

**ORDINARY COUNCIL MEETING – 28 FEBRUARY 2023**

**ITEM NO. 1**

**FILE NO: 23/15834  
EDRMS NO: 16-2019-598-2**

**DEVELOPMENT APPLICATION 16-2019-598-2 FOR A S4.55(1A) MODIFICATION TO APPROVED CAMPING GROUND AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2019-598-2 for a s4.55(1A) modification to the approved camping ground at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP 243144) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

<b>001</b>	<p><b>Councillor Steve Tucker Councillor Jason Wells</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2019-598-2 for a s4.55(1A) modification to the approved camping ground at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP 243144) subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</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 Leah Anderson, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 22/272043  
EDRMS NO: 16-2021-703-1**

**DEVELOPMENT APPLICATION (DA) 16-2021-703-1 FOR A RESIDENTIAL FLAT BUILDING AT 11 TO 15 CHURCH STREET, NELSON BAY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No. 16-2021-703-1 for a Residential Flat Building comprising 81 units, neighbourhood shop, basement parking and strata subdivision at 11 to 15 Church Street, Nelson Bay (Lot 156 DP 1094233 and Lot 178 DP1235236) subject to the conditions contained in (**ATTACHMENT 1**).
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

<b>002</b>	<p><b>Councillor Steve Tucker Councillor Matthew Bailey</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Approve Development Application (DA) No. 16-2021-703-1 for a Residential Flat Building comprising 81 units, neighbourhood shop, basement parking and strata subdivision at 11 to 15 Church Street, Nelson Bay (Lot 156 DP 1094233 and Lot 178 DP1235236) subject to the conditions contained in (<b>ATTACHMENT 1</b>).</li><li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**  
Section 375A, Local Government Act 1993  
(DLG Circular 08-45)

Those for the Motion: Mayor Ryan Palmer, Crs Matthew Bailey and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Peter Kafer and Jason Wells.

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

**ITEM NO. 3**

**FILE NO: 23/12673  
EDRMS NO: 16-2022-223-1**

**DEVELOPMENT APPLICATION (DA) 16-2022-223-1 FOR A RESIDENTIAL FLAT BUILDING AT 18 TO 20 SOLDIERS POINT ROAD, SOLDIERS POINT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

	<p><b>Councillor Leah Anderson Councillor Jason Wells</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</li><li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li></ol>
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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
AMENDMENT**

<b>003</b>	<p><b>Councillor Leah Anderson Councillor Jason Wells</b></p> <p>It was resolved that Council defer Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), to allow for conversations between Council staff and the proponent, with the aim of reducing the building height to comply with the 15m height limit.</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 Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 5**

**FILE NO: 22/333955  
EDRMS NO: 58-2022-5-1**

**PLANNING PROPOSAL FOR SUNRISE LIFESTYLE VILLAGE, 4011, 4029 AND  
4045 NELSON BAY ROAD, BOBS FARM**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to:
  - a. Regularise the existing approved use of a caravan park at Lot 51 DP 1175028, 4011 Nelson Bay Road, Bobs Farm.
  - b. Enable the extension of the use to adjoining land (subject to development consent) at Lot 3622 DP 622485, 4029 Nelson Bay Road, Bobs Farm and Lot 2 DP 622229, 4045 Nelson Bay Road, Bobs Farm.
  - c. Rezone part of the site from RU2 Rural Landscape to C2 Environmental Conservation.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

<b>004</b>	<p><b>Councillor Leah Anderson Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the planning proposal (<b>ATTACHMENT 1</b>) to amend the Port Stephens Local Environmental Plan 2013 to:           <ol style="list-style-type: none"> <li>a. Regularise the existing approved use of a caravan park at Lot 51 DP 1175028, 4011 Nelson Bay Road, Bobs Farm.</li> <li>b. Enable the extension of the use to adjoining land (subject to development consent) at Lot 3622 DP 622485, 4029 Nelson Bay Road, Bobs Farm and Lot 2 DP 622229, 4045 Nelson Bay Road, Bobs Farm.</li> </ol> </li> </ol>
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	<p>c. Rezone part of the site from RU2 Rural Landscape to C2 Environmental Conservation.</p> <p>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 14 MARCH 2023**

**ITEM NO. 1**

**FILE NO: 22/288658  
EDRMS NO: 16-2022-566-1**

**DEVELOPMENT APPLICATION 16-2022-566-1 FOR 2 X SEMI-DETACHED DWELLINGS, RETAINING WALLS, SITE WORKS AND A 1 INTO 2 LOT TORRENS TITLE SUBDIVISION AT 23 TAREEBIN ROAD, NELSON BAY**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No: 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision at 23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399) subject to the recommended conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>005</b>	<p><b>Councillor Chris Doohan Councillor Peter Kafer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Approve Development Application (DA) No: 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision at 23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399) subject to the recommended conditions contained in <b>(ATTACHMENT 1)</b>.</li> <li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li> </ol>
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Cr Giacomo Arnott gave notice of a foreshadowed Matter Arising as follows:

“Requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.”

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

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MATTER ARISING**

006	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Peter Kafer</b></p> <p>It was resolved that Council requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.</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 Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 23/7847  
EDRMS NO: 58-2017-10-1**

**DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN  
(2014) CHAPTER D17: STOCKTON RIFLE RANGE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Exhibit the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (**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.
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**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>007</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Exhibit the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (<b>ATTACHMENT 1</b>) 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).</li> <li>2) That a report be provided to Council following public exhibition.</li> </ol>
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Cr Peter Kafer moved the following amendment to amend item 2 of the motion, which was accepted by the mover and seconder and merged into the original motion.

“That a report be provided to Council following public exhibition.”

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

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

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

**DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

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

**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>008</b>	<p><b>Councillor Giacomo Arnott Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submissions received during the exhibition period <b>(ATTACHMENT 1)</b>.</li> <li>2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping <b>(ATTACHMENT 2)</b>.</li> <li>3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.</li> <li>4) Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area.</li> </ol>
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Cr Giacomo Arnott moved the following amendment to add an item 4, which was accepted by the seconder and merged into the original motion.

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

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

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 28 MARCH 2023**

**ITEM NO. 1**

**FILE NO: 23/14017  
EDRMS NO: PSC2022-01759**

**REVOKING CONTRIBUTION DISCOUNTS FOR CARAVAN PARKS AND  
INCREASING HAULAGE LEVIES**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the report on revoking contribution discounts for caravan parks and increasing haulage levies (**ATTACHMENT 1**).
- 2) Amend the Local Infrastructure Contributions Plan to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply.
- 3) Amend the Local Infrastructure Contributions Plan to implement all of the options listed to increase levies for extractive industries.

**ORDINARY COUNCIL MEETING - 28 MARCH 2023  
MOTION**

<b>009</b>	<p><b>Councillor Giacomo Arnott Councillor Leah Anderson</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Note the report on revoking contribution discounts for caravan parks and increasing haulage levies (<b>ATTACHMENT 1</b>).</li> <li>2) Amend the Local Infrastructure Contributions Plan to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply.</li> </ol>
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	3) Amend the Local Infrastructure Contributions Plan to implement all of the options listed to increase levies for extractive industries.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried

**ORDINARY COUNCIL MEETING – 11 APRIL 2023**

**NOTICE OF MOTION**

**ITEM NO. 5**

**FILE NO: 23/82315**

**EDRMS NO: PSC2021-04195**

**22 HOMESTEAD STREET, SALAMANDER BAY**

**COUNCILLOR: LEAH ANDERSON**

**THAT COUNCIL:**

- 1) Requests the General Manager provide a report that investigates the following:
  - a) Preparation of a planning proposal to rezone land at 22 Homestead Street, Salamander Bay (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP: 658257) from RE1 - Public Recreation to C2 Environmental Conservation.
  - b) Preparation of an Environmental Management Plan for those lots (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP: 658257) to facilitate koala feed tree planting and the relocation of rehabilitated koalas from the Port Stephens Koala Hospital.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

<b>010</b>	<p><b>Councillor Leah Anderson Councillor Glen Dunkley</b></p> <p>It was resolved that Council requests the General Manager provide a report that investigates the following:</p> <ol style="list-style-type: none"> <li>a) Preparation of a planning proposal to rezone land at 22 Homestead Street, Salamander Bay (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP: 658257) from RE1 - Public Recreation to C2 Environmental Conservation.</li> <li>b) Preparation of an Environmental Management Plan for those lots (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP:</li> </ol>
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	658257) to facilitate koala feed tree planting and the relocation of rehabilitated koalas from the Port Stephens Koala Hospital.
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Councillor Peter Kafer left the meeting at 7:30pm.  
Councillor Peter Francis left the meeting at 7:30pm.  
Councillor Peter Francis returned to the meeting at 7:32pm.  
Councillor Peter Kafer returned to the meeting at 7:34pm.

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

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 1**

**FILE NO: 23/51900  
EDRMS NO: 16-2022-839-1**

**DEVELOPMENT APPLICATION 16-2022-839-1 (GROUP HOME - TRANSITIONAL)  
AT 1-11, 15, 17-23, 26-27, 29-38, 42-43 & 45 OLD PUNT ROAD, SWAN BAY AND  
1 & 40 TRAWLER LANE, SWAN BAY**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application DA No. 16-2022-839-1 for the reasons contained in Recommended Reasons for Refusal (**ATTACHMENT 1**).

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**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

<b>011</b>	<b>Councillor Giacomo Arnott Councillor Jason Wells</b>  It was resolved that Council refuse Development Application DA No. 16-2022-839-1 for the reasons contained in Recommended Reasons for Refusal ( <b>ATTACHMENT 1</b> ).
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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 Leah Anderson, Giacomo Arnott, Peter Francis and Jason Wells.

Those against the Motion: Crs Glen Dunkley and Steve Tucker.

The motion was carried.

Cr Arnott foreshadowed the following matter arising:

“That Council write to Federal Member for Paterson, Meryl Swanson and State Member for Port Stephens, Kate Washington seeking their collaborative support to find a suitable location for a rehabilitation centre to operate in Port Stephens.”

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
AMENDMENT**

	<p><b>Councillor Glen Dunkley Councillor Steve Tucker</b></p> <p>That Council defer Development Application DA No. 16-2022-839-1 to allow for an investigation for a limited time consent.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Glen Dunkley and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis and Jason Wells.

The motion was lost.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MATTER ARISING**

012	<p><b>Councillor Giacomo Arnott Councillor Peter Francis</b></p> <p>It was resolved that Council write to Federal Member for Paterson, Meryl Swanson and State Member for Port Stephens, Kate Washington seeking their collaborative support to find a suitable location for a rehabilitation centre to operate in Port Stephens.</p>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 23 MAY 2023**

**ITEM NO. 1**

**FILE NO: 23/44584  
EDRMS NO: 16-2022-855-1**

**DEVELOPMENT APPLICATION 16-2022-855-1 FOR CARPARK EXTENSION -  
CONSTRUCTION OF 314 NEW PARKING SPACES INCLUDING STORM WATER  
DRAINAGE, SECURITY BOOM GATES, PEDESTRIAN PATHWAYS, FENCING  
AND LIGHTING AT 38 CABBAGE TREE ROAD, WILLIAMTOWN**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-855-1 for a carpark extension consisting of the construction of 314 new parking spaces and conversion of 756 airport parking spaces for use as part of the Astra Aerolab Business Park, associated stormwater drainage, security boom gates, pedestrian pathways, fencing and lighting at 38 Cabbage Tree Road, Williamtown (Lot 11 DP 1036501) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>013</b>	<p><b>Councillor Glen Dunkley Councillor Peter Francis</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2022-855-1 for a carpark extension consisting of the construction of 314 new parking spaces and conversion of 756 airport parking spaces for use as part of the Astra Aerolab Business Park, associated stormwater drainage, security boom gates, pedestrian pathways, fencing and lighting at 38 Cabbage Tree Road, Williamtown (Lot 11 DP 1036501) subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 22/241877  
EDRMS NO: 16-2022-626-1**

**DEVELOPMENT APPLICATION (DA) 16-2022-626-1 - SOLAR ENERGY SYSTEM  
AT 8 LEISURE WAY, RAYMOND TERRACE**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2022-626-1 for a solar energy system at 8 Leisure Way, Raymond Terrace (Lot 2 DP 1006266) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>014</b>	<p><b>Councillor Giacomo Arnott Councillor Peter Kafer</b></p> <p>It was resolved that Council defer Development Application DA No. 16-2022-626-1 for a solar energy system at 8 Leisure Way, Raymond Terrace (Lot 2 DP 1006266) until the Masterplan for Lakeside Sports Complex is completed.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 23/96900  
EDRMS NO: 16-2022-223-1**

**DEVELOPMENT APPLICATION (DA) 16-2022-223-1 FOR A RESIDENTIAL FLAT BUILDING AT 18 TO 20 SOLDIERS POINT ROAD, SOLDIERS POINT**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in **(ATTACHMENT 1)**.
  - 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.
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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>015</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</li> <li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.





**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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

Those against the Motion: Crs Leah Anderson and Giacomo Arnott.

The motion was carried.

Councillor Peter Kafer left the meeting at 6:29pm and did not return to the meeting.

**ITEM NO. 4**

**FILE NO: 23/88622  
EDRMS NO: 58-2017-10-1**

**DRAFT AMENDMENT TO DEVELOPMENT CONTROL PLAN (2014) CHAPTER  
D17: STOCKTON RIFLE RANGE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission received during the public exhibition period **(ATTACHMENT 1)**.
  - 2) Endorse the Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range **(ATTACHMENT 2)**.
  - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>016</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submission received during the public exhibition period <b>(ATTACHMENT 1)</b>.</li> <li>2) Endorse the Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range <b>(ATTACHMENT 2)</b>.</li> <li>3) Provide public notice that the amendment to the Port Stephens Development Control Plan has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 27 JUNE 2023**

**ITEM NO. 3**

**FILE NO: 23/96729  
EDRMS NO: 16-2022-1030-1**

**DEVELOPMENT APPLICATION 16-2022-1030-1 FOR A FLOOD MOUND AND  
CHANGE OF USE TO ANIMAL BOARDING AND TRAINING ESTABLISHMENT AT  
209 NEWLINE ROAD, RAYMOND TERRACE**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2022-1030-1 for a flood mound and change of use to animal boarding and training establishment at 209 Newline Road, Raymond Terrace (Lot: 2 DP: 1173402) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 27 JUNE 2023  
MOTION**

<b>017</b>	<p><b>Councillor Chris Doohan Councillor Matthew Bailey</b></p> <p>It was resolved that Council approve Development Application 16-2022-1030-1 for a flood mound and change of use to animal boarding and training establishment at 209 Newline Road, Raymond Terrace (Lot: 2 DP: 1173402) subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 1**

**FILE NO: 23/148557  
EDRMS NO: 16-2023-78-1**

**DEVELOPMENT APPLICATION 16-2023-78-1 FOR INSTALLATION OF  
BAGGAGE HANDLING SYSTEM AT AIRPORT - 55 SLADES ROAD,  
WILLIAMTOWN AT NEWCASTLE AIRPORT**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2023-78-1 for the upgrade of the existing airport baggage handling systems (BHS) at 55 Slades Road, Williamtown (Lot 43 DP: 1045602) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 27 JUNE 2023  
MOTION**

<b>018</b>	<p><b>Councillor Glen Dunkley Councillor Leah Anderson</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2023-78-1 for the upgrade of the existing airport baggage handling systems (BHS) at 55 Slades Road, Williamtown (Lot 43 DP: 1045602) subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 23/148563  
EDRMS NO: 16-2023-61-1**

**DEVELOPMENT APPLICATION 16-2023-61-1 FOR THE CONSTRUCTION OF A HIGH VOLTAGE SUBSTATION - 55 SLADES ROAD AND 89 MEDOWIE ROAD, WILLIAMTOWN AT NEWCASTLE AIRPORT**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2023-61-1 for the construction of a high voltage substation at 55 Slades Road and 89 Medowie Road, Williamtown (LOT: 43 DP: 1045602, LOT: 201 DP: 1091749) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 27 JUNE 2023  
MOTION**

<b>019</b>	<p><b>Councillor Jason Wells Councillor Matthew Bailey</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2023-61-1 for the construction of a high voltage substation at 55 Slades Road and 89 Medowie Road, Williamtown (LOT: 43 DP: 1045602, LOT: 201 DP: 1091749) subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 25 JULY 2023**

**ITEM NO. 1**

**FILE NO: 23/161396  
EDRMS NO: 16-2022-906-1**

**DEVELOPMENT APPLICATION 16-2022-906-1 FOR EARTHWORKS RELATING TO THE ENLARGEMENT OF AN EXISTING FLOOD MOUND - 235 NEWLINE ROAD, RAYMOND TERRACE**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application DA No. 16-2022-906-1 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the reasons contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 25 JULY 2023  
MOTION**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council refuse Development Application DA No. 16-2022-906-1 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the reasons contained in <b>(ATTACHMENT 1)</b>.</p>
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The motion lapsed without a seconder.



**ORDINARY COUNCIL MEETING - 25 JULY 2023  
MOTION**

<b>020</b>	<p><b>Councillor Peter Kafer Councillor Chris Doohan</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2022-906-1 - 235 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the following reasons and in accordance with DA conditions :</p> <ul style="list-style-type: none"><li>• The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.</li><li>• The proposed development is a suitable and planned use of the site and its approval is within the public interest.</li><li>• Council has given due consideration to community views when making the decision to determine the application.</li></ul> <p><b>CONDITIONS OF CONSENT</b></p> <p><b>1.0 - General Conditions of Consent</b></p> <p>The following conditions of consent are general conditions applying to the development.</p> <p>(1) <b>General terms of approval</b> – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.</p> <p>The General Terms of Approval are:</p> <ol style="list-style-type: none"><li>1. Department of Planning and Environment, IDAS-2022-10720, 2 March 2023</li></ol> <p>A copy of the General Terms of Approval is attached to this determination notice.</p> <p>(2) <b>Approved plans and supporting documentation</b> – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.</p>
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Plan Reference/ Drawing No.	Rev	Name of Plan	Prepared by	Date
12312, SHT 1 of 2	A	Plan of Proposed Enlarged Cattle Mound	David R. Walpole Pty Ltd	30/9/2022
12312, SHT 2 of 2	A	Plan of Proposed Enlarged Cattle Mound	David R. Walpole Pty Ltd	30/9/2022
12312, SHT 2 of 2	A	Relocated Shed Plans	David R. Walpole Pty Ltd	30/9/2022
		X Section of Existing Flood Mound	T Proust	30/1/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- (3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Use limitation – Bird strike issue** - As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group A”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.

**2.0 - Prior to Commencement of Works**

The following conditions of consent shall be complied with prior to any



	<p>works commencing on the development site.</p> <p>(1) <b>Notice of Principal Certifying Authority appointment</b> – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"><li>a) a description of the work to be carried out;</li><li>b) the address of the land on which the work is to be carried out;</li><li>c) the Registered number and date of issue of the relevant development consent;</li><li>d) the name and address of the Principal Certifier and the person who appointed the principal certifier;</li><li>e) if the principal certifier is a registered certifier<ul style="list-style-type: none"><li>i) the certifier’s registration number, and</li><li>ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and</li><li>iii) a telephone number on which the certifier may be contacted for business purposes.</li></ul></li></ul> <p>The notice must be lodged on the NSW planning portal.</p> <p>(2) <b>Notice commencement of work</b> – Notice must be given to Council and the Principal Certifier, if not the Council, of the person’s intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"><li>a) the name and address of the person;</li></ul>
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	<ul style="list-style-type: none"><li>b) a description of the work to be carried out;</li><li>c) the address of the land on which the work is to be carried out;</li><li>d) the Registered numbers and date of issue of the development consent and construction certificate;</li><li>e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and</li><li>f) the date on which the work is intended to commence.</li></ul> <p>The notice must be lodged on the NSW planning portal.</p> <p>(3) <b>Signs on site</b> – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"><li>a) showing the name, address and telephone number of the principal certifier for the work, and</li><li>b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and</li><li>c) stating that unauthorised entry to the work site is prohibited.</li></ul> <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p><b>Note:</b> This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>(4) <b>Site is to be secured</b> – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.</p> <p>(5) <b>Demolition work</b> – All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.</p>
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	<p>Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.</p> <p>Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.</p> <p>(6) <b>Erosion and sediment controls in place</b> – Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p>(7) <b>All weather access</b> – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>(8) <b>Rubbish generated from the development</b> – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>(9) <b>Weed management</b> – Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook. The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.</p>
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(10) **Scour Protection** - Scour protection is to be designed and implemented for the flood mound to ensure the mound can withstand flood velocity. Details demonstrating compliance must be provided to Council and the Certifying Authority.

(11) **Structural engineer's certificate** – A certificate must be prepared by a qualified Structural Engineer certifying that the mound design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event. Details demonstrating compliance must be provided to Council and the Certifying Authority.

(12) **Landscape Plan** – A Landscape/Tree Plan must be submitted to Council for approval. The Landscape/Tree Plan must include the following:

- a) mature tree plantings around the mound for visual screening purposes; and
- b) grass seeding and dressing of the mound.

Tree and species selection must be in accordance with Councils Landscape Technical Specification.

### **3.0 - During Works**

The following conditions of consent shall be complied with during the construction phase of the development.

(1) **Hours of work** – The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:  
7.00am to 5.00pm on Monday to Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.



	<p><b>Note:</b> Any variation to the hours of work requires Council’s approval.</p> <p>(2) <b>Toilet facilities</b> – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p> <p>The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.</p> <p>(3) <b>Compliance with the Building Code of Australia</b> – Building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(4) <b>Excavations and backfilling</b> – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.</p> <p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:</p> <ul style="list-style-type: none"><li>a) preserve and protect the building from damage; and</li><li>b) if necessary, underpin and support the building in an approved manner; and</li><li>c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.</li></ul> <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p>
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	<p>(5) <b>Stormwater disposal</b> – Following the installation of any roof, collected stormwater runoff from the structure must be:</p> <p>a) Dispersed at ground level, so as to not be concentrated or create nuisance flows onto any buildings, or neighboring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>(6) <b>Placement of fill</b> - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>(7) <b>Location of stockpiles</b> – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.</p> <p>(8) <b>Weed management</b> – All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water.</p> <p>An area for storage of contaminated soil that is separate from clean material shall be provided during construction.</p> <p>(9) <b>Truck wash down</b> – Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.</p> <p>(10) <b>Soil, erosion, sediment and water management</b> – All requirements of the Erosion and Sediment Control Plan or Soil and</p>
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	<p>Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.</p> <p>(11) <b>Offensive noise, dust, odour and vibration</b> – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>(12) <b>Unexpected finds contingency (general)</b> – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>(13) <b>Delivery register</b> - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.</p> <p>This register must be made available to Council officers on request and be provided to the Council at the completion of the development.</p> <p>(14) <b>Cut and fill (if applicable)</b> – While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>(a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.</p>
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All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

(15) **Fill material** – The only fill material that may be received at the development site is:

- a) Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act (POEO Act 1997); or
- b) Excavated natural material (ENM) within the meaning of the POEO Act 1997; or
- c) Any other waste-derived material the subject of a resource recovery exemption under s.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions. Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.

#### **4.0 - Prior to Use**

The following conditions of consent shall be complied with prior to the use of the flood mound.

(1) **Completion of flood mound** – Following completion of the earthworks;

- a) The final pad shape, levels and location will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council within 14 days of completion.
- b) The mound is to be top dressed and seeded with fast growing grasses.
- c) A line of trees is to be planted along the eastern side of the



	<p>flood mound to provide screening from Newline Road. Each tree must be a native species, with a minimum pot size of 80L, and should be suitably spaced so as provide screening.</p> <p>(2) <b>Repair of infrastructure</b> – On completion of the earthworks and mound, the applicant must ensure any public infrastructure damaged as a result of the carrying out of works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>(3) <b>Completion of Roads Act Approval works</b> - All approved road, and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the <i>Roads Act</i> Approval to the satisfaction of the Council as the Roads Authority.</p> <p>(4) <b>Flood Risk Management Plan</b> - A Flood Risk Management Plan prepared by a qualified Flood Engineer must be provided to Council demonstrating compliance with the following:</p> <ul style="list-style-type: none"><li>a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.</li><li>b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).</li><li>c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.</li><li>d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.</li></ul>
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- (5) **Completion of Landscape Works** - All landscaping works and tree plantings must be completed in accordance with the Landscape/Tree approved under consent. Satisfactory evidence of completed landscape works are to be submitted to Council prior to use of the flood mound.

### **5.0 Ongoing Use**

- (1) **Use of Mound** - The approved flood mound is not permitted to be used for a residential dwelling or other habitable purposes.

#### **Advice Note(s):**

- (1) **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig Australia” service to access plans/information for underground pipes and cables.
- (2) **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- (3) **Bird strike advice** – As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group A”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.
- (4) **Weed Management**, This property has had priority weed as defined by the NSW Biosecurity Act 2015 identified growing on site. As the applicant dealing with this property you are advised that under the Biosecurity Act 2015 you have a legal obligation to prevent, eliminate and minimise the impact caused by weeds. As the applicant you also have an obligation to ensure you advise other persons dealing with this site of the Biosecurity risk. For more information on the identification, control and management of weeds

	on site please contact Port Stephens Councils' Invasive Species Team on (02) 4988 0392.
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Cr Giacomo Arnott gave notice of a foreshadowed motion. The foreshadowed motion is as follows:

“That Council refuse Development Application DA No. 16-2022-906-1 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the reasons contained in **(ATTACHMENT 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 Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Kafer and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Giacomo Arnott and Peter Francis.

The motion was carried.

**ORDINARY COUNCIL MEETING – 22 AUGUST 2023**

**ITEM NO. 1**

**FILE NO: 23/154443  
EDRMS NO: 16-2023-39-1**

**DEVELOPMENT APPLICATION 16-2023-39-1 FOR A BOUNDARY ADJUSTMENT  
AT 430 CLARENCE TOWN ROAD, WOODVILLE**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application DA No. 16-2023-39-1 for the reasons contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 22 AUGUST 2023  
MOTION**

<b>021</b>	<b>Councillor Giacomo Arnott Councillor Peter Kafer</b>  It was resolved that Council refuse Development Application DA No. 16-2023-39-1 for the reasons contained in <b>(ATTACHMENT 1)</b> .
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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 Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 26 SEPTEMBER 2023**

**ITEM NO. 1**

**FILE NO: 23/201143  
EDRMS NO: 16-2023-14-1**

**DEVELOPMENT APPLICATION 16-2023-14-1 - RESIDENTIAL FLAT BUILDING -  
70 MAGNUS STREET, NELSON BAY**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuses Development Application DA No.16-2023-14-1 for the construction of a 4 storey residential flat building (RFB) comprising 3 apartments, ground floor lobby, basement carpark and strata subdivision, for the reasons contained in **(ATTACHMENT 1)**.
- 2) Refuses the Clause 4.6 variation request to vary the minimum building street frontage control, for the reasons outlined in the Planners Assessment Report **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2023  
MOTION**

<b>214</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Refuses Development Application DA No.16-2023-14-1 for the construction of a 4 storey residential flat building (RFB) comprising 3 apartments, ground floor lobby, basement carpark and strata subdivision, for the reasons contained in <b>(ATTACHMENT 1)</b>.</li> <li>2) Refuses the Clause 4.6 variation request to vary the minimum building street frontage control, for the reasons outlined in the Planners Assessment Report <b>(ATTACHMENT 2)</b>.</li> </ol>
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Cr Kafer moved that the motion be put.

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

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Crs Matthew Bailey, Chris Doohan and Steve Tucker.

The motion was carried.

Councillor Matthew Bailey left the meeting at 6:16pm.  
Councillor Glen Dunkley returned to the meeting at 6:16pm.

**ITEM NO. 2**

**FILE NO: 23/210498  
EDRMS NO: 16-2023-29-1**

**DEVELOPMENT APPLICATION 16-2023-29-1 FOR A DWELLING AT 226 SANDY  
POINT ROAD, CORLETTE**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuses Development Application DA No. 16-2023-29-1 for the reasons contained in Reasons for Refusal (**ATTACHMENT 1**).

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**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2023  
MOTION**

215	<p><b>Councillor Giacomo Arnott Councillor Peter Francis</b></p> <p>It was resolved that Council refuses Development Application DA No. 16-2023-29-1 for the reasons contained in Reasons for Refusal (<b>ATTACHMENT 1</b>).</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 Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Crs Chris Doohan and Peter Kafer.

The motion was carried.



**ORDINARY COUNCIL MEETING – 10 OCTOBER 2023**

**ITEM NO. 1**

**FILE NO: 23/203854  
EDRMS NO: 58-2023-1-1**

**PLANNING PROPOSAL FOR 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE  
(PRECINCT F)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780) to:
  - Rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential
  - Reduce the minimum lot size from 2 hectares to 350m<sup>2</sup>
  - Introduce a new height of buildings limit of 9 metres
  - Identify the subject land as an urban release area.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
- 3) Exhibit the draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 2**) 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).

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2023  
MOTION**

<b>232</b>	<p><b>Councillor Jason Wells Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <p>1) adopt the planning proposal (<b>ATTACHMENT 1</b>) to amend the Port</p>
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	<p>Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780) to:</p> <ul style="list-style-type: none"><li>• Rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential</li><li>• Reduce the minimum lot size from 2 hectares to 350m<sup>2</sup></li><li>• Introduce a new height of buildings limit of 9 metres</li><li>• Identify the subject land as an urban release area.</li></ul> <p>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</p> <p>3) Exhibit the draft Port Stephens Development Control Plan 2014 (<b>ATTACHMENT 2</b>) 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).</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 23/143586  
EDRMS NO: PSC2022-01211**

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN - ROAD NETWORK AND PARKING (ELECTRIC VEHICLES)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) (**ATTACHMENT 1**) as amended on public exhibition for a period of 28 days and should no submissions be received, the Development Control Plan be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2023  
MOTION**

<b>233</b>	<p><b>Councillor Leah Anderson Councillor Giacomo Arnott</b></p> <p>It was resolved that Council place the draft Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) (<b>ATTACHMENT 1</b>) as amended on public exhibition for a period of 28 days and a further report be provided to Council.</p>
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Cr Arnott proposed an amendment calling for a further report to Council following public exhibition, which was accepted by the mover and incorporated into the motion.

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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**ORDINARY COUNCIL MEETING – 24 OCTOBER 2023**

**ITEM NO. 1**

**FILE NO: 23/227519  
EDRMS NO: 16-2022-1046-1**

**DEVELOPMENT APPLICATION 16-2022-1046-1 FOR A 1 INTO 17 LOT TORRENS  
TITLE SUBDIVISION AT 41 LAKE VIEW CRESCENT, RAYMOND TERRACE**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-1046-1 for a 1 into 17 lot Torrens title subdivision at 41 Lake View Crescent, Raymond Terrace subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 24 OCTOBER 2023  
MOTION**

<b>250</b>	<b>Councillor Giacomo Arnott Councillor Glen Dunkley</b>  It was resolved that Council approve Development Application DA No. 16-2022-1046-1 for a 1 into 17 lot Torrens title subdivision at 41 Lake View Crescent, Raymond Terrace subject to the conditions contained in <b>(ATTACHMENT 1)</b> .
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Councillor Chris Doohan left the meeting at 7:11pm.

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

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

Those against the Motion: Nil.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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

The motion was carried.

**ITEM NO. 3**

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

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

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

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**RECOMMENDATION IS THAT COUNCIL:**

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

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



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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

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

Those against the Motion: Nil.

The motion was carried.



**ITEM NO. 2**

**FILE NO: 23/230763  
EDRMS NO: 58-2022-5-1**

**PLANNING PROPOSAL FOR SUNRISE LIFESTYLE VILLAGE, 4011, 4029 AND  
4045 NELSON BAY ROAD, BOBS FARM**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the amendments to the planning proposal (**ATTACHMENT 1**) for Lot 51 DP 1175028, 4011 Nelson Bay Road, Bobs Farm Lot 3622 DP 622485, 4029 Nelson Bay Road, Bobs Farm and Lot 2 DP 622229, 4045 Nelson Bay Road, Bobs Farm.
- 2) Receive and note the submissions received during public exhibition of the planning proposal (**ATTACHMENT 2**).
- 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 Chris Doohan returned to the meeting at 7:14pm.  
Councillor Peter Francis returned to the meeting at 7:15pm.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2023  
MOTION**

<b>253</b>	<p><b>Councillor Leah Anderson Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Note the amendments to the planning proposal (<b>ATTACHMENT 1</b>) for Lot 51 DP 1175028, 4011 Nelson Bay Road, Bobs Farm Lot 3622 DP 622485, 4029 Nelson Bay Road, Bobs Farm and Lot 2 DP 622229, 4045 Nelson Bay Road, Bobs Farm.</li> <li>2) Receive and note the submissions received during public exhibition of the planning proposal (<b>ATTACHMENT 2</b>).</li> <li>3) Authorise the exercise of delegations to make the amendment to the</li> </ol>
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	Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).
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Councillor Peter Kafer returned to the meeting at 7:15pm.

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

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 14 NOVEMBER 2023**

Councillor Matthew Bailey left the meeting at 7:48pm.

**ITEM NO. 1**

**FILE NO: 23/154449  
EDRMS NO: 16-2022-544-1**

**DEVELOPMENT APPLICATION 16-2022-544-1 FOR A CARAVAN PARK AT 4473  
NELSON BAY ROAD, ANNA BAY**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2022-544-1 for a Caravan Park (Residential Lifestyle Community) comprising 171 long term sites, 2 short term sites, community building and associated infrastructure at 4473 Nelson Bay Road, Anna Bay and 70A Latitude Drive, Anna Bay (LOT: 25 DP: 852410 and LOT: 4 DP: 398888) subject to the conditions contained in (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023  
MOTION**

<b>266</b>	<p><b>Councillor Leah Anderson Councillor Glen Dunkley</b></p> <p>It was resolved that Council approves Development Application DA No. 16-2022-544-1 for a Caravan Park (Residential Lifestyle Community) comprising 171 long term sites, 2 short term sites, community building and associated infrastructure at 4473 Nelson Bay Road, Anna Bay and 70A Latitude Drive, Anna Bay (LOT: 25 DP: 852410 and LOT: 4 DP: 398888) subject to the conditions contained in (<b>ATTACHMENT 1</b>), subject to the following amendments:</p> <ol style="list-style-type: none"> <li>1) Amending condition 7.0(7) to include the wording '<b>in-perpetuity</b>' 7.0(7) <b>Vegetation Management Plan</b> – The area on the site impacted by the approved Vegetation Management Plan (VMP) required by</li> </ol>
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	<p>Condition 1.14 of this consent must be maintained in accordance with the approved VMP in-perpetuity.</p> <p>Monitoring reports in accordance with the Vegetation Management Plan must be prepared by or on behalf of the operated and provided to Council on request.</p> <p>2) Adding the following condition to allow for speed bumps:</p> <p><b>2.0(4) Roads Act Approval</b> – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roads Act Approval Certificate under Section 138B of the Roads Act 1993. The following information must be provided to Council as Roads Authority with the Roads Act application:</p> <p>Design of speed humps on Latitude Drive adjacent to the area identified as the 'Proposed VMP Area' identified on the Figure titled 'Proposed Vegetation management Plan Area' of the 'Re: Ecology RFI Response - 4473 Nelson Bay Road, Anna Bay (DA 16-2022-544-1) (Ref: 20092 Ecology RFI Response 4473 Nelson Bay Road, Anna Bay 1-3-2023)', prepared by MJD Environmental, dated 1 March 2023.</p> <p>3) Prior to the issue of an Occupation Certificate, a Section 138 Roads Act approval must be obtained. The application for the Section 138 Roads Act approval must be supported by a revised Traffic Impact Assessment considering the intersection treatment of Latitude Drive and Nelson Bay Rd to the satisfaction of Transport for NSW and Council.</p>
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The amendment by Cr Anderson to include points 1 and 2 was accepted by the seconder and included in the motion.

Cr Jason Wells left the meeting at 7:52pm.

The amendment by Mayor Palmer to include point 3 was accepted by the mover and seconder and included in the motion.

Cr Jason Wells returned to the meeting at 7:54pm

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

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

Those against the Motion: Nil.

The motion was carried.

Councillor Matthew Bailey returned to the meeting at 8:02pm.

**ITEM NO. 2**

**FILE NO: 23/245700  
EDRMS NO: 16-2022-529-1**

**DEVELOPMENT APPLICATION 16-2022-529-1 FOR A DWELLING AT 509 GAN GAN ROAD, ONE MILE**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2022-529-1 for a 2 storey dwelling and swimming pool at 509 Gan Gan Road, One Mile (LOT: 2 DP: 810866) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023  
MOTION**

<b>267</b>	<p><b>Councillor Leah Anderson Councillor Peter Kafer</b></p> <p>It was resolved hat Council approves Development Application DA No. 16-2022-529-1 for a 2 storey dwelling and swimming pool at 509 Gan Gan Road, One Mile (LOT: 2 DP: 810866) subject to the conditions contained in <b>(ATTACHMENT 1)</b>, subject to the following amendments:</p> <p>1.0 General Conditions of Consent</p> <p><b>Replace condition (10) with the following:</b></p> <p><b>Replacement Tree Planting</b> - Prior to the removal of vegetation, the following replacement trees must be planted on the subject lot (LOT: 2 DP: 810866) outside of the approved APZ:</p> <ul style="list-style-type: none"> <li>a. 100 x Forest Redgum (Eucalyptus tereticornis) (must be planted at elevations above 2.5 m AHD)</li> <li>b. 80 x Swamp Mahogany (Eucalyptus robusta) (must be planted at elevations below 2.5 m AHD)</li> <li>c. 20 x Broad-leaved Paperbark (Melaleuca quinquenervia) (must be</li> </ul>
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	<p>planted at elevations below 2.5 m AHD)</p> <p>Pot sizes. 50% of plantings are to be from 140mm pots, 30% of plantings are to be from pot sizes greater than 15 litres, 20% of plantings are to be from pot sizes greater than 75 litres.</p> <p>Where plant stock availability issues are encountered, an alternative planting schedule may be implemented as approved by Council’s Natural System’s Team.</p> <p>All replacement trees must be sourced from local provenance seed stock in accordance with the Port Stephens Technical Specification – Trees (2014) and must be protected from predation by goats / grazing livestock. This may include the use of stock proof tree guards, appropriate fencing (ensuring any fencing used is koala friendly) or the removal of goats/grazing livestock from site.</p> <p><b>Replace condition (12) b) with the following:</b> Vehicles associated with the development activity approved by this development consent are prohibited from using the access point from Gan Gan Road at any time, including both workforce traffic and all delivery vehicles.</p>
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Councillor Steve Tucker left the meeting at 8:04pm.  
Councillor Steve Tucker returned to the meeting at 8:06pm.

The amendment by Cr Anderson to include the additional changes to the motion was accepted by the seconder and included in the motion.

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

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 23/253338  
EDRMS NO: PSC2023-02759**

**PLANNING PROPOSAL FOR COASTAL RISK PLANNING CLAUSE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map.
  - 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
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**ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023  
MOTION**

<b>268</b>	<p><b>Councillor Jason Wells</b> <b>Councillor Leah Anderson</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the planning proposal (<b>ATTACHMENT 1</b>) to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map.</li> <li>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

Councillor Peter Kafer left the meeting at 8:20pm and did not return to the meeting.



**ITEM NO. 4**

**FILE NO: 23/252131  
EDRMS NO: PSC2018-02573-007**

**REVISED EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the revised Exceptions to Development Standards policy shown at **(ATTACHMENT 1)**.
  - 2) Places the revised Exceptions to Development Standards policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
  - 3) Revokes the Exceptions to Development Standards policy dated 9 February 2021, Minute No. 007, should no submissions be received.
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**ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023  
MOTION**

<b>269</b>	<p><b>Councillor Glen Dunkley Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Endorses the revised Exceptions to Development Standards policy shown at <b>(ATTACHMENT 1)</b>.</li> <li>2) Places the revised Exceptions to Development Standards policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.</li> <li>3) Revokes the Exceptions to Development Standards policy dated 9 February 2021, Minute No. 007, should no submissions be received.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

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**ORDINARY COUNCIL MEETING – 28 NOVEMBER 2023**

**ITEM NO. 1**

**FILE NO: 23/266681  
EDRMS NO: PSC2023-04100**

**DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN  
2014 – CHAPTER B5 FLOODING**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Places the draft Port Stephens Development Control Plan 2014 Chapter B5 Flooding (**ATTACHMENT 1**) as amended on public exhibition in the week commencing 15 January 2024 for a period of 28 days, if no submissions are received, adopt as recommended without a further report to council.

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023  
MOTION**

<b>276</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council place the draft Port Stephens Development Control Plan 2014 Chapter B5 Flooding (<b>ATTACHMENT 1</b>) as amended on public exhibition by the end of November 2023, until 12 February 2024, with advertisement in the media of the public exhibition period to occur from 15 January 2024 and social media advertisement to occur throughout the whole period, with the Plan to return to Council following the exhibition period to consider adoption.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 23/272493  
EDRMS NO: 58-2023-2-1**

**ADMINISTRATIVE AMENDMENT TO THE PORT STEPHENS LOCAL  
ENVIRONMENTAL PLAN 2013**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the administrative planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013.
  - 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
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**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023  
MOTION**

<b>279</b>	<p><b>Councillor Giacomo Arnott Mayor Ryan Palmer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the administrative planning proposal (<b>ATTACHMENT 1</b>) to amend the Port Stephens Local Environmental Plan 2013, with the deferral of points 1, 2, 3 and 5 from the report for consideration by the Mayor and Councillors at a workshop to determine the future strategic direction of Council on these proposals.</li> <li>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.



Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.



**ORDINARY COUNCIL MEETING – 12 DECEMBER 2023**

**DEVELOPMENT APPLICATION 16-2023-452-1 FOR A 3 STOREY DWELLING  
AND RETAINING WALLS AT 19 TAREEBIN ROAD, NELSON BAY**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2023-452-1 for a 3 storey dwelling and retaining walls at 19 Tareebin Road, Nelson Bay (Lot: 1 DP: 1063226) subject to the conditions contained in recommended conditions of consent **(ATTACHMENT 1)**.
- 2) Supports the Clause 4.6 variation request to the building height for the reasons outlined within this report.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2023  
MOTION**

<b>297</b>	<p><b>Councillor Steve Tucker Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Approves Development Application DA No. 16-2023-452-1 for a 3 storey dwelling and retaining walls at 19 Tareebin Road, Nelson Bay (Lot: 1 DP: 1063226) subject to the conditions contained in recommended conditions of consent <b>(ATTACHMENT 1)</b>.</li> <li>2) Supports the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 23/154463  
EDRMS NO: 16-2023-173-1**

**DEVELOPMENT APPLICATION 16-2023-173-1 FOR A FUNCTION CENTRE AT 5 KOALA PLACE, BOAT HARBOUR**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2023-173-1 for a Function Centre at 5 Koala Place, Boat Harbour (Lot: 273 DP: 871058) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2023  
MOTION**

<b>299</b>	<p><b>Councillor Leah Anderson Councillor Peter Kafer</b></p> <p>It was resolved that Council approves Development Application DA No. 16-2023-173-1 for a Function Centre at 5 Koala Place, Boat Harbour (Lot: 273 DP: 871058) subject to the conditions contained in <b>(ATTACHMENT 1)</b>, and the inclusion of the following amendments:</p> <p><b>Amendments to recommended conditions</b> Amend Condition 2.0 (9)(a) to remove the requirement for a restriction of title relating to domestic dogs.</p> <p><b>2.0 - Prior to issue of Occupation Certificate</b></p> <p>(9) <b>Section 88B Instrument</b> – The applicant must prepare a Section 88B Instrument which incorporates the following easements, positive covenants and restrictions to user where necessary:</p> <p style="padding-left: 20px;">a) A restriction on the title of LOT: 273 DP: 871058, that where fencing is required, fencing must be Koala friendly and must not</p>
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	<p>compromise the potential for safe movement of koalas across the site.</p> <p>Amend Condition 3.0 (2) to increase the capacity of events to 80 patrons.</p> <p><b>3.0 – Ongoing Use</b> (2) <b>Event Capacity</b> –The capacity of the functions is restricted to a maximum of 80 patrons at any one time.</p> <p><b>New ongoing use conditions</b></p> <p><b>3.0 – Ongoing Use</b> (21) <b>Domestic Dogs</b> – Any domestic dogs on site are to be kept on-leash at all times.</p> <p>(22) <b>Catering Vehicles</b> – Catering vehicles including unloading/loading activities and the use of generators are not to be located adjacent to site boundaries including in parking areas along the sites access driveway.</p>
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Councillor Giacomo Arnott left the meeting at 7:04pm.  
Councillor Giacomo Arnott returned to the meeting at 7:06pm.

The amended conditions were accepted by the seconder.

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

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 23/305560  
EDRMS NO: 16-2023-215-1**

**DEVELOPMENT APPLICATION 16-2023-215-1 - 5 INTO 2 LOT SUBDIVISION AT  
7 WALKER CRESCENT, RAYMOND TERRACE (MUREE GOLF COURSE)**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2023-215-1 for a 5 into 2 lot Torrens title Subdivision at 1C and 1A Freeth Street, 7 and 9 Walker Crescent, 2A Elizabeth Avenue, Raymond Terrace (LOT: 33 DP: 40136, LOT: 202 DP: 610043, LOT: 31 DP: 753161, LOT: 8 SEC: 24 DP: 758871, LOT: 1 SEC: 22 DP: 758871) subject to the recommended conditions of consent contained in **(ATTACHMENT 1)**.
- 2) Supports the Clause 4.6 Variation request to the minimum lot size for the reasons set out within this report.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2023  
MOTION**

<b>300</b>	<p><b>Councillor Peter Kafer Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Approves Development Application DA No. 16-2023-215-1 for a 5 into 2 lot Torrens title Subdivision at 1C and 1A Freeth Street, 7 and 9 Walker Crescent, 2A Elizabeth Avenue, Raymond Terrace (LOT: 33 DP: 40136, LOT: 202 DP: 610043, LOT: 31 DP: 753161, LOT: 8 SEC: 24 DP: 758871, LOT: 1 SEC: 22 DP: 758871) subject to the recommended conditions of consent contained in <b>(ATTACHMENT 1)</b>.</li> <li>2) Supports the Clause 4.6 Variation request to the minimum lot size for the reasons set out within this report.</li> </ol>
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Cr Giacomo Arnott foreshadowed a matter arising.

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

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

Those against the Motion: Nil.

The motion was carried.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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