LOT: 1 DP: 707147) for reasons 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: Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Paul Le Mottee, Sarah Smith and Steve Tucker.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER**
*Section 375A, Local Government Act
1993*

**(DLG Circular 08-45) –
Commenced 1 October 2008**

The motion was carried.

ORDINARY COUNCIL MEETING 12 FEBRUARY 2019

ITEM NO. 1

**FILE NO: 18/341453
EDRMS NO: 16-2018-602-1**

**DEVELOPMENT APPLICATION NO. 16-2018-602-1 FOR MEDICAL CENTRE
(CHANGE OF USE FROM EXISTING DWELLING) AT 103 BOUNDARY ROAD
MEDOWIE (LOT: 203 DP: 1235985)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2018-602-1 for a Medical Centre (change of use from existing dwelling) and associated car park and landscaping over two stages, at 103 Boundary Road, Medowie (Lot: 203 DP: 1235958) subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 12 FEBRUARY 2019
MOTION**

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>That Council approve Development Application 16-2018-602-1 for a Medical Centre (change of use from existing dwelling) and associated car park and landscaping over two stages, at 103 Boundary Road, Medowie (Lot: 203 DP: 1235958) subject to the conditions contained in (ATTACHMENT 4).</p>
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**ORDINARY COUNCIL MEETING - 12 FEBRUARY 2019
AMENDMENT**

020	<p>Councillor John Nell Mayor Ryan Palmer</p>
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	<p>It was resolved that Council defer Development Application 16-2018-602-1 for a Medical Centre (change of use from existing dwelling) and associated car park and landscaping over two stages, at 103 Boundary Road, Medowie (Lot: 203 DP: 1235958) to the next ordinary Council meeting.</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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Nil.

The amendment on being put became the motion which was carried.

ITEM NO. 4

**FILE NO: 19/15592
EDRMS NO: PSC2016-01186**

PLANNING PROPOSAL FOR BOOMERANG PARK

REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council not progress the planning proposal for the rezoning and reclassification of land located at Boomerang Park, Raymond Terrace.

Councillor Chris Doohan returned to the meeting at 6:49pm prior to voting.

**ORDINARY COUNCIL MEETING - 12 FEBRUARY 2019
MOTION**

021	Councillor Giacomo Arnott Councillor John Nell It was resolved that Council not progress the planning proposal for the rezoning and reclassification of land located at Boomerang Park, Raymond Terrace.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, John Nell and Sarah Smith.

Those against the Motion: Cr Paul Le Mottee and Cr Chris Doohan.

Councillor John Nell left the meeting at 6:51pm.

ITEM NO. 2

**FILE NO: 19/3762
EDRMS NO: 16-2018-534-1**

DEVELOPMENT APPLICATION 16-2018-534-1 (ALTERATIONS AND ADDITIONS TO EXISTING TOURISM RESORT - 20 GLAMPING TENTS WITH AMENITIES, KOALA SANCTUARY AND CLINIC, VEGETATION REMOVAL AND CAR PARKING) AT 562 GAN GAN ROAD ONE MILE (LOT: 2 DP: 1109948)

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Development Application 16-2018-534-1 for alterations and additions to existing tourism resort – twenty (20) glamping tents with amenities, koala sanctuary and clinic, tourism centre, vegetation removal and car parking at 562 Gan Gan Road One Mile (LOT: 2 DP: 1109948) subject to the conditions contained in **(ATTACHMENT 3)**.

Councillor Giacomo Arnott left the meeting at 6:53pm prior to voting.
Councillor John Nell returned to the meeting at 6:54pm prior to voting.
Councillor Giacomo Arnott returned to the meeting at 6:55pm prior to voting.

**ORDINARY COUNCIL MEETING - 12 FEBRUARY 2019
MOTION**

022	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council approve the Development Application 16-2018-534-1 for alterations and additions to existing tourism resort – twenty (20) glamping tents with amenities, koala sanctuary and clinic, tourism centre, vegetation removal and car parking at 562 Gan Gan Road One Mile (LOT: 2 DP: 1109948) 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.



ORDINARY COUNCIL MEETING 26 FEBRUARY 2019

ITEM NO. 1

FILE NO: 19/42471
EDRMS NO: 16-2018-602-1

**DEVELOPMENT APPLICATION NO. 16-2018-602-1 FOR MEDICAL CENTRE
(CHANGE OF USE FROM EXISTING DWELLING) AT 103 BOUNDARY ROAD
MEDOWIE (LOT: 203 DP: 1235985)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2018-602-1 for a Medical Centre (change of use from existing dwelling) and associated car park and landscaping over two stages, at 103 Boundary Road, Medowie (Lot: 203 DP: 1235985) subject to the conditions contained in **(ATTACHMENT 4)**.

Councillor Paul Le Mottee entered the meeting at 5.40pm.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

	<p>Mayor Ryan Palmer Councillor John Nell</p> <p>That Council approve Development Application 16-2018-602-1 for a Medical Centre (change of use from existing dwelling) and associated car park and landscaping over two stages, at 103 Boundary Road, Medowie (Lot: 203 DP: 1235958) subject to the conditions contained in (ATTACHMENT 4) with the following amended condition:</p> <p>29. Prior to issue of any Occupation Certificate, all landscape works detailed on the approved landscape plan (No. 18014-B – LO1, prepared by Absolute Drafting Services, and dated 10.10.2018) shall be installed, inclusive of the following</p>
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	<p>amendments:</p> <ul style="list-style-type: none">a) All 12 trees denoted as 11m mature height in landscape plan will be <i>Lophostemon confertus</i> (Queensland Brush Box). The trees shall be a minimum pot size of 45 litres and taller than 1.2m at the time of planting;b) Lapped and capped timber fencing shall be installed bordering the driveway, car parking spaces and pedestrian pavement, as notated and marked in red on the approved plan. The fencing shall be installed to a height of 1.8 metres in order to maintain visual privacy to adjoining properties. The fencing is to be maintained in perpetuity; andc) Mature native trees and/or shrubs, a minimum 1.8m high, shall be planted immediately adjacent to the entire length of the timber fence bordering the pedestrian pathway (as notated and marked in red on the approved plan) in order to provide visual screening of the timber fence from 99 Boundary Road, Medowie (Lot: 202 DP 1235985). The native trees and/or shrubs are to be maintained in perpetuity. Where plantings fail they shall be replaced with a mature native planting within seven days.d) The driveway and carpark is to be Asphaltic concrete or similar. <p>All landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like at all times.</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 Ryan Palmer, Crs Paul Le Mottee and John Nell.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan, Sarah Smith and Steve Tucker.

The motion was lost.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

036	<p>Councillor Ken Jordan Councillor Sarah Smith</p> <p>It was resolved that Council refuse Development Application 16-2018-602-1 for a Medical Centre (change of use from existing dwelling) and associated car park and landscaping over two stages, at 103 Boundary Road, Medowie (Lot: 203 DP: 1235958), with reasons for refusal contained in ATTACHMENT 5, and include the following additional reason:</p> <p>'5. The proposed development fails to satisfy Clause 57 (4)(ii) of SEPP (Infrastructure) 2007 as the development is not compatible with the surrounding land uses (s4.15(1)(a) of the Environmental Planning and Assessment 1979 (EP&A Act)).'</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 Jaimie Abbott, Giacomo Arnott, Ken Jordan, Sarah Smith and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer, Crs Paul Le Mottee and John Nell.

ITEM NO. 2

**FILE NO: 19/1173
EDRMS NO: PSC2018-00670**

**DRAFT AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL
PLAN 2014 - CHAPTER D13 REES JAMES ROAD, RAYMOND TERRACE**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit a draft amendment to the Port Stephens Development Control Plan 2014 Chapter D13 Rees James Road (Amendment No. 8) (the Amendment) **(ATTACHMENT 1)** in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979* (NSW).
- 2) Exhibit the Amendment for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW).
- 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

037	<p>Councillor Ken Jordan Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Exhibit a draft amendment to the Port Stephens Development Control Plan 2014 Chapter D13 Rees James Road (Amendment No. 8) (the Amendment) (ATTACHMENT 1) in accordance with Section 3.43 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW). 2) Exhibit the Amendment for a period of 28 days in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW). 3) If no submissions are received, approve the Amendment as exhibited, without a further report 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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



NOTICE OF RESCISSION

ITEM NO. 1

**FILE NO: 19/42420
EDRMS NO: PSC2017-00020**

PLANNING PROPOSAL FOR BOOMERANG PARK

COUNCILLOR: PAUL LE MOTTEE
CHRIS DOOHAN
KEN JORDAN

THAT COUNCIL:

Rescind its decision of 12 February 2019 on Item No. 4, Minute No. 21 Planning Proposal for Boomerang Park.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

042	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council rescind its decision of 12 February 2019 on Item No. 4, Minute No. 21 Planning Proposal for Boomerang Park.</p>
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Note: The Mayor ruled on the Point of Order, that emails be considered as a signature in relation to lodging rescission motions.

Note: Cr Arnott's Point of Order to speak on the matter further was declined by the Chair.

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

Those for the Motion: Mayor Ryan Palmer, Crs Ken Jordan, Paul Le Mottee and Sarah Smith.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, John Nell and Steve Tucker.

The motion was carried on the casting vote of the Mayor.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

043	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council defer the decision on the planning proposal for Boomerang Park until the Council meeting of the 28 May 2019 to allow for the planning proposal to be discussed and considered at the first Raymond Terrace and Heatherbrae Implementation Panel, and for alternative sites to be investigated by the General Manager for seniors living in Raymond Terrace.</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 Ryan Palmer, Crs Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

ORDINARY COUNCIL MEETING 12 MARCH 2019

ITEM NO. 1

**FILE NO: 19/31793
EDRMS NO: 58-2019-1-1**

**AMENDMENTS TO THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN
2013 AND PORT STEPHENS DEVELOPMENT CONTRIBUTIONS PLAN 2007 TO
REGULATE MANUFACTURED HOME ESTATES**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the preparation and submission of a Planning Proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the *Port Stephens Local Environmental Plan 2013* to ensure manufactured home estates are only permitted on land where caravan parks are permissible.
- 2) Prepare an amendment to the Port Stephens Development Contributions Plan 2007 to increase the rate of development contributions charged for manufactured home estates (Amendment No.12) (**ATTACHMENT 1**).
- 3) Exhibit Amendment No.12 for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*.
- 4) If no submissions are received in relation to Amendment No.12, approve the plan as exhibited in accordance with the *Environmental Planning and Assessment Regulation 2000*.

**ORDINARY COUNCIL MEETING - 12 MARCH 2019
MOTION**

045	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the preparation and submission of a Planning Proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> to enable Council to better plan for manufactured home estates in appropriate
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	<p>locations.</p> <p>2) Prepare an amendment to the Port Stephens Development Contributions Plan 2007 to increase the rate of development contributions charged for manufactured home estates (Amendment No.12) (ATTACHMENT 1).</p> <p>3) Exhibit Amendment No.12 for 28 days in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>4) If no submissions are received in relation to Amendment No.12, approve the plan as exhibited in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i>.</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 Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

ORDINARY COUNCIL MEETING 26 MARCH 2019

ITEM NO. 1

**FILE NO: 19/28309
EDRMS NO: 16-2018-554-2**

**MODIFICATION APPLICATION NO. 16-2018-554-2 - 65 KULA ROAD, MEDOWIE
(LOT 252 DP 2555278)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse modification application No. 16-2018-554-2 which seeks to waive the development contributions applicable to an approved secondary dwelling (manufactured home), at 65 Kula Road, Medowie (LOT: 252 DP: 255278) for the reasons contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 26 MARCH 2019
MOTION**

057	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that Council refuse modification application No. 16-2018-554-2 which seeks to waive the development contributions applicable to an approved secondary dwelling (manufactured home), at 65 Kula Road, Medowie (LOT: 252 DP: 255278) for the reasons 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 9 APRIL 2019

ITEM NO. 1

**FILE NO: 19/4537
EDRMS NO: 16-2017-837-1**

**DEVELOPMENT APPLICATION NO.16-2017-837-1 FOR TWO INTO 39 LOT
TORRENS TITLE SUBDIVISION (INCLUDING ONE RESIDUE LOT AND ONE
DRAINAGE RESERVE LOT), DEMOLITION OF DWELLING AND
CONSTRUCTION OF SEVEN DWELLINGS AT 799 AND 813 MEDOWIE ROAD,
MEDOWIE (LOT: A DP404939, LOT: 32 DP1045148)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148), subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION**

	<p>Councillor Chris Doohan Councillor Sarah Smith</p> <p>That Council approve Development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148), subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3).</p>
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**ORDINARY COUNCIL MEETING - 9 APRIL 2019
AMENDMENT**

076	<p>Councillor Glen Dunkley Councillor John Nell</p> <p>It was resolved that Council defer development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148.</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 Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The amendment on being put became the motion which was carried.

MOTION

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 2

**FILE NO: 19/28737
EDRMS NO: 16-2018-789-1**

**DEVELOPMENT APPLICATION NO. 16-2018-789-1 - ONE INTO FIVE LOT
TORRENS TITLE SUBDIVISION (FOUR COMMERCIAL AND ONE RESIDUE LOT)
AT 795 MEDOWIE ROAD, MEDOWIE (LOT 1 DP1215257)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2018-789-1 for a Torrens title subdivision – One into five lots (four commercial and one residue lot) at 795 Medowie Road, Medowie (LOT: 1 DP: 1215257) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION**

077	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council approve Development Application DA No. 16-2018-789-1 for a Torrens title subdivision – One into five lots (four commercial and one residue lot) at 795 Medowie Road, Medowie (LOT: 1 DP: 1215257) subject to the Recommended Conditions of Consent 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: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

EXTRA ORDINARY COUNCIL MEETING 14 MAY 2019

ITEM NO. 1

FILE NO: 19/62521
EDRMS NO: 16-2018-720-1

DEVELOPMENT APPLICATION 16-2018-720-1 FOR TELECOMMUNICATIONS FACILITY (38.4 METRE HIGH MONOPOLE AND ASSOCIATED INFRASTRUCTURE FOR MOBILE PHONE NETWORK) AT 4 LEISURE WAY, RAYMOND TERRACE (LOT: 6 DP: 1006266)

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2018-720-1 for a Telecommunications Facility (38.4 metre high monopole and associated infrastructure for mobile phone network) at 4 Leisure Way, Raymond Terrace (LOT: 6 DP: 1006266) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 MAY 2019
MOTION**

086	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council approve Development Application 16-2018-720-1 for a Telecommunications Facility (38.4 metre high monopole and associated infrastructure for mobile phone network) at 4 Leisure Way, Raymond Terrace (LOT: 6 DP: 1006266) 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 2

**FILE NO: 19/106947
EDRMS NO: 16-2018-773-1**

DEVELOPMENT APPLICATION 16-2018-773-1 ROAD AND DRAINAGE PUBLIC INFRASTRUCTURE WORKS (REPLACEMENT OF MAMBO CREEK CULVERT STRUCTURE, ROAD WORKS, EARTHWORKS AND ASSOCIATED SITE WORKS)

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2018-773-1 for road and drainage public infrastructure works (replacement of Mambo Creek culvert structure, road works, earthworks and associated site works) at 12 Admiral Close, Salamander Bay (LOT: 1 DP: 1122502) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 MAY 2019
MOTION**

087	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council approve Development Application 16-2018-773-1 for road and drainage public infrastructure works (replacement of Mambo Creek culvert structure, road works, earthworks and associated site works) at 12 Admiral Close, Salamander Bay (LOT: 1 DP: 1122502) 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 3

**FILE NO: 19/115087
EDRMS NO: 16-2017-837-1**

**DEVELOPMENT APPLICATION NO.16-2017-837-1 FOR TWO INTO 39 LOT
TORRENS TITLE SUBDIVISION (INCLUDING ONE RESIDUE LOT AND ONE
DRAINAGE RESERVE LOT), DEMOLITION OF DWELLING AND
CONSTRUCTION OF SEVEN DWELLINGS AT 799, 813 AND 813A MEDOWIE
ROAD, MEDOWIE (LOT: A DP404939, LOT: 32 DP1045148, LOT:4 DP632334)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie, 813 Medowie Road, Medowie and 813A Medowie Road, Medowie (Lot A DP404939, Lot 32 DP1045148 and Lot 4 DP632334), subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 MAY 2019
MOTION**

088	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve Development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie, 813 Medowie Road, Medowie and 813A Medowie Road, Medowie (Lot A DP404939, Lot 32 DP1045148 and Lot 4 DP632334), subject to the amended Recommended Conditions of Consent contained in (ATTACHMENT 1). 2) Amend Condition No.12 in the recommended conditions of consent to:
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	<p>Prior to the issue of a Construction Certificate, a Works on Public Infrastructure Application under Section 138 of the <i>Roads Act 1993</i> is to be lodged with Council as the Roads Authority. The application is to be accompanied by:</p> <ul style="list-style-type: none">a. Plans for all civil works within a road reserve, approved by the Roads Authority and consistent with this condition;b. Plans detailing the intersection of Road 1 and Medowie road designed as left out, exit only in accordance with AustRoads Guide to Road Design and RMS supplements;c. Emergency access only signage details to be positioned on the Road 1 and Medowie Road intersection;d. A detailed plan of the 4-way Intersection of road 1, 2, 4 and Peppertree Road, including regulatory signage and line marking shall be submitted to and approved by the Port Stephens Local Traffic Committee;e. A detailed plan of any required regulatory signage & line marking prepared and approved by the Port Stephens Local Traffic Committee;f. Any associated works to ensure satisfactory transitions to existing infrastructure;g. Concrete footpath 1.2 metres wide connecting the development to public infrastructure within peppertree road and Medowie road;h. Concrete pad to cater for a bus stop compliant with the Disability Discrimination Act and Council Standard Drawings within Medowie road adjacent to 799 & 805 Medowie Road Medowie;i. Traffic control plans in accordance with the Roads and Maritime Services– Traffic Control at Worksites Manual prepared by an accredited practitioner;j. Payment of applicable fees and bonds; andk. Contractor's public liability insurances to a minimum value of \$20 million dollars. <p>The above works are to be completed prior to the issue of a Subdivision Certificate, with a compliance certificate obtained from Council as the Roads Authority.</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 Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

ORDINARY COUNCIL MEETING 28 MAY 2019

ITEM NO. 1

**FILE NO: 19/111557
EDRMS NO: PSC2017-01665**

DRAFT FERN BAY AND NORTH STOCKTON STRATEGY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Fern Bay and North Stockton Strategy, incorporating Implementation Plan and Background Investigations Report (**ATTACHMENT 1**).
- 2) Place the draft Fern Bay and North Stockton Strategy, Implementation Plan and Background Investigations Report on public exhibition for a period of 28 days and should no submissions be received, the Strategy and associated documents be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

004	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council defer item 1 at the request of City of Newcastle Council.</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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 25 JUNE 2019

Mayor Ryan Palmer left the meeting at 5:56pm. Councillor Sarah Smith, Deputy Mayor, chaired the meeting in the absence of the Mayor.

Councillor Jaimie Abbott left the meeting at 5:57pm.

ITEM NO. 1

**FILE NO: 19/130644
EDRMS NO: 58-2017-15-1**

**PLANNING PROPOSAL - HOUSEKEEPING AMENDMENT TO THE PORT
STEPHENS LOCAL ENVIRONMENTAL PLAN 2013**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submissions received during the public exhibition of the Planning Proposal for a housekeeping amendment to the Port Stephens Local Environmental Plan 2013 (**ATTACHMENT 1**).
- 2) Adopt the updated Planning Proposal (**TABLED DOCUMENT 1**) as follows:
 - a. Proceed with Item 1 - rezone the following land from RU2 Rural Landscape zone to SP2 Defence zone to reflect ownership by the Commonwealth Department of Defence:
 - 2117 Nelson Bay Road, Williamtown (Lot 1 DP 665835)
 - 2119 Nelson Bay Road, Williamtown (Lot 1 DP 665836)
 - 11A Lavis Lane, Williamtown (Lot 67 DP 753192)
 - 14 Lavis Lane, Williamtown (Lot 3 DP 853312)
 - 40 Lavis Lane, Williamtown (Lot 3 DP 741996)
 - b. Proceed with Item 2 - rezone 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape zone to E1 National Parks and Nature Reserves zone to reflect ownership by the Minister Administering the National Parks and Wildlife Act 1974 (NSW) and the addition of the land to the Hunter Wetlands National Park.
 - c. Do not proceed with Item 3 - review zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or

associated intended purchase by NSW Roads and Maritime Services (RMS) for road planning purposes (this Item did not proceed to public exhibition as instructions for proposed amendments were not provided by RMS).

- d. Proceed with Item 4 - update the zoning of 57 Slades Road, Williamtown (Lot 21 DP 1053667) from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect the commercial airport lease conditions that apply to the land.
 - e. Do not proceed with Item 5 - rezone 1 Tuncurry Close, Nelson Bay (Lot 6 section 4 DP 242131) from R2 Low Density Residential Zone to RE1 Public Recreation zone to reflect the existing dedication (Crown Land – Port Stephens Council as Trustee) and current use as public open space.
 - f. Do not proceed with Item 6 - correct an error in the description of land listed in Schedule 1 'Additional Permitted Uses' for certain land at Valerie Road, Salt Ash, from 'DP 79221' to 'DP 792211' (this Item was included in Port Stephens Local Environmental Plan 2013 (Amendment No 23).
 - g. Proceed with Item 7 – Identify 'storage premises' (including 'self-storage units) as a use that is permissible with consent in the IN1 General Industrial zone.
 - h. Proceed with Item 8 - Identify 'mortuaries' and 'recreation facilities (indoor)' as uses that are permissible with consent in the IN2 Light Industrial zone and note the proposal to permit a 'dwelling house' in industrial areas is suitably addressed by a 'caretakers' flat' being permitted under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (NSW).
 - i. Proceed with Item 9 – Identify 'recreation facilities (outdoor)' as a use that is permissible with consent in the RU2 Rural Landscape zone.
 - j. Proceed with Item 10 - Address various minor split-zone boundary alignments resulting from subdivision and cadastral map boundary shifts.
 - k. Proceed with Item 11 - Correct errors in the numbering, address descriptions and mapping of various heritage items.
- 3) Exercise delegations under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) to finalise the plan.

**ORDINARY COUNCIL MEETING - 25 JUNE 2019
MOTION**

005	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <p>1) Receive and note submissions received during the public exhibition of the Planning Proposal for a housekeeping amendment to the Port</p>
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	<p>Stephens Local Environmental Plan 2013 (ATTACHMENT 1).</p> <p>2) Adopt the updated Planning Proposal (TABLED DOCUMENT 1) as follows:</p> <p>a. Proceed with Item 1 - rezone the following land from RU2 Rural Landscape zone to SP2 Defence zone to reflect ownership by the Commonwealth Department of Defence:</p> <ul style="list-style-type: none"><input type="checkbox"/> 2117 Nelson Bay Road, Williamtown (Lot 1 DP 665835)<input type="checkbox"/> 2119 Nelson Bay Road, Williamtown (Lot 1 DP 665836)<input type="checkbox"/> 11A Lavis Lane, Williamtown (Lot 67 DP 753192)<input type="checkbox"/> 14 Lavis Lane, Williamtown (Lot 3 DP 853312)<input type="checkbox"/> 40 Lavis Lane, Williamtown (Lot 3 DP 741996) <p>b. Proceed with Item 2 - rezone 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape zone to E1 National Parks and Nature Reserves zone to reflect ownership by the Minister Administering the National Parks and Wildlife Act 1974 (NSW) and the addition of the land to the Hunter Wetlands National Park.</p> <p>c. Do not proceed with Item 3 - review zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated intended purchase by NSW Roads and Maritime Services (RMS) for road planning purposes (this Item did not proceed to public exhibition as instructions for proposed amendments were not provided by RMS).</p> <p>d. Proceed with Item 4 - update the zoning of 57 Slades Road, Williamtown (Lot 21 DP 1053667) from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect the commercial airport lease conditions that apply to the land.</p> <p>e. Do not proceed with Item 5 - rezone 1 Tuncurry Close, Nelson Bay (Lot 6 section 4 DP 242131) from R2 Low Density Residential Zone to RE1 Public Recreation zone to reflect the existing dedication (Crown Land – Port Stephens Council as Trustee) and current use as public open space.</p> <p>f. Do not proceed with Item 6 - correct an error in the description of land listed in Schedule 1 'Additional Permitted Uses' for certain land at Valerie Road, Salt Ash, from 'DP 79221' to 'DP 792211' (this Item was included in Port Stephens Local Environmental Plan 2013 (Amendment No 23)).</p> <p>g. Proceed with Item 7 – Identify 'storage premises' (including 'self-storage units) as a use that is permissible with consent in the IN1 General Industrial zone.</p>
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	<p>h. Proceed with Item 8 - Identify 'mortuaries' and 'recreation facilities (indoor)' as uses that are permissible with consent in the IN2 Light Industrial zone and note the proposal to permit a 'dwelling house' in industrial areas is suitably addressed by a 'caretakers' flat' being permitted under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (NSW).</p> <p>i. Proceed with Item 9 – Identify 'recreation facilities (outdoor)' as a use that is permissible with consent in the RU2 Rural Landscape zone.</p> <p>j. Proceed with Item 10 - Address various minor split-zone boundary alignments resulting from subdivision and cadastral map boundary shifts.</p> <p>k. Proceed with Item 11 - Correct errors in the numbering, address descriptions and mapping of various heritage items.</p> <p>3) Exercise delegations under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) to finalise 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 Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 25 JUNE 2019
MATTER ARISING**

006	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council call on the Department of Defence for a report on the management of their land holding east of Nelson Bay Road.</p>
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Mayor Ryan Palmer returned to the meeting at 6:11pm and resumed the Chair.

Councillor Jaimie Abbott returned to the meeting at 6:11pm.

ITEM NO. 2

**FILE NO: 19/137263
EDRMS NO: PSC2006-0066V2-054**

**AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTRIBUTIONS
PLAN 2007 TO REGULATE MANUFACTURED HOME ESTATES**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions from the public exhibition of the draft Port Stephens Development Contribution Plan 2007 (Amendment No. 12).
 - 2) Adopt the Port Stephens Development Contribution Plan 2007 (Amendment No. 12) as amended (**TABLED DOCUMENT 1**), and notify the decision in accordance with the Environmental Planning and Assessment Regulations 2000 (NSW).
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**ORDINARY COUNCIL MEETING - 25 JUNE 2019
MOTION**

007	<p>Councillor Sarah Smith Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions from the public exhibition of the draft Port Stephens Development Contribution Plan 2007 (Amendment No. 12). 2) Adopt the Port Stephens Development Contribution Plan 2007 (Amendment No. 12) as amended (TABLED DOCUMENT 1), and notify the decision in accordance with the Environmental Planning and Assessment Regulations 2000 (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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 9 JULY 2019

ITEM NO. 1

**FILE NO: 19/147524
EDRMS NO: 16-2019-24-1**

DEVELOPMENT APPLICATION 16-2019-24-1 FOR A TELECOMMUNICATIONS FACILITY AT 41 FISHERMANS BAY ROAD, FISHERMANS BAY (LOT: 1 DP: 1094320).

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-24-1 for a Telecommunications Facility (Mobile Phone Base Station comprising 25 metre monopole and associated infrastructure) at 41 Fisherman's Bay Road, Fisherman's Bay (Lot: 1 DP: 1094320) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

008	<p>Councillor Ken Jordan Councillor Jaimie Abbott</p> <p>It was resolved that Council defer item 1 to allow for discussions between Optus and Telstra to explore co-location, and report the development application to the Council meeting to be held on 13 August 2019.</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 Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

During item 2, Nigel Waters was expelled from the public gallery by the Chairperson in accordance with clause 15.14 of the Code of Meeting Practice.

ITEM NO. 2

**FILE NO: 19/139041
EDRMS NO: 16-2018-386-1**

**DEVELOPMENT APPLICATION 16-2018-386-1 FOR MIXED USE DEVELOPMENT
AT NO. 35-39 DONALD STREET AND 1 YACAABA STREET, NELSON BAY
(LOTS 22-25 SEC 5 DP 17805)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application No. 16-2018-386-1 for a Mixed use development – Residential flat building (56 residential units comprising a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces) and associated works including demolition of existing carpark, at 35-39 Donald Street and 1 Yacaaba Street, Nelson Bay (Lots: 22-25 Sec: 5 DP: 17805) subject to the Reasons for Refusal contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

009	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Note the applicants variation request made pursuant to clause 4.6 'exceptions to development standards' of Port Stephens Local Environmental Plan 2013 (LEP2013), to the 15 metre development standard prescribed by clause 4.3 'building height' of LEP2013, and find the request to be justified in the circumstances as it adequately addresses the matters prescribed by clause 4.6(3) of LEP2013, and 2. Find the development to be in the public interest because it is consistent with the objectives of clause 4.3 'building height' of LEP2013 and the objectives for development within the B2 Local Centre in which the development is proposed to be carried out, and
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	<p>3. That Development Application No. 16-2018-386-1 for a mixed use development – Residential flat building (56 residential units comprising a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces) and associated works including demolition of existing carpark, at 35-39 Donald Street and 1 Yacaaba Street, Nelson Bay (Lots: 22-25 Sec: 5 DP: 17805) be approved and consent granted subject to conditions, as tabled, and</p> <p>4. That those persons who made submissions be advised of Council’s determination.</p>
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Cr Giacomo Arnott moved a motion of dissent in the Chairperson. The motion lapsed without a seconder.

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

Councillor Jaimie Abbott left the meeting at 8:31pm, prior to item 3.
Councillor Giacomo Arnott left the meeting at 8:31pm, prior to item 3.
Councillor Chris Doohan left the meeting at 8:32pm, prior to item 3.

ITEM NO. 3

**FILE NO: 19/152729
EDRMS NO: PSC2006-0038**

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO.8) AMENDED AIRCRAFT NOISE PLANNING AREA

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submission received during the exhibition of draft Port Stephens Development Control Plan 2014 (Amendment No.8) **(ATTACHMENT 1)**.
 - 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No.8) **(TABLED DOCUMENT 1)**.
 - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning & Assessment Regulation 2000.
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**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

010	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receives and notes the submission received during the exhibition of draft Port Stephens Development Control Plan 2014 (Amendment No.8) (ATTACHMENT 1). 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No.8) (TABLED DOCUMENT 1). 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance
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	with the Environmental Planning & Assessment Regulation 2000.
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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 Mayor Ryan Palmer, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



ORDINARY COUNCIL MEETING 23 JULY 2019

ITEM NO. 1

**FILE NO: 19/147920
EDRMS NO: 58-2017-10-1**

PLANNING PROPOSAL FOR 14 POPPLEWELL ROAD, FERN BAY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**TABLED DOCUMENT 1**) to amend the Land Zoning Map, Height of Building Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 for land known as 14 Popplewell Road, Fern Bay.
- 2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a Gateway determination and request delegated authority to make the Plan.
- 3) Adopt the draft Port Stephens Development Control Plan 2014 (Amendment No. 10) – Stockton Rifle Range (**TABLED DOCUMENT 2**) and place on public exhibition.

**ORDINARY COUNCIL MEETING - 23 JULY 2019
MOTION**

011	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (TABLED DOCUMENT 1) to amend the Land Zoning Map, Height of Building Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 for land known as 14 Popplewell Road, Fern Bay. 2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a Gateway determination and request delegated authority to make the Plan. 3) Adopt the draft Port Stephens Development Control Plan 2014 (Amendment No. 10) – Stockton Rifle Range (TABLED
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	DOCUMENT 2) and place on public exhibition.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 13 AUGUST 2019

ITEM NO. 1

**FILE NO: 19/190093
EDRMS NO: 16-2019-24-1**

DEVELOPMENT APPLICATION 16-2019-24-1 FOR A TELECOMMUNICATIONS FACILITY AT 41 FISHERMANS BAY ROAD, FISHERMANS BAY (LOT: 1 DP: 1094320).

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-24-1 for a Telecommunications Facility (Mobile Phone Base Station comprising 25 metre monopole and associated infrastructure) at 41 Fisherman's Bay Road, Fisherman's Bay (Lot: 1 DP: 1094320) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 13 AUGUST 2019
MOTION**

012	<p>Councillor Paul Le Mottee Councillor Giacomo Arnott</p> <p>It was resolved that Council approve Development Application 16-2019-24-1 for a Telecommunications Facility (Mobile Phone Base Station comprising 25 metre monopole and associated infrastructure) at 41 Fisherman's Bay Road, Fisherman's Bay (Lot: 1 DP: 1094320) subject to the Recommended Conditions of Consent 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



ITEM NO. 2

**FILE NO: 19/150335
EDRMS NO: 58-2019-2-1**

PLANNING PROPOSAL FOR 269 TAREAN ROAD, KARUAH

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**TABLED DOCUMENT 1**) to amend the Land Zoning Map, Height of Building Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 269 Tarean Road, Karuah Lot 571 DP777919, Part of Lot 572 DP777919, Lots 38-46, 136-159, 170-176 & 181 – 191 DP11741 and Part of lots 47-49, 67-69, 73, 74, 161, 177-180, 192, 216-220 & 599-606 DP11741 from RU2 Rural Landscape to R2 Low Density Residential.
- 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request delegated authority to make the plan.

**ORDINARY COUNCIL MEETING - 13 AUGUST 2019
MOTION**

013	<p>Councillor Ken Jordan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (TABLED DOCUMENT 1) to amend the Land Zoning Map, Height of Building Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 269 Tarean Road, Karuah Lot 571 DP777919, Part of Lot 572 DP777919, Lots 38-46, 136-159, 170-176 & 181 – 191 DP11741 and Part of lots 47-49, 67-69, 73, 74, 161, 177-180, 192, 216-220 & 599-606 DP11741 from RU2 Rural Landscape to R2 Low Density Residential. 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request delegated authority to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



ITEM NO. 3

**FILE NO: 19/137275
EDRMS NO: 58-2017-11-1**

PLANNING PROPOSAL FOR 436-444 TAREAN ROAD, KARUAH (KARUAH RSL CLUB)

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the Planning Proposal to rezone at 436-444A Tarean Road & 20-22 Bundabah Street, Karuah from R2 Low Density Residential to RE2 Private Recreation (**TABLED DOCUMENT 1**).
- 2) Note that no submissions were received during the public exhibition of the amended Planning Proposal.
- 3) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979.

**ORDINARY COUNCIL MEETING - 13 AUGUST 2019
MOTION**

014	<p>Councillor Paul Le Mottee Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the amendments to the Planning Proposal to rezone at 436-444A Tarean Road & 20-22 Bundabah Street, Karuah from R2 Low Density Residential to RE2 Private Recreation (TABLED DOCUMENT 1). 2) Note that no submissions were received during the public exhibition of the amended Planning Proposal. 3) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 4

**FILE NO: 19/155593
EDRMS NO: PSC2015-00487**

POLICY: RURAL RESIDENTIAL POLICY REVIEW

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Rural Residential Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Rural Residential Policy 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 Rural Residential Policy adopted by Council on 13 June 2017, Minute No. 123, should no submissions be received.

**ORDINARY COUNCIL MEETING - 13 AUGUST 2019
MOTION**

015	<p>Councillor Ken Jordan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the revised Rural Residential Policy shown at (ATTACHMENT 1). 2) Place the revised Rural Residential Policy 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 Rural Residential Policy adopted by Council on 13 June 2017, Minute No. 123, 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

EXTRA ORDINARY COUNCIL MEETING 27 AUGUST 2019

Councillor Jaimie Abbott returned to the meeting at 5:45pm.

ITEM NO. 1

**FILE NO: 19/196357
EDRMS NO: 16-2019-220-1**

**DEVELOPMENT APPLICATION NO:16-2019-220-1 - SERVICE STATION
(CONVENIENCE STORE, CAR PARKING, LANDSCAPING & SIGNAGE) AT 15
BAGNALL BEACH ROAD, SALAMANDER BAY (LOT 9 DP1239352)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2019-220-1 for a Service Station (convenience store, car parking, landscaping and signage) at 15 Bagnall Beach Road, Salamander Bay (Lot 9 DP 1239352) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

016	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>It was resolved that Council approve Development Application DA No. 16-2019-220-1 for a Service Station (convenience store, car parking, landscaping and signage) at 15 Bagnall Beach Road, Salamander Bay (Lot 9 DP 1239352) subject to the recommended Conditions of Consent contained in (ATTACHMENT 2).</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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



ITEM NO. 2

**FILE NO: 19/190103
EDRMS NO: 16-2019-284-1**

DEVELOPMENT APPLICATION NO. 16-2019-284-1 - OFFICE PREMISES (TWO STOREY), SIGNAGE, CAR PARKING, LANDSCAPING, FENCING AND ASSOCIATED SITE WORKS AT 795 MEDOWIE ROAD, MEDOWIE (LOT 1 DP1215257)

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2019-284-1 for an office premises (two storey), signage, car parking, landscaping, fencing and associated site works at 795 Medowie Road, Medowie (on proposed Lot 2 – currently Lot 1 DP1215257) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

017	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council approve Development Application DA No. 16-2019-284-1 for an office premises (two storey), signage, car parking, landscaping, fencing and associated site works at 795 Medowie Road, Medowie (on proposed Lot 2 – currently Lot 1 DP1215257) subject to the recommended Conditions of Consent 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 3

**FILE NO: 19/198732
EDRMS NO: 16-2019-8-1**

DEVELOPMENT APPLICATION 16-2019-8-1 SOLDIERS POINT MARINA - ALTERATIONS AND ADDITIONS TO EXISTING MARINA, LANDSCAPING, SITE PREPARATION WORKS INCLUDING PARTIAL DEMOLITION OF EXISTING SLIPWAY AND EARTHWORKS AT SUNSET BOULEVARDE AVENUE, RIDGEWAY AVENUE AND MITCHELL STREET, SOLDIERS POINT (LOT 2071 DP852662, LOTS 321 & 322 DP636840, LOT 539 DP823769 AND LOTS 1 & 2 DP1058490)

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2019-8-1 for Soldiers Point Marina – Alterations and additions to existing marina at Sunset Boulevarde Avenue, Ridgeway Avenue and Mitchell Street, Soldiers Point (Lot 2071 DP852662, Lots 321 & 322 DP636840, Lot 539 DP823769, and Lots 1 and 2 DP1058490) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 27 AUGUST 2019

	Item 3 was withdrawn with the consent of the Chair.
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Councillor Paul Le Mottee left the meeting at 5:53pm.

ITEM NO. 4

**FILE NO: 19/186472
EDRMS NO: PSC2018-00670**

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO. 9) - CHAPTER D13 REES JAMES ROAD, RAYMOND TERRACE

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submissions received during the public exhibition period **(ATTACHMENT 1)**.
- 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 9) **(TABLED DOCUMENT 1)**.
- 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

018	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receives and notes the submissions received during the public exhibition period (ATTACHMENT 1). 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 9) (TABLED DOCUMENT 1). 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Giacomo Arnott left the meeting at 6:02pm.
Councillor Jaimie Abbott left the meeting at 6:02pm.

ITEM NO. 6

**FILE NO: 19/182190
EDRMS NO: PSC2006-0038**

POLICY REVIEW: AIRCRAFT NOISE POLICY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Aircraft Noise Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Aircraft Noise Policy 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 Aircraft Noise Policy adopted by Council on 25 October 2016, Minute No. 311, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

019	<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 revised Aircraft Noise Policy shown at (ATTACHMENT 1). 2) Place the revised Aircraft Noise Policy 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 Aircraft Noise Policy adopted by Council on 25 October 2016, Minute No. 311, 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: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 19/215954
EDRMS NO: PSC2017-00019**

AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Investigate amending the Port Stephens Local Environmental Plan 2013 (LEP) to enable dwellings to be erected on land in certain rural, residential and environment protection zones where:
 - a. The lot does not meet the minimum lot size; and
 - b. The lot has been created following a boundary adjustment under clause 4.1E of the LEP; and
 - c. The lot would have satisfied the criteria listed in clause 4.2B (3)(a) and (b) of the LEP, had it not been affected by more than a minor realignment of its boundaries that did not create an additional lot.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

020	<p>Mayor Ryan Palmer Councillor Sarah Smith</p> <p>It was resolved that Council investigate amending the Port Stephens Local Environmental Plan 2013 (LEP) to enable dwellings to be erected on land in certain rural, residential and environment protection zones where:</p> <ol style="list-style-type: none"> a. The lot does not meet the minimum lot size; and b. The lot has been created following a boundary adjustment under clause 4.1E of the LEP; and c. The lot would have satisfied the criteria listed in clause 4.2B (3)(a) and (b) of the LEP, had it not been affected by more than a minor realignment of its boundaries that did not create an additional lot.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

EXTRA ORDINARY COUNCIL MEETING 10 SEPTEMBER 2019

Councillor Paul Le Mottee left the meeting at 5:32pm prior to item 1.

ITEM NO. 1

**FILE NO: 19/159333
EDRMS NO: 16-2019-135-1**

**DEVELOPMENT APPLICATION - 16-2019-135-1 SINGLE STOREY DWELLING
ON APPROVED FLOOD MOUND AT 1 SWANREACH ROAD, HINTON (LOT: 51
DP: 1250604)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse development application 16-2019-135-1 for a single storey dwelling on approved flood mound at 1 Swanreach Road, Hinton (LOT: 51 DP: 1250604) for the reasons provided within **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019
MOTION**

021	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council defer development application 16-2019-135-1 for a single storey dwelling on approved flood mound at 1 Swanreach Road, Hinton (LOT: 51 DP: 1250604) for a site inspection, and convene the Floodplain Committee.</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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 5:39pm prior to item 2.

ITEM NO. 2

**FILE NO: 19/196316
EDRMS NO: PSC2006-0066V2-050**

DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN AND DRAFT FIXED LOCAL INFRASTRUCTURE CONTRIBUTION PLAN

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan (**TABLED DOCUMENT 1**) and draft Port Stephens Fixed Local Infrastructure Contributions Plan (**TABLED DOCUMENT 2**).
 - 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000.
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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019
MOTION**

022	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan (TABLED DOCUMENT 1) and draft Port Stephens Fixed Local Infrastructure Contributions Plan (TABLED DOCUMENT 2). 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000. 3) Note the error identified in the Draft Local Infrastructure Contributions Plan and Draft Fixed Local Infrastructure Contributions Plan which will be amended and reported back to Council following the exhibition
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	period.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING 24 SEPTEMBER 2019

ITEM NO. 2

**FILE NO: 19/244835
EDRMS NO: 16-2018-534-2**

**DEVELOPMENT APPLICATION 16-2018-534-2 SECTION 4.55 (1A)
MODIFICATION TO ALTERATIONS AND ADDITIONS TO EXISTING TOURISM
RESORT - 20 GLAMPING TENTS WITH AMENITIES, KOALA SANCTUARY AND
CLINIC, VEGETATION REMOVAL AND CAR PARKING AT 562 GAN GAN ROAD,
ONE MILE (LOT: 2 DP: 1109948)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA No. 16-2018-534-2) subject to the amended Conditions of Consent contained within **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019
MOTION**

023	<p>Councillor Paul Le Mottee Councillor Sarah Smith</p> <p>It was resolved that Council approve Development Application (DA No. 16-2018-534-2) subject to the amended Conditions of Consent contained within (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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Dooan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 4

**FILE NO: 19/229869
EDRMS NO: PSC2019-03**

ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the report on the review of proposed requirements for Electric Vehicle (EV) Charging Points (**ATTACHMENT 2**).
 - 2) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.
 - 3) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.
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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019
MOTION**

024	<p>Councillor John Nell Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the report on the review of proposed requirements for Electric Vehicle (EV) Charging Points (ATTACHMENT 2). 2) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points. 3) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

EXTRA ORDINARY COUNCIL MEETING 22 OCTOBER 2019

ITEM NO. 1

**FILE NO: 19/245793
EDRMS NO: PSC2019-03517**

**AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
CHAPTER B4 WATER QUALITY AND DRAINAGE**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit a draft amendment to the Port Stephens Development Control Plan 2014 (Amendment No. 11) (the Amendment) (**ATTACHMENT 1**) in accordance with the Environmental Planning and Assessment Act 1979 (NSW).
- 2) Exhibit the Amendment for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000 (NSW).
- 3) If no submissions are received, approve the plan as exhibited, without a further report to Council, and provide public notice in accordance with the Environmental Planning and Assessment Regulation 2000.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2019
MOTION**

025	<p>Councillor Jaimie Abbott Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Exhibit a draft amendment to the Port Stephens Development Control Plan 2014 (Amendment No. 11) (the Amendment) (ATTACHMENT 1) in accordance with the Environmental Planning and Assessment Act 1979 (NSW). 2) Exhibit the Amendment for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000 (NSW). 3) If no submissions are received, approve the plan as exhibited, without
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	a further report to Council, and provide public notice in accordance with the Environmental Planning and Assessment Regulation 2000.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Dohhan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 2

**FILE NO: 19/307327
EDRMS NO: PSC2017-01665**

DRAFT FERN BAY AND NORTH STOCKTON STRATEGY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Fern Bay and North Stockton Strategy, incorporating an Implementation Plan and Background Investigations Report (**ATTACHMENT 1**).
 - 2) Place the draft Fern Bay and North Stockton Strategy, Implementation Plan and Background Investigations Report on public exhibition for a period of 28 days.
 - 3) If no submissions are received, approve the Fern Bay and North Stockton Strategy as exhibited, without a further report to Council.
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**ORDINARY COUNCIL MEETING - 22 OCTOBER 2019
MOTION**

026	<p>Councillor Sarah Smith Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the draft Fern Bay and North Stockton Strategy, incorporating an Implementation Plan and Background Investigations Report (ATTACHMENT 1). 2) Place the draft Fern Bay and North Stockton Strategy, Implementation Plan and Background Investigations Report on public exhibition for a period of 28 days. 3) If no submissions are received, approve the Fern Bay and North Stockton Strategy as exhibited, without a further report 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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2019
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Endorse the draft Fern Bay and North Stockton Strategy, incorporating an Implementation Plan and Background Investigations Report (ATTACHMENT 1). 2) Place the draft Fern Bay and North Stockton Strategy, Implementation Plan and Background Investigations Report on public exhibition for a period of 28 days. 3) If no submissions are received, approve the Fern Bay and North Stockton Strategy as exhibited, without a further report to Council. 4) Notes that a small number of errors and omissions have been made in the draft, that Council supports a secondary town centre site being allowable in the study area, and the final document will have amendments to support this, following public exhibition.
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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: Cr Giacomo Arnott.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

The amendment was lost.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2019
MOTION**

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That a motion of dissent be moved in the Chair.</p>
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The motion on being put was lost.

Cr Arnott and Cr Nell called for a division.

Those for the Motion: Cr Giacomo Arnott.

Councillor Ken Jordan left the meeting at 6:32pm.

ITEM NO. 3

**FILE NO: 19/309234
EDRMS NO: PSC2012-02230-098**

**CATHERINE MCAULEY CATHOLIC COLLEGE - REQUEST TO WAIVE LOCAL
INFRASTRUCTURE CONTRIBUTIONS**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse the request from the Catholic Diocese of Maitland-Newcastle to waive local infrastructure contributions for the Catherine McAuley Catholic College, Medowie.
 - 2) Support continuing negotiations for a Material Public Benefit Agreement to fund shared pathways identified in the Port Stephens Pathways Plan.
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**ORDINARY COUNCIL MEETING - 22 OCTOBER 2019
MOTION**

	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Refuse the request from the Catholic Diocese of Maitland-Newcastle to waive local infrastructure contributions for the Catherine McAuley Catholic College, Medowie. 2) Support continuing negotiations for a Material Public Benefit Agreement to fund shared pathways identified in the Port Stephens Pathways Plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER**
*Section 375A, Local Government Act
1993*

**(DLG Circular 08-45) –
Commenced 1 October 2008**

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2019
AMENDMENT**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That item 3 be deferred pending a report comparing public schools verse private schools in relation to s7.11 contribution 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 Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley and Steve Tucker.

The amendment was lost.

ORDINARY COUNCIL MEETING 26 NOVEMBER 2019

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 19/348191
EDRMS NO: PSC2017-00019**

BOOMERANG PARK

MAYOR: RYAN PALMER
COUNCILLOR: KEN JORDAN
COUNCILLOR: PAUL LE MOTTEE

THAT COUNCIL:

After listening to the community and the Raymond Terrace and Heatherbrae Implementation Panel:

- 1) Not proceed with the planning proposal for Boomerang Park.
- 2) Identify areas in Raymond Terrace CBD area for much needed seniors living.

Councillor John Nell left the meeting at 6:22pm, prior to voting on the item. The meeting was adjourned at this time due to the lack of a quorum. Councillor John Nell returned to the meeting at 6:24pm and the meeting resumed at this time, with all attendees present.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

027	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council after listening to the community and the Raymond Terrace and Heatherbrae Implementation Panel:</p> <ol style="list-style-type: none"> 1) Not proceed with the planning proposal for Boomerang Park. 2) Identify areas in Raymond Terrace CBD area for much needed seniors living.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, and Steve Tucker.

Those against the Motion: Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 19/358909
EDRMS NO: `PSC2017-00019**

**AMEND THE DEVELOPMENT CONTROL PLAN (DCP) TO INCLUDE ADEQUATE
CAR PARKING REQUIREMENTS FOR MARINAS**

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Amend the Port Stephens Development Control Plan 2014 to ensure adequate on-site car parking is required for marina development.
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**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

028	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council amend the Port Stephens Development Control Plan 2014 to ensure adequate on-site car parking is required for marina development.</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 Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 2

**FILE NO: 19/324404
EDRMS NO: 58-2018-25-1**

**PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATITUDE DRIVE AND 4473
NELSON BAY ROAD, ANNA BAY**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 to:
 - a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').
 - b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); and
 - c. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
 - 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan.
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**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

029	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (ATTACHMENT 3) to amend the Port Stephens Local Environmental Plan 2013 to: <ol style="list-style-type: none"> a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort'). b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development
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	<p>consent); and</p> <p>c. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.</p> <p>2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request 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: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 3

**FILE NO: 19/328983
EDRMS NO: 58-2019-4-1**

PLANNING PROPOSAL FOR 2179 PACIFIC HIGHWAY, HEATHERBRAE

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 3**) to amend the Land Zoning Map and Minimum Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae (Lot 4211 DP 747474, Lot 53 DP 534043, Part Lot 513 DP 587997, Part Lot 512 DP 587997 and Lot 511 DP 587997) to rezone the land from RU2 Rural Landscape to B5 Business Development and remove development standards for minimum lot size.
- 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

030	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (ATTACHMENT 3) to amend the Land Zoning Map and Minimum Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae (Lot 4211 DP 747474, Lot 53 DP 534043, Part Lot 513 DP 587997, Part Lot 512 DP 587997 and Lot 511 DP 587997) to rezone the land from RU2 Rural Landscape to B5 Business Development and remove development standards for minimum lot size. 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 8

**FILE NO: 19/339816
EDRMS NO: PSC2015-00487**

POLICY DEVELOPMENT: REZONING REQUEST POLICY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Rezoning Request Policy (**ATTACHMENT 1**).
- 2) Place the draft Rezoning Request Policy on public exhibition for 28 days and should no submissions be received, the policy be adopted without a further report to Council.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

031	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the draft Rezoning Request Policy (ATTACHMENT 1). 2) Place the draft Rezoning Request Policy on public exhibition for 28 days and should no submissions be received, the policy be adopted without a further report 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 Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.



ORDINARY COUNCIL MEETING 10 DECEMBER 2019

ITEM NO. 1

FILE NO: 19/340656
EDRMS NO: 16-2019-339-1

DEVELOPMENT APPLICATION 16-2019-339-1 FOR A SERVICE STATION AND FOOD AND DRINK PREMISES - INCLUDING VEHICLE REPAIR STATION, ANCILLARY SIGNAGE, CAR PARKING, LANDSCAPING, DEMOLITION OF EXISTING STRUCTURES AND ASSOCIATED SITE WORKS

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2019-339-1 for a service station, food and drink premises and vehicle workshop at 787 and 795 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

032	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council approve Development Application DA No. 16-2019-339-1 for a service station, food and drink premises and vehicle workshop at 787 and 795 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the recommended Conditions of Consent contained in (ATTACHMENT 3) and the following additional conditions:</p> <ol style="list-style-type: none"> 1. Prior to the issue of a construction certificate, amended plans must be provided to Council to limit access to left in and left out of Medowie Road. These plans must include a physical restriction on the ingress and egress and are to be approved by the Local Traffic Committee. Any treatment must not restrict neighbouring properties from being able to complete a right hand turn into and out of their properties.
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	<p>2. Prior to the issue of a construction certificate a lighting plan is to be prepared by a suitably qualified person demonstrating compliance with AS 1158 ‘Lighting for Roads and Public Spaces’ and AS 4282 ‘Control of Obtrusive Effects of Outdoor Lighting’. In addition, the light emanating from the approved signage shall be less than half of the maximum lux allowable (as set by AS 1158 and AS 4282) during the hours of 10pm and 7am. The lighting plan must include details regarding the control of obtrusive lighting associated with the development and be submitted to Council for approval.</p> <p>3. A new condition 56 be added to state: The service station is only to be open for business and used for the purpose approved within the following hours:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Day</th> <th style="text-align: center;">Hours of Operation</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Monday – Sunday/Public Holidays</td> <td style="text-align: center;">6am – 10pm</td> </tr> </tbody> </table> <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>This condition shall have effect until the properties on the north and south are further developed.</p>	Day	Hours of Operation	Monday – Sunday/Public Holidays	6am – 10pm
Day	Hours of Operation				
Monday – Sunday/Public Holidays	6am – 10pm				

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

033	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Cr Doohan be granted a 2 minute extension of time to address Council.</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 Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Crs Giacomo Arnott, Chris Doohan and Steve Tucker.

ITEM NO. 2

**FILE NO: 19/363334
EDRMS NO: 16-2019-284-2**

**DEVELOPMENT APPLICATION NO.: 16-2019-284-2 FOR PROPOSED S4.55(1A)
MODIFICATION TO OFFICE PREMISES AND SIGNAGE - REMOVAL OF SHARED
PATHWAY REQUIREMENT**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application DA No. 16-2019-284-2 for a Section 4.55(1A) Modification to office premises and signage – removal of shared pathway requirement, for the reasons contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

034	<p>Councillor Giacomo Arnott Councillor Paul Le Mottee</p> <p>It was resolved that Council refuse Development Application DA No. 16-2019-284-2 for a Section 4.55(1A) Modification to office premises and signage – removal of shared pathway requirement, for the reasons 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Dohhan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



ITEM NO. 3

**FILE NO: 19/343247
EDRMS NO: 58-2019-3-1**

PLANNING PROPOSAL FOR 339 TAREAN ROAD, KARUAH

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) to amend the Land Zoning Map, Height of Building Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 339 Tarean Road, Karuah Lot 52 DP 735066 from RU2 Rural Landscape to Part R2 Low Density Residential and E2 Environmental Conservation.
- 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request delegated authority to make the plan.

Councillor Glen Dunkley left the meeting at 6:58pm prior to voting on this item.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

035	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (ATTACHMENT 1) to amend the Land Zoning Map, Height of Building Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 339 Tarean Road, Karuah Lot 52 DP 735066 from RU2 Rural Landscape to Part R2 Low Density Residential and E2 Environmental Conservation. 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request delegated authority to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM NO. 4

**FILE NO: 19/304747
EDRMS NO: 58-2017-3-1**

PLANNING PROPOSAL FOR 4 GILES ROAD, SEAHAM

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Not proceed with the Planning Proposal (**ATTACHMENT 1**) that seeks to rezone land from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare at 4 Giles Road, Seaham (Lot 14 DP 846633).

Councillor John Nell left the meeting at 7:02pm.
Councillor John Nell returned to the meeting at 7:03pm.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

	<p>RECOMMENDATION IS THAT COUNCIL:</p> <p>It was resolved that Council defer the Planning Proposal (ATTACHMENT 1) for 4 Giles Road, Seaham (Lot 14 DP 846633) to allow the applicant to provide further information to Council.</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 Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer and Crs John Nell.

Councillor Jaimie Abbott left the meeting at 7:10pm.
Councillor Paul Le Mottee left the meeting at 7:10pm.

ITEM NO. 5

**FILE NO: 19/357254
EDRMS NO: 58-2017-2-1**

PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE WILLIAMTOWN

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note that no submissions were received during the public exhibition of the Planning Proposal to amend Schedule 1 Additional permitted uses of the Port Stephens Local Environmental Plan 2013 to permit (with development consent) a 'service station' at 2A and 2B Lavis Lane, Williamtown (Lot 1 and Lot 2 DP 1237147) (**ATTACHMENT 3**).
 - 2) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).
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**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

036	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note that no submissions were received during the public exhibition of the Planning Proposal to amend Schedule 1 Additional permitted uses of the Port Stephens Local Environmental Plan 2013 to permit (with development consent) a 'service station' at 2A and 2B Lavis Lane, Williamtown (Lot 1 and Lot 2 DP 1237147) (ATTACHMENT 3). 2) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (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 Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Jaimie Abbott returned to the meeting at 7:14pm.
Councillor Paul Le Mottee returned to the meeting at 7:14pm.

ITEM NO. 6

**FILE NO: 19/343626
EDRMS NO: PSC2006-0066V2-050**

**DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN AND DRAFT FIXED
LOCAL INFRASTRUCTURE CONTRIBUTION PLAN**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note public submissions received during the exhibition of the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan at **(ATTACHMENT 1)**.
 - 2) Approve the Port Stephens Local Infrastructure Contributions Plan **(ATTACHMENT 2)** and Port Stephens Fixed Local Infrastructure Contributions Plan **(ATTACHMENT 3)** as amended, to commence on 1 January 2020, and repeal the Port Stephens Development Contributions Plan 2007 and Port Stephens Fixed Development Contributions Plan 2006 on that date.
 - 3) Provide public notice that the Port Stephens Local Infrastructure Contributions Plan and Port Stephens Fixed Local Infrastructure Contributions Plan has been approved in accordance with the Environmental Planning and Assessment Regulation 2000 (NSW).
 - 4) Adopt the funding strategies contained in this report being:
 - a. \$8.9 million of repealed funds to PSC2020 Community Projects.
 - b. Rollover of all funds within the administration and road haulage categories.
 - c. Rollover of \$1.5 million to the Fern Bay catchment.
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**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

037	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note public submissions received during the exhibition of the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan at
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	<p>(ATTACHMENT 1).</p> <p>2) Approve the Port Stephens Local Infrastructure Contributions Plan (ATTACHMENT 2) and Port Stephens Fixed Local Infrastructure Contributions Plan (ATTACHMENT 3) as amended, to commence on 1 January 2020, and repeal the Port Stephens Development Contributions Plan 2007 and Port Stephens Fixed Development Contributions Plan 2006 on that date.</p> <p>3) Provide public notice that the Port Stephens Local Infrastructure Contributions Plan and Port Stephens Fixed Local Infrastructure Contributions Plan has been approved in accordance with the Environmental Planning and Assessment Regulation 2000 (NSW).</p> <p>4) Adopt the funding strategies contained in this report being:</p> <ol style="list-style-type: none"> a. \$8.9 million of repealed funds to PSC2020 Community Projects. b. Rollover of all funds within the administration and road haulage categories. c. Rollover of \$1.5 million to the Fern Bay catchment.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.