

ORDINARY COUNCIL MEETING – 11 FEBRUARY 2020

ITEM NO. 1

**FILE NO: 20/8454
EDRMS NO: 16-2019-270-1**

DEVELOPMENT APPLICATION 16-2019-270-1 FOR THE DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW SINGLE STOREY DWELLING AND GARAGE AT 862 PATERSON ROAD, WOODVILLE LOT:510 DP:1150491

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application No.16-2019-270-1 for the demolition of the existing structures and construction of a new single storey dwelling and garage subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 11 FEBRUARY 2020
MOTION**

001	<p>Councillor Ken Jordan Mayor Ryan Palmer</p> <p>It was resolved that Development Application No.16-2019-270-1 for the demolition of the existing structures and construction of a new single storey dwelling and garage be deferred.</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, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Cr Jaimie Abbott.

The motion was carried.

Councillor Ken Jordan left the meeting at 6.22pm prior to voting on this item.
Councillor Ken Jordan returned to the meeting at 6.24pm prior to voting on this item.

ITEM NO. 2

**FILE NO: 19/400214
EDRMS NO: 16-2019-194-1**

DEVELOPMENT APPLICATION 16-2019-194-1 FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING (12 APARTMENTS) WITH CARPARKING AND POOL AT 10 THURLOW AVENUE, NELSON BAY - LOT 6 SEC 1 DP8391

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens Local Environmental Plan 2013 – Height of Building standard for the proposed development at 10 Thurlow Avenue, Nelson Bay for the following reasons:
 - a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances.
 - b) There are sufficient environmental planning grounds to justify the contravention.
 - c) The development achieves and is consistent with the objectives of the R3 zone, notwithstanding the variation.
 - d) The proposed development is an appropriate response to the context of the site.
 - e) The proposed development will not have a significant environmental impact, is in the public interest and better achieves the development standard's objectives.
 - f) The proposed variation will not hinder the attainment of the object specified in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).
 - g) The contravention does not raise any matter of State or Regional Significance.
 - 2) Approve Development Application No.16-2019-194-1 for demolition of existing dwelling and construction of a residential flat building comprising 12 apartments, car parking and pool at 10 Thurlow Avenue, Nelson Bay subject to the conditions contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 11 FEBRUARY 2020
MOTION**

002	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens Local Environmental Plan 2013 – Height of Building standard for the proposed development at 10 Thurlow Avenue, Nelson Bay for the following reasons: <ol style="list-style-type: none"> a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances. b) There are sufficient environmental planning grounds to justify the contravention. c) The development achieves and is consistent with the objectives of the R3 zone, notwithstanding the variation. d) The proposed development is an appropriate response to the context of the site. e) The proposed development will not have a significant environmental impact, is in the public interest and better achieves the development standard’s objectives. f) The proposed variation will not hinder the attainment of the object specified in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). g) The contravention does not raise any matter of State or Regional Significance. 2) Approve Development Application No.16-2019-194-1 for demolition of existing dwelling and construction of a residential flat building comprising 12 apartments, car parking and pool at 10 Thurlow Avenue, Nelson Bay subject to the conditions contained in (ATTACHMENT 3) and the inclusion of: <ol style="list-style-type: none"> a) Amending Condition 1.2 to include ‘e) The car park designs must be updated to provided electric vehicle charging stations to at least 50% of the units. This can be facilitated via shared or dedicated charging stations.’ b) Inserting an additional Condition 5.16 to state ‘Car Parking – All electric vehicle charging stations must be installed in accordance
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	with this consent.'
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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, Ken Jordan, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

ITEM NO. 3

**FILE NO: 19/376141
EDRMS NO: PSC2019-05430**

LOCAL STRATEGIC PLANNING STATEMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Port Stephens Local Strategic Planning Statement 2040 (**ATTACHMENT 1**) for public exhibition for a period of 28 days, in accordance with the Environmental Planning and Assessment Act 1979.

**ORDINARY COUNCIL MEETING - 11 FEBRUARY 2020
MOTION**

008	<p>Councillor Paul Le Mottee Councillor Sarah Smith</p> <p>It was resolved that Council endorse the draft Port Stephens Local Strategic Planning Statement 2040 (ATTACHMENT 1) for public exhibition for a period of 28 days, in accordance with the Environmental Planning and Assessment Act 1979.</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, and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 4

**FILE NO: 19/384748
EDRMS NO: PSC2018-02453**

PORT STEPHENS LOCAL HOUSING STRATEGY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Port Stephens Local Housing Strategy (Live Port Stephens) (**ATTACHMENT 1**) for public exhibition for a minimum period of 28 days.

**ORDINARY COUNCIL MEETING - 11 FEBRUARY 2020
MOTION**

009	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the draft Port Stephens Local Housing Strategy (Live Port Stephens) (ATTACHMENT 1) for public exhibition for a minimum period of 28 days.2) Note the following update to the consultation section following consultation with the NSW Department of Planning, Industry and Environment (DPIE).
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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, and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 5

**FILE NO: 19/384727
EDRMS NO: PSC2019-05565**

**AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
CHAPTER A.11 DEVELOPMENT NOTIFICATION**

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. 13) (the Amendment) (**ATTACHMENT 1**) to repeal Chapter A.11 – Development Notification.
- 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 - 11 FEBRUARY 2020
MOTION**

010	<p>Councillor John Nell Councillor Jaimie Abbott</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. 13) (the Amendment) (ATTACHMENT 1) to repeal Chapter A.11 – Development Notification. 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.
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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 and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2020

ITEM NO. 2

**FILE NO: 20/17121
EDRMS NO: PSC2019-03541**

POLICY DEVELOPMENT: REZONING REQUEST POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission received during the public exhibition period **(ATTACHMENT 2)**.
- 2) Adopt the Rezoning Request Policy **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020
MOTION**

034	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submission received during the public exhibition period (ATTACHMENT 2). 2) Adopt the Rezoning Request Policy (ATTACHMENT 1).
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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, Ken Jordan, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Cr Giacomo Arnott.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 20/38697
EDRMS NO: PSC2017-00019**

CLIMATE CHANGE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across the east coast of NSW.
- 2) Note that former Commissioner of Fire & Rescue NSW, Greg Mullins AFSM, notes that the ferocity and intensity of these fires is a result of climate change.
- 3) Recognise that we are in a state of climate and ecological crisis that requires urgent action by all levels of government.
- 4) Accelerate the development of a Climate Action Policy by making it Council's number one policy priority.

**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020
MOTION**

<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council:</p> <ol style="list-style-type: none">1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across the east coast of NSW.2) Note that former Commissioner of Fire & Rescue NSW, Greg Mullins AFSM, notes that the ferocity and intensity of these fires is a result of climate change.3) Recognise that we are in a state of climate and ecological crisis that requires urgent action by all levels of government.4) Accelerate the development of a Climate Action Policy by making it Council's number one policy priority.

**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020
AMENDMENT**

040	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across Australia. 2) Acknowledge all the hardworking firefighters/emergency services and the tremendous leadership of RFS commissioner Fitzsimmons. 3) Recognises that the climate in Australia is changing and that ongoing action is needed on climate change to ensure a sustainable future for Port Stephens. 4) As per our previous resolution from the meeting on the 24th of September Port Stephens Council will as part of its 2020 community strategic planning process: <ol style="list-style-type: none"> a) engage with the community and business to obtain suggestions for initiatives to reduce their impact on climate change b) identify initiatives to reduce Councils impact on climate change with an associated funding strategy. 5) Initiate the development of a Climate Action Policy as a priority.
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The amendment on being put became the motion which was carried.

Cr Arnott recorded his vote against the amendment.

Cr John Nell and Cr Giacomo Arnott called for a division.

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

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 10 MARCH 2020

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 20/42371
EDRMS NO: PSC2017-00019**

TREE MORATORIUM

COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by the Port Stephens Council's tree permit requirements where there is a risk to human life and/or property for a period of 12 months.
 - 2) During the 12 month moratorium, Council will develop and roll out an education program and supporting material to clarify tree removal requirements and exemptions for the community.
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**ORDINARY COUNCIL MEETING - 10 MARCH 2020
MOTION**

055	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by the Port Stephens Council's tree permit requirements where there is a risk to human life and/or property for a period of 12 months.2) During the 12 month moratorium, Council will develop and roll out an education program and supporting material to clarify tree removal requirements and exemptions for the community.
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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.

The motion was carried.

**ORDINARY COUNCIL MEETING - 10 MARCH 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That a report be prepared outlining the current process for dangerous tree removal, including expected time frames, expected cost to residents, and any barriers which hinder residents' access to existing approval exemptions for dangerous trees. This report should include an outline of any successes and failings of the 2015-16 tree moratorium.</p>
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The amendment on being put was lost.



ORDINARY COUNCIL MEETING – 14 APRIL 2020

Mayor Ryan Palmer left the meeting at 6:22pm, prior to item 1.
Cr Chris Dooan, Deputy Mayor chaired the meeting for item 1.

ITEM NO. 1

FILE NO: 20/58198

EDRMS NO: 16-2019-661-1

DEVELOPMENT APPLICATION 16-2019-661-1 FOR PROPOSED DEMOLITION AND ERECTION OF A RESIDENTIAL FLAT BUILDING AT 54, 54A, 54B SHOAL BAY ROAD AND 20 GOWRIE AVENUE, NELSON BAY

REPORT OF: Kate Drinan - Development Assessment and Compliance
Section Manager
GROUP: Development Services

RECOMMENDATION IS THAT COUNCIL:

- 1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens Local Environmental Plan 2013 – Height of Building standard for the proposed development for the following reasons:
 - a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances.
 - b) There are sufficient environmental planning grounds to justify the contravention.
 - c) The development achieves and is consistent with the objectives of the R3 zone, notwithstanding the variation.
 - d) The proposed development is an appropriate response to the context of the site.
 - e) The proposed development will not have a significant environmental impact, is in the public interest and better achieves the development standard’s objectives.
 - f) The contravention does not raise any matter of State or regional significance.
- 2) Approve Development Application DA No. 16-2019-661-1 for demolition of existing structures and erection of a residential flat building subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Ordinary Council Meeting - 14 April 2020

Motion

048	Councillor Ken Jordan Councillor Glen Dunkley
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	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens Local Environmental Plan 2013 – Height of Building standard for the proposed development for the following reasons: <ol style="list-style-type: none"> a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances. b) There are sufficient environmental planning grounds to justify the contravention. c) The development achieves and is consistent with the objectives of the R3 zone, notwithstanding the variation. d) The proposed development is an appropriate response to the context of the site. e) The proposed development will not have a significant environmental impact, is in the public interest and better achieves the development standard’s objectives. f) The contravention does not raise any matter of State or regional significance. 2) Approve Development Application DA No. 16-2019-661-1 for demolition of existing structures and erection of a residential flat building subject to the recommended Conditions of Consent contained in (ATTACHMENT 3).
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs 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.

The motion was carried.

Mayor Ryan Palmer returned to the meeting at 6:31pm and resumed the Chair.

ITEM NO. 2

FILE NO: 20/70052

EDRMS NO: 16-2020-105-1

**DEVELOPMENT APPLICATION 16-2020-105-1 FOR PROPOSED ONE INTO TWO
LOT TORRENS TITLE SUBDIVISION AT 9B DIEMARS ROAD, SALAMANDER
BAY**

REPORT OF: Kate Drinan - Development Assessment and Compliance
Section Manager

GROUP: Development Services

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2020-105-1 for a 1 into 2 lot Torrens title subdivision at 9B Diemars Road, Salamander Bay (Lot: 644 DP: 658258) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Ordinary Council Meeting - 14 April 2020

Motion

049	Councillor Ken Jordan Councillor Glen Dunkley It was resolved that Council approve Development Application 16-2020-105-1 for a 1 into 2 lot Torrens title subdivision at 9B Diemars Road, Salamander Bay (Lot: 644 DP: 658258) subject to the recommended Conditions of Consent contained in (ATTACHMENT 3) .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: 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.

The motion was carried

ITEM NO. 3

FILE NO: 20/31171

EDRMS NO: PSC2017-01665

Fern Bay and North Stockton Strategy

REPORT OF: Steven Peart - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: Development Services

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition of the draft Fern Bay and North Stockton Strategy and the response to the public submissions **(ATTACHMENT 1)**.
 - 2) Adopt the Fern Bay and North Stockton Strategy, as amended **(ATTACHMENT 2)**.
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**Ordinary Council Meeting - 14 April 2020
Motion**

050	<p>Councillor Chris Doohan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions received during the exhibition of the draft Fern Bay and North Stockton Strategy and the response to the public submissions (ATTACHMENT 1). 2) Adopt the Fern Bay and North Stockton Strategy, as amended (ATTACHMENT 2).
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Councillor Paul Le Mottee left the meeting at 6:35pm, prior to voting on item 3.
Councillor Paul Le Mottee returned to the meeting at 6:35pm, prior to voting on item 3.

Councillor Ken Jordan left the meeting at 6:36pm, prior to voting item 3.
Councillor Ken Jordan returned to the meeting at 6:36pm, prior to voting 3.

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.

The motion was carried.

ITEM NO. 4

FILE NO: 20/30675

EDRMS NO: 58-2017- 4-1

58-2017- 1-1

Planning Proposals for Seaside Boulevarde, Fern Bay and 42 Fullerton Cove Road, Fullerton Cove

REPORT OF: Steven Peart - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: Development Services

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 4**) to amend the Port Stephens Local Environmental Plan 2013 for land at 42 Fullerton Cove Road, Fullerton Cove (Lot 14 DP 258848) to:
 - a. rezone the land from RU2 Rural Landscape to part B1 Neighbourhood Centre and part E2 Environmental Conservation.
 - b. remove the minimum lot size restrictions for the proposed B1 zoned land.
 - c. apply a building height restriction of 9 metres on the proposed B1 zoned land.
 - d. insert a local provision to restrict the retail gross floor area of development on the site to 1500sqm.
 - 2) Adopt the planning proposal (**ATTACHMENT 5**) to amend the Land Zoning Map, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 2, 4, 4A, 4B, and 6 Seaside Boulevarde, Fern Bay and 20, 22, 23, 24, 25 and 26 Sovereign Street, Fern Bay (Part of Lot 27, DP 270466, Lots 2, 3, 4, 20, 21 and 22, and Part of Lots 5, 19, 23 and 24, DP 280072) to rezone the land from B1 Neighbourhood Centre to R2 Low Density Residential.
 - 3) Forward the planning proposals to the NSW Department of Planning, Industry and Environment for Gateway determination and request authorisation to make the plans.
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Ordinary Council Meeting - 14 April 2020

Motion

051	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the proponent for the planning proposal (ATTACHMENT 5 to Item No. 4) at 2, 4, 4A, 4B, and 6 Seaside Boulevard, Fern Bay and 20, 22, 23, 24, 25 and 26 Sovereign Street, Fern Bay (Part of Lot 27, DP 270466, Lots 2, 3, 4, 20, 21 and 22, and Part of Lots 5, 19, 23 and 24, DP 280072) withdrew the planning proposal request on 9 April 2020. 2) Adopt the planning proposal (ATTACHMENT 4 to Item No. 4) to amend the Port Stephens Local Environmental Plan 2013 for land at 42 Fullerton Cove Road, Fullerton Cove (Lot 14 DP 258848) to: <ol style="list-style-type: none"> a. rezone the land from RU2 Rural Landscape to part B1 Neighbourhood Centre and part E2 Environmental Conservation. b. remove the minimum lot size restrictions for the proposed B1 zoned land. c. apply a building height restriction of 9 metres on the proposed B1 zoned land. d. insert a local provision to restrict the retail gross floor area of development on the site to 1500sqm. 3) Forward the planning proposal to amend the Port Stephens Local Environmental Plan 2013 for land at 42 Fullerton Cove Road, Fullerton Cove (Lot 14 DP 258848) to the NSW Department of Planning, Industry and Environment for Gateway determination and request authorisation to make the plan. 4) Does not adopt the planning proposal (ATTACHMENT 5 to Item No. 4) for the land at 2, 4, 4A, 4B, and 6 Seaside Boulevard, Fern Bay and 20, 22, 23, 24, 25 and 26 Sovereign Street, Fern Bay (Part of Lot 27, DP 270466, Lots 2, 3, 4, 20, 21 and 22, and Part of Lots 5, 19, 23 and 24, DP 280072).
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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.

The motion was carried.

ORDINARY COUNCIL MEETING – 12 MAY 2020

ITEM NO. 1

**FILE NO: 20/76276
EDRMS NO: 16-2020-11-1**

**DEVELOPMENT APPLICATION NO. 16-2020-11-1 FOR TELECOMMUNICATIONS
INFRASTRUCTURE (UNDERGROUND CABLING, PIT AND ASSOCIATED
WORKS) AT 1A MUSTONS ROAD, KARUAH**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2020-11-1 for telecommunications infrastructure (underground cabling, pit and associated works) at 1A Mustons Road, Karuah and land within the road reserve adjacent to 1 and 1A Mustons Road, Karuah subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION**

003	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council approve Development Application 16-2020-11-1 for telecommunications infrastructure (underground cabling, pit and associated works) at 1A Mustons Road, Karuah and land within the road reserve adjacent to 1 and 1A Mustons Road, Karuah 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, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 2

**FILE NO: 20/69021
EDRMS NO: 16-2019-339-2**

DEVELOPMENT APPLICATION 16-2019-339-2 FOR A S4.55(1A) MODIFICATION TO APPROVED SERVICE STATION AND FOOD AND DRINK PREMISES - AMEND HOURS OF OPERATION AT 795 AND 787 MEDOWIE ROAD, MEDOWIE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 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 - 12 MAY 2020
MOTION**

	<p>Councillor Steve Tucker Councillor Sarah Smith</p> <p>That Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3).</p>
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**ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink</p>
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	<p>premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3) and amend condition 58 to read:</p> <p><i>The service station is only to be open for business and uses for the purpose approved within the following hours:</i></p> <p><i>Monday – Sunday/Public Holidays - 6am to 10pm.</i></p> <p><i>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.</i></p> <p><i>This conditions shall have effect for a 12 month period following commencement of operations after which time a modification application for 24 hour operations may be submitted with evidence that the operation does not cause amenity impacts to the neighbourhood.</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: Crs Giacomo Arnott, Ken Jordan and John Nell.

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

The amendment was lost.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>That Council defer the matter to the Council meeting to be held in June 2020 to enable discussions with the applicant to develop conditions to minimise the impact on the amenity of neighbours.</p>
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Councillor Paul Le Mottee left the meeting at 6:27pm prior to voting prior to voting.
Councillor Paul Le Mottee returned to the meeting at 6:27pm 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 Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell and Sarah Smith

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

The amendment was lost on the casting vote of the Mayor.

ORDINARY COUNCIL MEETING - 12 MAY 2020

AMENDMENT

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 125257) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3) and the following additional conditions to be added to the approval for this proposal:</p> <ol style="list-style-type: none">1. Proponent will install a sign at the entrance to the site, noting that there is no heavy vehicle refuelling.2. Fuel deliveries may only occur between 8AM and 8PM.3. The night pay window will operate from 10PM-5AM, to reduce the amount of late-night vehicle movements in the vicinity of the business.
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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, Chris Doohan, Ken Jordan and John Nell.

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

The amendment was lost.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION**

004	<p>Councillor Steve Tucker Councillor Sarah Smith</p> <p>It was resolved that Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and 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 Jaimie Abbott, Chris Doohan, Glen Dunkley, Paul Le Mottee and Steve Tucker.

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

The motion was carried.

Councillor Paul Le Mottee left the meeting at 6:51pm prior to item 3.

ITEM NO. 3

**FILE NO: 20/59680
EDRMS NO: 58-2018-16-1**

PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE

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 part of the land at 5 Speedy Lock Lane, Heatherbrae (Lot 173 DP 808771) from RU2 Rural Landscape to R2 Low Density Residential (**ATTACHMENT 1**).
 - 2) Receive and note the submissions received during the exhibition of the amended planning proposal (**ATTACHMENT 3**).
 - 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 (NSW).
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**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION**

005	<p>Councillor Giacomo Arnott Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the amendments to the planning proposal to rezone part of the land at 5 Speedy Lock Lane, Heatherbrae (Lot 173 DP 808771) from RU2 Rural Landscape to R2 Low Density Residential (ATTACHMENT 1). 2) Receive and note the submissions received during the exhibition of the amended planning proposal (ATTACHMENT 3). 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 (NSW).
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Councillor Ken Jordan left the meeting at 6:58pm 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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

Councillor Paul Le Mottee returned to the meeting at 7:00pm prior to item 4.

ITEM NO. 4

**FILE NO: 20/92022
EDRMS NO: PSC2019-05565**

**AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
CHAPTER A11 DEVELOPMENT NOTIFICATION**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission received during the exhibition period
(ATTACHMENT 3).
 - 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13)
(ATTACHMENT 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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**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION**

006	<p>Councillor Sarah Smith Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submission received during the exhibition period (ATTACHMENT 3). 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) (ATTACHMENT 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, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 9 JUNE 2020

ITEM NO. 1

**FILE NO: 20/63358
EDRMS NO: DA16-2019-616-1**

DEVELOPMENT APPLICATION 16-2019-616-1 FOR PROPOSED FOOD AND DRINK PREMISES - MCDONALDS RESTURANT AT 795 MEDOWIE ROAD, MEDOWIE (LOT:1 DP:1215257)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application No.16-2019-616-1 for a Food and Drink Premises (McDonald's Restaurant), subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 JUNE 2020
MOTION**

	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>That Council approve Development Application No.16-2019-616-1 for a Food and Drink Premises (McDonald's Restaurant), subject to the Recommended Conditions of Consent contained in (ATTACHMENT 1) of the Supplementary Information.</p>
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**ORDINARY COUNCIL MEETING - 9 JUNE 2020
MOTION**

007	<p>Councillor Giacomo Arnott Mayor Ryan Palmer</p> <p>It was resolved that Council grant Cr Chris Doohan an extension of time to address Council for a period of 2 minutes.</p>
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**ORDINARY COUNCIL MEETING - 9 JUNE 2020
AMENDMENT**

008	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council approve Development Application No.16-2019-616-1 for a Food and Drink Premises (McDonald's Restaurant), subject to the Recommended Conditions of Consent contained in (ATTACHMENT 1) of the Supplementary Information, subject to the inclusion of the additional wording in condition 2:</p> <p>“Signage Lighting - 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 allowable (as set by AS 1158 and AS 4282) during the hours of 10pm and 5am. The lighting plan must include details regarding the control of obtrusive lighting associated with the development and be submitted to Council for approval.”</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, Paul Le Mottee and John Nell.

Those against the Motion: Crs Chris Doohan, Sarah Smith and Steve Tucker.

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

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

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

Those against the Motion: Nil.

The motion was carried.

Councillor Paul Le Mottee left the meeting at 6pm prior to item 2.
Mayor Ryan Palmer left the meeting at 6pm prior to item 2.

The Mayor vacated the chair and the Deputy Mayor chaired the meeting. Due to a lack of a quorum the Deputy Mayor adjourned the meeting for 15 minutes at 6.01pm.

At the time of adjournment the following were present: Cr Giacomo Arnott, Cr Steve Tucker, Cr Sarah Smith, Cr John Nell and Cr Chris Doohan.

The meeting resumed at 6.16pm without a quorum for item 2. All those in attendance at the adjournment were present.

The Deputy Mayor advised that item 2 be deferred to the next Council meeting to be held on 23 June 2020 at 5.30pm, Council Chamber, 116 Adelaide Street, Raymond Terrace.

ITEM NO. 2

**FILE NO: 20/128691
EDRMS NO: 58-2019-5-1**

**PLANNING PROPOSAL FOR 96, 98 & 100 PORT STEPHENS STREET,
RAYMOND TERRACE**

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, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 96, 98 and 100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP 195285) to rezone the land from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9 metres to 15 metres and remove minimum lot size provisions.
 - 2) Forward the planning proposal to the NSW Department of Planning, Infrastructure and Environment for a Gateway determination and request authority to make the plan.
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ORDINARY COUNCIL MEETING – 23 JUNE 2020

ITEM NO. 1

**FILE NO: 20/163292
EDRMS NO: 16-2020-230-1**

16-2020-230-1 - 48359 - FOR DEVELOPMENT OF A NEW EDUCATIONAL ESTABLISHMENT BEING A TAFE NSW CONNECTED LEARNING CENTRE AT 1 CENTRAL AVENUE, SALAMANDER BAY NSW 2317 - LOT: 8 DP: 1239352

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application No.16-2020-230-1 for construction of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC) at 1 Central Avenue, Salamander Bay subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 23 JUNE 2020
MOTION**

009	<p>Councillor Ken Jordan Councillor John Nell</p> <p>It was resolved that Council approve Development Application No.16-2020-230-1 for construction of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC) at 1 Central Avenue, Salamander Bay 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, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

Councillor Paul Le Mottee left the meeting at 5:57pm prior to item 2.
Mayor Ryan Palmer left the meeting at 5:57pm prior to item 2.

The Deputy Mayor chaired the meeting in the absence of the Mayor.

ITEM NO. 2

**FILE NO: 20/164773
EDRMS NO: 58-2019-5-1**

**PLANNING PROPOSAL FOR 96, 98 & 100 PORT STEPHENS STREET,
RAYMOND TERRACE**

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, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 96, 98 and 100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP 195285) to rezone the land from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9 metres to 15 metres and remove minimum lot size provisions.
 - 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 - 23 JUNE 2020

MOTION

010	<p>Councillor Ken Jordan Councillor Glen Dunkley</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, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 96, 98 and 100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP 195285) to rezone the land from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9 metres to unrestricted and remove minimum lot size
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	provisions.
	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.

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, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

Councillor Paul Le Mottee returned to the meeting at 6:06pm prior to item 3.
Mayor Ryan Palmer returned to the meeting at 6:06pm prior to item 3.

Mayor resumed the chair.

ITEM NO. 3

**FILE NO: 20/100830
EDRMS NO: PSC2019-05565**

**DRAFT AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL
PLAN 2014 – CHAPTER B1 TREE MANAGEMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit a draft amendment (the Amendment) to the Port Stephens Development Control Plan 2014 (**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.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2020
MOTION**

011	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Exhibit a draft amendment (the Amendment) to the Port Stephens Development Control Plan 2014 (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,
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	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 Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 14 JULY 2020

ITEM NO. 1

**FILE NO: 20/159951
EDRMS NO: DA 16-2019-598-1**

DA 16-2019-598-1 FOR A CAMPING GROUND (50 CAMP SITES) WITH AMENITIES AND KITCHEN AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

	<p>Councillor John Nell Councillor Ken Jordan</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3).</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The</p>
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	<p>Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6(2) as follows:</p> <p>1. Condition 6 (2) be modified to read:</p> <p>(2) Roads Act Approval - For construction/reconstruction of public infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138 of the Roads Act 1993.</p> <p>Where road works are required on a State road or Highway, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under the Roads Act 1993 (the Act) and the functions of the roads authority.</p> <p>Works required for completion prior to occupation or operation of the development will include, but not be limited to:</p> <ul style="list-style-type: none"> • Intersection treatment, in accordance with current Austroads Guides, is to be constructed at the Pacific Highway intersection to cater for a minimum increase of 50 additional vehicle movements per day in addition to projected traffic increase along the Buckets Way and Pacific Highway
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The amendment lapsed without a seconder.

Cr Glen Dunkley left the meeting at 6.32pm.

Cr Glen Dunkley returned to the meeting at 6.35pm.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and</p>
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	<p>modify condition 6(2) as follows:</p> <p>Condition 6 (2) be modified to read:</p> <p>(2) Roads Act Approval - For construction/reconstruction of public infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138 of the Roads Act 1993.</p> <p>Where road works are required on a State road or Highway, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under the Roads Act 1993 (the Act) and the functions of the roads authority.</p> <p>Works required for completion prior to occupation or operation of the development will include, but not be limited to:</p> <ul style="list-style-type: none"> • A BAL/BAR intersection treatment, in accordance with current Austroads Guides, is to be constructed at the proposed main entry to the site and this may include tree removal within the clear zone at the Direction of the Roads Authority. • Shoulder widening, to the satisfaction of the Roads Authority, to allow safe waste collection without impeding traffic flows on The Bucketts Way. • The Bucketts Way is to be upgraded to an Austroads compliant dual carriageway, two way, road for a length of 100m in both directions from the centreline of the proposed main entrance. • Demonstration that appropriate sight distances for vehicles entering and exiting the site can be achieved in accordance with Austroads Guide to Road Design.
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor John Nell</p>
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	<p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6.0(7) as follows:</p> <p>Condition 6.0 (7) be modified to read:</p> <p>(7) Operational Plan of Management – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:</p> <p>Maximum onsite stay of four consecutive nights for visitors</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: Cr Giacomo Arnott.

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

The amendment was lost.

ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION

012	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council defer item 1 development application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144).</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 was put and became the motion which was carried.

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

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

Those against the Motion: Cr Ken Jordan.

The motion was carried.

Cr Paul Le Mottee entered the meeting at 6.40pm.

ITEM NO. 2

**FILE NO: 20/145902
EDRMS NO: PSC2019-05430**

PORT STEPHENS LOCAL STRATEGIC PLANNING STATEMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions made during the exhibition of the draft Port Stephens Local Strategic Planning Statement (**ATTACHMENT 1**).
 - 2) Adopt the Local Strategic Planning Statement, as amended (**ATTACHMENT 2**) and repeal the Port Stephens Planning Strategy 2011 (**ATTACHMENT 3**).
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**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

013	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions made during the exhibition of the draft Port Stephens Local Strategic Planning Statement (ATTACHMENT 1). 2) Adopt the Local Strategic Planning Statement, as amended (ATTACHMENT 2) and repeal the Port Stephens Planning Strategy 2011 (ATTACHMENT 3).
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2020**

**Section 375A, Local Government Act 1993
(DLG Circular 08-45)**

The motion was carried.

Councillor Paul Le Mottee left the meeting at 6:46pm.

ITEM NO. 3

**FILE NO: 20/153305
EDRMS NO: PSC2018-02453**

PORT STEPHENS LOCAL HOUSING STRATEGY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition of the draft Port Stephens Local Housing Strategy (Live Port Stephens) (**ATTACHMENT 1**).
 - 2) Adopt Live Port Stephens, as amended (**ATTACHMENT 2**) and repeal the Port Stephens Rural Residential Policy (**ATTACHMENT 3**). Adopted on 13 June 2017, Minute No.123.
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**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

014	<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 the submissions received during the exhibition of the draft Port Stephens Local Housing Strategy (Live Port Stephens) (ATTACHMENT 1). 2) Adopt Live Port Stephens, as amended (ATTACHMENT 2) and repeal the Port Stephens Rural Residential Policy (ATTACHMENT 3). Adopted on 13 June 2017, Minute No.123.
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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.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2020**

**Section 375A, Local Government Act 1993
(DLG Circular 08-45)**

The motion was carried.

Councillor John Nell left the meeting at 7:19pm.

ITEM NO. 5

**FILE NO: 20/172414
EDRMS NO: PSC2014-01768**

COMMUNITY ENGAGEMENT STRATEGY AMENDMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Community Engagement Strategy provided at **(ATTACHMENT 1)**.
 - 2) Place the revised Community Engagement Strategy **(ATTACHMENT 1)** on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted without a further report to Council.
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Councillor John Nell returned to the meeting at 7:21pm.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

015	<p>Councillor Sarah Smith Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the revised Community Engagement Strategy provided at (ATTACHMENT 1). 2) Place the revised Community Engagement Strategy (ATTACHMENT 1) on public exhibition for a period of 28 days and should no submissions be received, the strategy 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.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2020**

**Section 375A, Local Government Act 1993
(DLG Circular 08-45)**

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: Cr Giacomo Arnott.

The motion was carried.

ORDINARY COUNCIL MEETING 11 AUGUST 2020

ITEM NO. 1

**FILE NO: 20/194760
EDRMS NO: 16-2019-598-1**

**DA 16-2019-598-1 FOR A CAMPING GROUND (50 CAMP SITES) WITH
AMENITIES AND KITCHEN AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 11 AUGUST 2020

	The General Manager requested item 1 be withdrawn from the agenda. Item 1 was withdrawn from the agenda with the consent of the Chair.
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ITEM NO. 2

**FILE NO: 20/185545
EDRMS NO: 58-2016-2-1**

**REFUND PLANNING PROPOSAL FEE FOR 775, 777 AND 781 MARSH ROAD
BOBS FARM**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the proponent of a planning proposal for land at 775, 777 and 781 Marsh Road, Bobs Farm seeks to withdraw the proposal.
- 2) Refund 25% of the Stage 2 planning proposal fee (\$2660.00) to the proponent of the planning proposal in accordance with Council's adopted Fees and Charges Schedule 2020 to 2021.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

016	<p>Councillor Jaimie Abbott Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the proponent of a planning proposal for land at 775, 777 and 781 Marsh Road, Bobs Farm seeks to withdraw the proposal. 2) Refund 50% of the Stage 2 planning proposal fee (\$5320.00) to the proponent of the planning proposal.
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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, John Nell and Sarah Smith.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

ITEM NO. 3

**FILE NO: 20/175515
EDRMS NO: PSC2018-01213**

109 FORESHORE DRIVE, SALAMANDER BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the funding details for the Tomaree Sports Complex Master Plan as outlined in the report.
- 2) Consider the Notice of Motion deferred by Council (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That Council request the General Manager to reclassify Lot 95 in Deposited Plan 26610 at 109 Foreshore Drive, Salamander Bay, directly opposite the Mambo Wetland, from Operational to Community Land.</p>
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Councillor Paul Le Mottee entered the meeting at 6:29pm.

The motion was lost.

Cr Arnott and 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 and Sarah Smith.

ORDINARY COUNCIL MEETING – 25 AUGUST 2020

ITEM NO. 1

**FILE NO: 20/76043
EDRMS NO: 16-2019-679-1**

DEVELOPMENT APPLICATION 16-2019-679-1 FOR DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF SHOPTOP HOUSING AND DETACHED DWELLING AT 26 KING STREET, RAYMOND TERRACE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2019-679-1 for the demolition of the existing single storey commercial structure and the construction of shop top housing (2 commercial units on the ground floor and 2 residential units above) at 26 King Street, Raymond Terrace (Lot: 1 DP:862816) subject to the Reasons for Refusal contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-679-1 for the demolition of the existing single storey commercial structure and the construction of shop top housing (2 commercial units on the ground floor and 2 residential units above) at 26 King Street, Raymond Terrace (Lot: 1 DP:862816) subject to the Condition of Consent contained in (CONDITIONS OF CONSENT 1 TABLED AT THE MEETING).</p>
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**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Mayor Ryan Palmer Councillor Jaimie Abbott</p>
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	<p>That Council approve Development Application 16-2019-679-1 for the demolition of the existing single storey commercial structure and the construction of shop top housing (2 commercial units on the ground floor and 2 residential units above) at 26 King Street, Raymond Terrace (Lot: 1 DP:862816) subject to the Condition of Consent contained in (CONDITIONS OF CONSENT 2 TABLED AT THE 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 and Crs Jaimie Abbott.

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

The amendment was lost.

The original motion moved by Cr John Nell was subsequently amended to defer item 1 as follows.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

017	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>It was resolved that Council defer Development Application 16-2019-679-1 for the demolition of the existing single storey commercial structure and the construction of shop top housing (2 commercial units on the ground floor and 2 residential units above) at 26 King Street, Raymond Terrace (Lot: 1 DP:862816) until the Ordinary Council meeting to be held on 22 September 2020.</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, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Nil.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2020**

**Section 375A, Local Government Act 1993
(DLG Circular 08-45)**

The motion was carried.

ITEM NO. 2

**FILE NO: 20/254833
EDRMS NO: DA 16-2019-598-1**

DA 16-2019-598-1 FOR A CAMPING GROUND (50 CAMP SITES) WITH AMENITIES AND KITCHEN AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

018	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3) subject to the following changes:</p> <p>1) Amendment to condition 6.0(5) to read:</p> <p>6.0 (5) Revegetation planting – The applicant must plant within the following areas:</p> <ul style="list-style-type: none"> • along the southern boundary; • along the northern boundary of the lot between the new shed (east) and the parking area (west). No plating must occur within the areas of the mapped habitat area for <i>Pterostylis chaetophora</i>; and • along the northern edge of the access road between the eastern extent of the amenities building camping site 43 (west). Planting in this area
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should consist of shrubs only.

The following plant species must be planted at no cost to Council:

Species name	Common name	Pot size	Density
Trees			
<i>Corymbia maculata</i>	Spotted Gum	Tube stock	1 per 6 m ²
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Mature tree stock (20 litre pot size)	1 per 10m ²
<i>Eucalyptus fibrosa</i>	Broad-leaved Ironbark		
Shrubs			
<i>Melaleuca decora</i>	White Feather Honey Myrtle	Tube stock	1 per 4 m ²
<i>Melaleuca stypheloides</i>	Prickly-leaved Paperbark	Mature tree stock (20 litre pot size)	1 per 8m ²
<i>Callistemon salignus</i>	Willow Bottlebrush		
Groundcover			
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	Tube stock / hiko	1 per 2 m ²

Planting must include at least 30% mature tree stock.

Details demonstrating compliance must be provided to the Certifying Authority.

2) Amendment to condition 7.0(9) to read:

7.0 (9) Use of caravans – No more than 25 caravans are permitted on site at any one time. A caravan is not to stay onsite for any longer than four (4) consecutive nights.

3) Inclusion of the following additional condition prior to the issue of the

	<p>construction certificate:</p> <p>2.0 (15) Amenity – The detention basin wall along the southern boundary of the site must be redesigned to have a finished height of 1.2m above existing ground level.</p> <p>4) Amendment to condition 6.0(7) to read:</p> <p>6.0 (7) Operational Plan of Management – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 24 hour on-site management <input type="checkbox"/> Noise management and abatement <input type="checkbox"/> Emergency procedures <input type="checkbox"/> Emergency and after hours contact numbers for visitors and nearby residents <input type="checkbox"/> Security <input type="checkbox"/> Antisocial behaviour of visitors <input type="checkbox"/> Visitor arrival and departure times <input type="checkbox"/> Maximum onsite stay of four (4) consecutive nights for visitors <input type="checkbox"/> Restriction on individual campsite fires <ul style="list-style-type: none"> • Litter Management Strategy (with the intent to reduce the impact on the site and neighbouring sites) • Restraining animals at all times.
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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 Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

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

The motion was carried.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council refer The Bucketts Way to the Local Traffic Committee requesting a review of the speed along this section of road, with a view to reducing the speed limit to improve safety.</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council add a condition to the consent requiring an internal chain-link fence 6 feet in height with screening and "keep out" signage alongside both properties alongside the property, to deter trespassers, ensure security for neighbours, and protect from animals entering the property from the camping ground.</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council add a condition to the operational management plan to disallow animals from being brought on to the campsite to reduce noise and trespassing.</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council modify the Conditions of Consent to ensure the intersection of The Bucketts Way and the property has a slipway to enter the property.</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council add a condition to fix the fence on the western boundary of the property.</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
FORESHADOWED MOTION**

	<p>Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3) subject to the following changes:</p> <p>1) Amendment to condition 6.0(5) to read:</p> <p>6.0 (5) Revegetation planting – The applicant must plant within the following areas:</p> <ul style="list-style-type: none"> • along the southern boundary; • along the northern boundary of the lot between the new shed (east) and the parking area (west). No plating must occur within the areas of the mapped habitat area for Pterostylis
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chaetophora; and

- along the northern edge of the access road between the eastern extent of the amenities building camping site 43 (west). Planting in this area should consist of shrubs only.

The following plant species must be planted at no cost to Council

Species name	Common name	Pot size	Density
Trees			
<i>Corymbia maculata</i>	Spotted Gum	Tube stock	1 per 6 m ²
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Mature tree stock (20 litre pot size)	1 per 10m ²
<i>Eucalyptus fibrosa</i>	Broad-leaved Ironbark		
Shrubs			
<i>Melaleuca decora</i>	White Feather Honey Myrtle	Tube stock	1 per 4 m ²
<i>Melaleuca stypheloides</i>	Prickly-leaved Paperbark	Mature tree stock (20 litre pot size)	1 per 8m ²
<i>Callistemon salignus</i>	Willow Bottlebrush		
Groundcover			
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	Tube stock / hiko	1 per 2 m ²

Planting must include at least 30% mature tree stock.

Details demonstrating compliance must be provided to the Certifying Authority.

- 2) Inclusion of the following additional condition prior to the issue of the construction certificate:



	<p>2.0 (15) Amenity – The detention basin wall along the southern boundary of the site must be redesigned to have a finished height of 1.2m above existing ground level.</p>
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ITEM NO. 3

**FILE NO: 20/193477
EDRMS NO: 58-2018-26-1**

PLANNING PROPOSAL FOR 610 SEAHAM ROAD, NELSONS PLAINS

REPORT OF: JANELLE GARDNER - ACTING 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 Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203) to rezone the land from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size requirement for subdivision from 40 hectares to 8,000m².
- 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 - 25 AUGUST 2020
MOTION**

<p>Councillor Ken Jordan Councillor Giacomo Arnott</p> <p>That Council defer the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203) to the Ordinary Council meeting to be held on 22 September 2020.</p>

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 Jaimie Abbott, Glen Dunkley, and Sarah Smith.

The motion was lost.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
PROCEDURAL MOTION**

	<p>Councillor Giacomo Arnott</p> <p>That the Council meeting continue beyond 9pm.</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
FORESHADOWED MOTION**

	<p>Councillor Giacomo Arnott</p> <p>That Council take no further action on the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP119120).</p>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

019	<p>Mayor Ryan Palmer Councillor Sarah Smith</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 Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203) to rezone the land from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size requirement for subdivision from 40 hectares to 8,000m². 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 Jaimie Abbott, Glen Dunkley and Sarah Smith.

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

The motion was carried.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council place the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203 on public exhibition for 28 days, and reconsider the matter following the public exhibition period.</p>
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The motion lapsed without a seconder.

ITEM NO. 4

**FILE NO: 20/234295
EDRMS NO: PSC2019-05146**

**AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
- CHAPTER B1 TREE MANAGEMENT**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 3)**.
 - 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) **(ATTACHMENT 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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**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

020	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions received during the exhibition period (ATTACHMENT 3). 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) (ATTACHMENT 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, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

8 SEPTEMBER 2020 – ORDINARY COUNCIL MEETING

NOTICE OF RESCISSION

ITEM NO. 1

**FILE NO: 20/268047
EDRMS NO: 58-2018-26-1**

PLANNING PROPOSAL FOR 610 SEAHAM ROAD, NELSONS PLAINS

COUNCILLOR: JOHN NELL
KEN JORDAN
GIACOMO ARNOTT
STEVE TUCKER

THAT COUNCIL:

That Council rescind its decision of 25 August 2020 on Item No. 3 Planning Proposal for 610 Seaham Road, Nelsons Plains.

**ORDINARY COUNCIL MEETING - 8 SEPTEMBER 2020
MOTION**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That Council rescind its decision of 25 August 2020 on Item No. 3 Planning Proposal for 610 Seaham Road, Nelsons Plains.</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: Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ryan Palmer and Sarah Smith.

The motion was lost.

ITEM NO. 1

**FILE NO: 20/240879
EDRMS NO: 58-2013-20-1**

**PLANNING PROPOSAL FOR 17 FAIRLANDS ROAD AND 2 FERODALE ROAD,
MEDOWIE**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Discontinue the planning proposal to rezone land at 17 Fairlands Road and 2 Ferodale Road, Medowie (Lots 100-101, DP 583216) from RU2 Rural Landscape to R5 Large Lot Residential, change the minimum lot size requirement for subdivision from 20 hectares to 10,000m² and amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 (**ATTACHMENT 1**).
- 2) Request the Minister for Planning and Public Spaces determine that the matter not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW).

**ORDINARY COUNCIL MEETING - 8 SEPTEMBER 2020
MOTION**

021	<p>Councillor Chris Doohan Mayor Ryan Palmer</p> <p>It was resolved that Council defer the planning proposal to rezone land at 17 Fairlands Road and 2 Ferodale Road, Medowie (Lots 100-101, DP 583216) for a period of 1 month.</p>
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Councillor Ken Jordan left the meeting at 6:34pm prior to voting on item 1.

Councillor Ken Jordan returned to the meeting at 6:34pm prior to voting on item 1.

Councillor John Nell left the meeting at 6:34pm prior to voting on item 1.

Councillor John Nell returned to the meeting at 6:36pm prior to voting on item 1.

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, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

Councillor Glen Dunkley left the meeting at 6:40pm.
Councillor Paul Le Mottee returned to the meeting at 6:41pm.

ITEM NO. 2

**FILE NO: 20/186535
EDRMS NO: PSC2020-02118**

**DRAFT DEVELOPMENT CONTROL PLAN - VARIOUS AMENDMENTS TO
IMPROVE THE DEVELOPMENT ASSESSMENT PROCESS**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit the draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).
- 2) 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.
- 3) Note the actions related to stormwater quality improvements in the Port Stephens Local Strategic Planning Statement and Port Stephens Local Housing Strategy.

**ORDINARY COUNCIL MEETING - 8 SEPTEMBER 2020
MOTION**

022	<p>Councillor Chris Doohan Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Exhibit the draft Port Stephens Development Control Plan 2014 (ATTACHMENT 1) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW). 2) 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. 3) Note the actions related to stormwater quality improvements in the
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	Port Stephens Local Strategic Planning Statement and Port Stephens Local Housing Strategy.
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Councillor Glen Dunkley returned to the meeting at 6:42pm.

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.

The motion was carried.

22 SEPTEMBER 2020 – ORDINARY COUNCIL MEETING

Councillor Glen Dunkley left the meeting at 6:40pm prior to item 2.

ITEM NO. 2

**FILE NO: 20/258720
EDRMS NO: 7-1985-2683-5**

**DEVELOPMENT APPLICATION NO: 7-1985-2683-5 FOR A S4.55(2)
MODIFICATION TO QUARRY - LOWER EXISTING PIT FLOOR AT 139 AND 139A
ITALIA ROAD, BALICKERA (LOT 66 DP 753200 AND LOT C DP 164505)**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse development application DA No. 7-1985-2683-5 for a S4.55(2) modification to quarry – lower existing pit floor at 139 and 139A Italia Road, Balickera (Lot 66 DP 753200 and Lot C DP 164505) subject to the reasons for refusal contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2020
MOTION**

	<p>Councillor Giacomo Arnott Councillor Steve Tucker</p> <p>That Council defer development application DA No. 7-1985-2683-5 for a S4.55(2) modification to quarry – lower existing pit floor at 139 and 139A Italia Road, Balickera (Lot 66 DP 753200 and Lot C DP 164505) for 1 month to allow for a site inspection and a briefing with Transport for NSW.</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 and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

The motion was lost.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2020
MOTION**

023	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council refuse development application DA No. 7-1985-2683-5 for a S4.55(2) modification to quarry – lower existing pit floor at 139 and 139A Italia Road, Balickera (Lot 66 DP 753200 and Lot C DP 164505) subject to the reasons for refusal 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, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

Councillor Glen Dunkley returned to the meeting at 6:55pm.

ITEM NO. 4

**FILE NO: 20/253589
EDRMS NO: 58-2017-3-1**

PLANNING PROPOSAL FOR 4 GILES ROAD, SEAHAM

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Not proceed with the rezoning request (**ATTACHMENT 3**) that seeks to amend the Port Stephens Local Environmental Plan 2013 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).
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**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2020
MOTION**

024	<p>Councillor Giacomo Arnott Mayor Ryan Palmer</p> <p>It was resolved that Council not proceed with the rezoning request (ATTACHMENT 3) that seeks to amend the Port Stephens Local Environmental Plan 2013 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).</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, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Chris Doohan and Ken Jordan.

The motion was carried.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2020
AMENDMENT**

	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>That Council defer the rezoning request to amend the Port Stephens Local Environmental Plan 2013 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) for 3 months.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Chris Doohan, Ken Jordan and Paul Le Mottee.

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

The amendment was lost.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2020**

**Section 375A, Local Government Act 1993
(DLG Circular 08-45)**



ORDINARY COUNCIL MEETING – 13 OCTOBER 2020

Mayor Ryan Palmer left the meeting at 5:57pm prior to item 1.
Deputy Mayor, Cr Le Mottee chaired the meeting in the absence of the Mayor.

ITEM NO. 1

**FILE NO: 20/240818
EDRMS NO: 58-2018-24-1**

NELSON BAY TOWN CENTRE AMENDMENT TO THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 5)**.
- 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) **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 13 OCTOBER 2020
MOTION**

025	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions received during the exhibition period (ATTACHMENT 5). 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) (ATTACHMENT 2).
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

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

The motion was carried.

Mayor Ryan Palmer returned to the meeting at 6:15pm and resumed the chair.

ITEM NO. 2

**FILE NO: 20/40185
EDRMS NO: 16-2019-270-1**

DEVELOPMENT APPLICATION 16-2019-270-1 FOR THE DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW SINGLE STOREY DWELLING AND GARAGE AT 862 PATERSON ROAD, WOODVILLE LOT:510 DP:1150491

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application No.16-2019-270-1 for the demolition of the existing structures and construction of a new single storey dwelling and garage subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 13 OCTOBER 2020
MOTION**

026	<p>Councillor Jaimie Abbott Councillor Chris Doohan</p> <p>It was resolved that Council approve Development Application No.16-2019-270-1 for the demolition of the existing structures and construction of a new single storey dwelling and garage 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, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

Councillor Paul Le Mottee left the meeting at 6:32pm prior to item 3.

ITEM NO. 3

**FILE NO: 20/184600
EDRMS NO: 16-2020-215-1**

**DEVELOPMENT APPLICATION 16-2020-215-1 (2 INTO 2 LOT TORRENS TITLE
SUBDIVISION - BOUNDARY ADJUSTMENT) AT 898 AND 898A SWAN BAY
ROAD, SWAN BAY (LOT B DP 101997 AND LOT 1 DP 1155908)**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application DA No. 16-2020-215-1 for a 2 into 2 lot Torrens Title subdivision – boundary adjustment at 898 and 898A Swan Bay Road, Swan Bay (Lot B DP101997 and Lot 1 DP 1155908) for the Reasons for Refusal contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 13 OCTOBER 2020
MOTION**

027	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council approve Development Application DA No. 16-2020-215-1 for a 2 into 2 lot Torrens Title subdivision – boundary adjustment at 898 and 898A Swan Bay Road, Swan Bay (Lot B DP101997 and Lot 1 DP 1155908) subject to the conditions tabled at the meeting and 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 Jaimie Abbott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

ORDINARY COUNCIL MEETING – 27 OCTOBER 2020

Councillor Paul Le Mottee left the meeting at 05:35pm.

ITEM NO. 1

**FILE NO: 20/293881
EDRMS NO: 58-2014-8-1**

**PLANNING PROPOSAL - 9 WAROPARA ROAD, 5A & 5B FERODALE ROAD,
MEDOWIE**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendment to the planning proposal for 9 Waropara Road (Lot 110 DP 1082077), 5A and 5B Ferodale Road (Lot 2 and Lot 1 DP 711455), Medowie to rezone the subject land to R5 Large Lot Residential with a minimum lot size of 4000m² (**ATTACHMENT 1**).
- 2) Receive and note the submissions received during the exhibition of the planning proposal (**ATTACHMENT 3**).
- 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 (NSW).

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2020
MOTION**

028	<p>Councillor Jaimie Abbott Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the amendment to the planning proposal for 9 Waropara Road (Lot 110 DP 1082077), 5A and 5B Ferodale Road (Lot 2 and Lot 1 DP 711455), Medowie to rezone the subject land to R5 Large Lot Residential with a minimum lot size of 4000m² (ATTACHMENT 1). 2) Receive and note the submissions received during the exhibition of the planning proposal (ATTACHMENT 3). 3) Authorise the exercise of delegations to make the amendment to the Port
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	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 Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 10 NOVEMBER 2020

ITEM NO. 1

**FILE NO: 20/284657
EDRMS NO: PSC2019-00821**

**DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN 2020 - AMENDMENT
NO. 1**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (**ATTACHMENT 1**).
- 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.
- 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.

**ORDINARY COUNCIL MEETING - 10 NOVEMBER 2020
MOTION**

029	<p>Councillor Glen Dunkley Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (ATTACHMENT 1). 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000. 3) If no submissions are received, approve the Amendment as exhibited,
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	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, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 2

**FILE NO: 20/307037
EDRMS NO: PSC2011-02260**

LEGACY PLANNING PROPOSALS

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the correspondence from the Deputy Secretary of the NSW Department of Planning, Industry & Environment requiring councils to finalise long standing planning proposals by 31 December 2020 (**ATTACHMENT 1**).
- 2) Discontinue the planning proposals to rezone land at:
 - a. 17 Fairlands Road and 2 Ferodale Road, Medowie (Lots 100-101, DP 583216) (**ATTACHMENT 2**).
 - b. Lot 21 DP 718935, Lot A DP 360150, Lot 9001 DP 1039267, Lot 10 DP 884411, Lot 50 DP 1087677, Lot 21 DP 602720, Lot 222 DP 791705, Lot 221 DP 791705, Lot 2 DP 614468, Lot 4 DP 614468, Lot 963 DP 731955, Lot 962 DP 731955, Lot 961 DP 731955, Lot 22 DP 718935, Lot 23 DP 718935, Lot 1 DP 536350, Lot 952 DP 519188, Lot 1 DP 614468 and Lot 3 DP 614468, Old Main Road and Gan Gan Road, Anna Bay (**ATTACHMENT 3**).
- 3) Request the Minister for Planning and Public Spaces determine that these matters not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW).

**ORDINARY COUNCIL MEETING - 10 NOVEMBER 2020
MOTION**

030	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the correspondence from the Deputy Secretary of the NSW Department of Planning, Industry and Environment requiring councils to finalise long standing planning proposals by 31 December 2020
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	<p>(ATTACHMENT 1) as shown in the business paper.</p> <p>2) Note the proponent has withdrawn the planning proposal for 17 Fairlands Road and 2 Ferodale Road, Medowie (Lots 100-101, DP 583216) (ATTACHMENT 2) as shown in the business paper.</p> <p>3) Discontinue the planning proposal to rezone land at Lot 21 DP 718935, Lot A DP 360150, Lot 9001 DP 1039267, Lot 10 DP 884411, Lot 50 DP 1087677, Lot 21 DP 602720, Lot 222 DP 791705, Lot 221 DP 791705, Lot 2 DP 614468, Lot 4 DP 614468, Lot 963 DP 731955, Lot 962 DP 731955, Lot 961 DP 731955, Lot 22 DP 718935, Lot 23 DP 718935, Lot 1 DP 536350, Lot 952 DP 519188, Lot 1 DP 614468 and Lot 3 DP 614468, Old Main Road and Gan Gan Road, Anna Bay (ATTACHMENT 3) as shown in the business paper.</p> <p>4) Request the Minister for Planning and Public Spaces determine that these matters not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW).</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.

The motion was carried.

ORDINARY COUNCIL MEETING – 24 NOVEMBER 2020

ITEM NO. 1

**FILE NO: 20/313604
EDRMS NO: PSC2019-03519**

**AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
- PART D5 NELSON BAY CENTRE**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 4)**.
- 2) Approve the Port Stephens Development Control Plan 2014 - Nelson Bay Amendment **(ATTACHMENT 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 and commences on the date the amendments to the Port Stephens Local Environmental Plan 2013 to support the Nelson Bay Planning Proposal are gazetted.

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2020
MOTION**

031	<p>Councillor Glen Dunkley Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions received during the exhibition period (ATTACHMENT 4). 2) Approve the Port Stephens Development Control Plan 2014 - Nelson Bay Amendment (ATTACHMENT 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 and Assessment Regulation 2000 and commences on the date the amendments to the Port Stephens Local Environmental Plan 2013 to support the Nelson Bay Planning Proposal are gazetted.
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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: Cr Giacomo Arnott.

The motion was carried.

ITEM NO. 2

**FILE NO: 20/312742
EDRMS NO: PSC2020-02118**

**PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - VARIOUS
AMENDMENTS TO IMPROVE THE DEVELOPMENT ASSESSMENT PROCESS**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 2)**.
 - 2) Approve the amendment to the Port Stephens Development Control Plan 2014 **(ATTACHMENT 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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**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2020
MOTION**

032	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions received during the exhibition period (ATTACHMENT 2). 2) Approve the amendment to the Port Stephens Development Control Plan 2014 (ATTACHMENT 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 Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 3

**FILE NO: 20/313855
EDRMS NO: PSC2006-019V2**

LEGACY PLANNING PROPOSALS

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the correspondence from the Deputy Secretary of the NSW Department of Planning, Industry and Environment requiring councils to finalise long standing
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planning proposals by 31 December 2020 (**ATTACHMENT 1**).

- 2) Discontinue the planning proposal to enable water storage facilities (farm dams) as exempt development in rural zones (**ATTACHMENT 2**).
- 3) Request the Minister for Planning and Public Spaces determine that these matters not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW).

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2020
MOTION**

033	<p>Councillor Sarah Smith Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the correspondence from the Deputy Secretary of the NSW Department of Planning, Industry and Environment requiring councils to finalise long standing planning proposals by 31 December 2020 (ATTACHMENT 1). 2) Discontinue the planning proposal to enable water storage facilities (farm dams) as exempt development in rural zones (ATTACHMENT 2). 3) Request the Minister for Planning and Public Spaces determine that these matters not proceed under section 3.35 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, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 5

**FILE NO: 20/324541
EDRMS NO: PSC2006-6753**

**WITHDRAWAL OF PLANNING PROPOSAL - 22 HOMESTEAD STREET,
SALAMANDER BAY**

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE
SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Withdraw the planning proposal for the rezoning of Council owned land at 22 Homestead Street, Salamander Bay (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 24 NOVEMBER 2020
MOTION**

034	<p>Councillor Paul Le Mottee Councillor Glen Dunkley</p> <p>It was resolved that Council withdraw the planning proposal for the rezoning of Council owned land at 22 Homestead Street, Salamander Bay (ATTACHMENT 1).</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, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 8 DECEMBER 2020

ITEM NO. 1

**FILE NO: 20/321082
EDRMS NO: 58-2019-4-1**

PLANNING PROPOSAL FOR 2179, 2199, 2207, 2209 AND 2213 PACIFIC HIGHWAY, HEATHERBRAE

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the planning proposal (**ATTACHMENT 2**) for 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae (Lot 4211 DP747474, Lot 53 DP 534043, Part of Lot 513 DP 587997, Part of Lot 512 DP 587997 and Lot 511 DP 587997) to rezone the subject land from RU2 Rural Landscape to B5 Business Development and remove the minimum lot size.
- 2) Receive and note the submissions (**ATTACHMENT 3**) received during the public exhibition of the 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 (NSW).

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2020
MOTION**

035	<p>Councillor Jaimie Abbott Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the amendments to the planning proposal (ATTACHMENT 2) for 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae (Lot 4211 DP747474, Lot 53 DP 534043, Part of Lot 513 DP 587997, Part of Lot 512 DP 587997 and Lot 511 DP 587997) to rezone the subject land from RU2 Rural Landscape to B5 Business Development and
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	<p>remove the minimum lot size.</p> <p>2) Receive and note the submissions (ATTACHMENT 3) received during the public exhibition of the planning proposal.</p> <p>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 (NSW).</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, John Nell, and Steve Tucker.
Those against the Motion: Nil.

The motion was carried.

ITEM NO. 2

**FILE NO: 20/316454
EDRMS NO: PSC2006-0191V2**

DRAFT VOLUNTARY PLANNING AGREEMENT - KINGS HILL DEVELOPMENT

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree in principle to the preparation of a draft Voluntary Planning Agreement for the purposes of securing biodiversity offsets related to Development Application 16-2018-722-1 for land at Kings Hill, generally in accordance with the proposed terms set out in this report.
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**ORDINARY COUNCIL MEETING - 8 DECEMBER 2020
MOTION**

036	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council agree in principle to the preparation of a draft</p>
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	Voluntary Planning Agreement for the purposes of securing biodiversity offsets related to Development Application 16-2018-722-1 for land at Kings Hill, generally in accordance with the proposed terms set out in this report.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 3

**FILE NO: 20/326341
EDRMS NO: PSC2018-01095**

**AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
- PART B5 FLOODING**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission received during the exhibition period.
 - 2) Endorse the Port Stephens Development Control Plan 2014 – Part B5 Flooding and Part E1 Glossary (DCP Amendment) (**ATTACHMENT 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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**ORDINARY COUNCIL MEETING - 8 DECEMBER 2020
MOTION**

037	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submission received during the exhibition period. 2) Endorse the Port Stephens Development Control Plan 2014 – Part B5 Flooding and Part E1 Glossary (DCP Amendment) (ATTACHMENT 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, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.