

ORDINARY COUNCIL MEETING – 13 FEBRUARY 2024

Councillor Leah Anderson left the meeting at 5:45pm.

ITEM NO. 1

**FILE NO: 23/306781
EDRMS NO: 16-2023-541-1**

DEVELOPMENT APPLICATION 16-2023-541-1 FOR ALTERATIONS AND ADDITIONS TO THE KOALA SANCTUARY VETERINARIAN FACILITY (KOALA HOSPITAL) AT 562 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. 16-2023-541-1 for alterations and additions to the Koala Sanctuary Veterinarian facility (Koala Hospital) at 562 Gan Gan Road, One Mile (LOT: 2 DP: 1109948) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2024
MOTION**

001	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council approves Development Application DA No. 16-2023-541-1 for alterations and additions to the Koala Sanctuary Veterinarian facility (Koala Hospital) at 562 Gan Gan Road, One Mile (LOT: 2 DP: 1109948) subject to the conditions contained in (ATTACHMENT 1).</p>
------------	--

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

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

Those against the Motion: Nil.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2024**

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

The motion was carried.

Councillor Leah Anderson returned to the meeting at 5:46pm.

ITEM NO. 2

**FILE NO: 23/358081
EDRMS NO: 16-2023-573-1**

**DEVELOPMENT APPLICATION 16-2023-573-1 FOR A 3 STOREY DWELLING AT
15A 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. 16-2023-573-1 for a 3 storey dwelling and retaining walls at 15A Tareebin Road, Nelson Bay (Lot: 2 DP: 1036034) 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 - 13 FEBRUARY 2024
MOTION**

002	<p>Councillor Chris Doohan Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approves Development Application DA No. 16-2023-573-1 for a 3 storey dwelling and retaining walls at 15A Tareebin Road, Nelson Bay (Lot: 2 DP: 1036034) 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.
------------	--

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
2024**

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

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 27 FEBRUARY 2024

ITEM NO. 1

**FILE NO: 24/29463
EDRMS NO: 16-2016-638-3**

**DEVELOPMENT APPLICATION (MODIFICATION) 16-2016-638-3 - S4.55(1A)
MODIFICATION TO THE APPROVED FUNCTION CENTRE (WEDDING
RECEPTIONS) AND TEMPORARY MARQUEE STRUCTURE AT 76 WALLALONG
ROAD, WALLALONG**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve S4.55(1A) Modification Application to DA 16-2016-638-3 for a S4.55(1A) Modification to the approved Function Centre (Wedding Receptions) and Temporary Marquee Structure to increase the number of events and amendments to operational conditions at 76 Wallalong Road, Wallalong (LOT: 577 DP: 864399) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024
MOTION**

003	<p>Councillor Giacomo Arnott Councillor Peter Kafer</p> <p>It was resolved that Council approve S4.55(1A) Modification Application to DA 16-2016-638-3 for a S4.55(1A) Modification to the approved Function Centre (Wedding Receptions) and Temporary Marquee Structure to increase the number of events and amendments to operational conditions at 76 Wallalong Road, Wallalong (LOT: 577 DP: 864399) subject to the conditions contained in (ATTACHMENT 1) and the following amendment to the conditions in (ATTACHMENT 1):</p> <p>"and an additional condition to be titled 19 (f) which reads: Every month following the commencement of this consent, the proponent must provide to Council a full copy of the sound monitoring data for that month, a list of weddings held including dates and days of the week for that month, the number of patrons at each wedding for that month, and a copy of the</p>
------------	---

	<p>complaints register for that month. This requirement will remain in place for an eight (8) months trial period.", and an amendment to item 19 to change "one (1) year" to "eight (8) months".</p>
--	--

The seconder accepted the amendment from six (6) months to eight (8) months and for the trial period to be eight (8) months.

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 Giacomo Arnott left the meeting at 5:47pm.
Councillor Peter Francis left the meeting at 5:47pm.

ITEM NO. 2

FILE NO: 24/26659
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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submissions received during the exhibition period **(ATTACHMENT 1)**.
 - 2) Endorses the Port Stephens Development Control Plan 2014 Chapter D12 Richardson Road western precinct **(ATTACHMENT 2)** as exhibited.
 - 3) Provides public notice that the amendment to Port Stephens Development Control Plan 2014 Chapter D12 Richardson Road (western precinct) has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.
-

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024
MOTION**

	<p>Councillor Glen Dunkley Councillor Steve Tucker</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Receives and note the submissions received during the exhibition period (ATTACHMENT 1). 2) Endorses the Port Stephens Development Control Plan 2014 Chapter D12 Richardson Road western precinct (ATTACHMENT 2) as exhibited. 3) Provides public notice that the amendment to Port Stephens Development Control Plan 2014 Chapter D12 Richardson Road (western precinct) has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.
--	---

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024
AMENDMENT**

004	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Item 2 be deferred for a Two-way conversation with the Mayor and Councillors to discuss the original motion and the subsequent amendment.</p>
------------	--

Cr Leah Anderson and Cr Jason Wells moved in the first instance:

That Council:

- 1) Defers the DCP amendment to allow Council staff to prepare a planning proposal to rezone the western Richardson Road precinct to rural zoning.
- 2) Requests the General Manager to prepare a planning proposal to facilitate the rezoning of western Richardson Road to rural zoning in line with the requests of local residents as outlined in the submissions on this item.
- 3) Requests the General Manager to ensure that the planning proposal provides context to the NSW Government outlining Council's efforts to increase density in Raymond Terrace, and outline Council's commitment to housing diversity in its housing strategy and the importance of these rural-style lots to meeting the needs of that strategy.

An amendment was proposed by Mayor Palmer, which was accepted by the mover and 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 Palmer, Crs Leah Anderson, Matthew Bailey, Glen Dunkley, Peter Kafer, Ryan Palmer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

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

Councillor Giacomo Arnott returned to the meeting at 5:55pm.

Councillor Peter Francis returned to the meeting at 5:55pm.

ITEM NO. 3

**FILE NO: 24/25814
EDRMS NO: PSC2022-01211**

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submission received during the exhibition period **(ATTACHMENT 1)**.
- 2) Endorses the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) **(ATTACHMENT 2)**.
- 3) Provides public notice that the amendment Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024
MOTION**

005	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>It was resolve that Council:</p> <ol style="list-style-type: none"> 1) Receives and note the submission received during the exhibition period (ATTACHMENT 1). 2) Endorses the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) (ATTACHMENT 2). 3) Provides public notice that the amendment Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) has been approved in accordance with the Environmental Planning and Assessment Regulation 2021. 4) Request the General Manager to prepare a report to the Council outlining the best way to implement an amendment to the DCP at
------------	---

	BB.20 to remove "excluding dwelling houses, dual occupancies and semi-detached dwellings".
--	--

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. 4

**FILE NO: 24/29386
EDRMS NO: 79-2023-4-1**

EXHIBITION OF DRAFT PORT STEPHENS COASTAL MANAGEMENT PROGRAM

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the draft Coastal Management Program and associated appendices **(ATTACHMENT 1)** to be placed on public exhibition for a period of 28 days.
- 2) Be provided with a further report at the conclusion of the public exhibition period.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024
MOTION**

006	<p>Councillor Jason Wells Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorses the draft Coastal Management Program and associated appendices (ATTACHMENT 1) to be placed on public exhibition for a period of 28 days. 2) Be provided with a further report at the conclusion of the public exhibition period.
------------	---

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.

ORDINARY COUNCIL MEETING – 12 MARCH 2024

ITEM NO. 1

**FILE NO: 24/30305
EDRMS NO: 16-2021-888-3**

DEVELOPMENT APPLICATION 16-2021-888-3 FOR MODIFICATION OF 3 STOREY DWELLING, POOL AND LANDSCAPING AT 3 GYMEA WAY, NELSON BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves Development Application DA No. 16-2021-888-3 for modification of 3 storey dwelling, pool and landscaping at 3 Gymea Way Nelson Bay (Lot 3 DP285941, subject to the conditions contained in **(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 MARCH 2024
MOTION**

007	<p>Councillor Glen Dunkley Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approves Development Application DA No. 16-2021-888-3 for modification of 3 storey dwelling, pool and landscaping at 3 Gymea Way Nelson Bay (Lot 3 DP285941, subject to the conditions contained in (ATTACHMENT 1)). 2) Supports the Clause 4.6 variation request to the building height for the reasons outlined within this report.
------------	--

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
2024**

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

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. 2

**FILE NO: 24/18791
EDRMS NO: 16-2023-379-1**

**DEVELOPMENT APPLICATION 16-2023-379-1 FOR A 6 STOREY RESIDENTIAL
FLAT BUILDING WITH BASEMENT CAR PARKING AT 5 DONALD STREET,
NELSON BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves Development Application 16-2023-379-1 for a 6 storey residential flat building with basement car parking, subject to the conditions contained in **(ATTACHMENT 1)**.
 - 2) Supports 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 - 12 MARCH 2024
MOTION**

008	<p>Councillor Leah Anderson Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approves Development Application 16-2023-379-1 for a 6 storey residential flat building with basement car parking, subject to the conditions contained in (ATTACHMENT 1). 2) Supports 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).
------------	---

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
2024**

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

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.

ORDINARY COUNCIL MEETING – 26 MARCH 2024

ITEM NO. 1

**FILE NO: 24/30764
EDRMS NO: PSC2023-03961**

REVISED LOCAL HOUSING STRATEGY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the revised Port Stephens Local Housing Strategy (**ATTACHMENT 1**) for public exhibition for a period of 28 days.
- 2) Requests a further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the revised Port Stephens Local Housing Strategy.

**ORDINARY COUNCIL MEETING - 26 MARCH 2024
MOTION**

009	<p>Councillor Chris Doohan Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorses the revised Port Stephens Local Housing Strategy (ATTACHMENT 1) for public exhibition for a period of 28 days. 2) Requests a further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the revised Port Stephens Local Housing Strategy.
------------	--

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, Matthew Bailey, Chris Doohan, Glen Dunkley, Steve Tucker and Jason Wells.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2024**

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

Those against the Motion: Nil.

The motion was carried.

Councillor Peter Kafer returned to the meeting at 5:50pm.
Mayor Ryan Palmer returned to the meeting at 5:50pm and resumed the chair.
Councillor Giacomo Arnott returned to the meeting at 5:50pm.
Councillor Peter Francis returned to the meeting at 5:50pm.

ITEM NO. 2

**FILE NO: 24/34203
EDRMS NO: PSC2023-01018**

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN - CHAPTER B1
TREE MANAGEMENT AND B2 FLORA AND FAUNA**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft Port Stephens Development Control Plan 2014 Chapter B1 Tree Management and B2 Flora and Fauna (**ATTACHMENT 1**) 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 - 26 MARCH 2024
MOTION**

010	<p>Councillor Peter Kafer Councillor Leah Anderson</p> <p>It was resolved that Council place the draft Port Stephens Development Control Plan 2014 Chapter B1 Tree Management and B2 Flora and Fauna (ATTACHMENT 1) 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.</p>
------------	--

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
2024**

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Dohan, 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: 23/250599
EDRMS NO: PSC2021-04028**

**DRAFT VOLUNTARY PLANNING AGREEMENT - HANSON CONSTRUCTION
MATERIALS PTY LTD**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Voluntary Planning Agreement (**ATTACHMENT 1**) between Council and Hanson Constructions Materials Pty Ltd, together with the accompanying explanatory note (**ATTACHMENT 2**) for public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021, and should no submissions be received, approve the Voluntary Planning Agreement and explanatory notes as exhibited for execution.
-

**ORDINARY COUNCIL MEETING - 26 MARCH 2024
MOTION**

011	<p>Councillor Giacomo Arnott Councillor Peter Kafer</p> <p>It was resolved that Council endorse the draft Voluntary Planning Agreement (ATTACHMENT 1) between Council and Hanson Constructions Materials Pty Ltd, together with the accompanying explanatory note (ATTACHMENT 2) for public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021, and should no submissions be received, approve the Voluntary Planning Agreement and explanatory notes as exhibited for execution.</p>
------------	---

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
2024**

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, 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 – 9 APRIL 2024

ITEM NO. 1

**FILE NO: 24/47405
EDRMS NO: PSC2023-04100**

PORT STEPHENS DEVELOPMENT CONTROL PLAN – CHAPTER B5 FLOODING

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

DIRECTORATE: COMMUNITY FUTURES

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 (DCP) Chapter B5 Flooding **(ATTACHMENT 2)**.
- 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 (DCP) Chapter B5 Flooding has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.

**ORDINARY COUNCIL MEETING - 9 APRIL 2024
MOTION**

012	<p>Councillor Chris Doohan Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions received during the exhibition period (ATTACHMENT 1). 2) Endorse the Port Stephens Development Control Plan 2014 (DCP) Chapter B5 Flooding (ATTACHMENT 2). 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 (DCP) Chapter B5 Flooding has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.
------------	---

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.

ORDINARY COUNCIL MEETING – 23 APRIL 2024

Mayor Ryan Palmer vacated the chair and left the meeting at 5:50pm.

The Deputy Mayor, Cr Leah Anderson chaired the meeting in the absence of the Mayor.

ITEM NO. 1

**FILE NO: 24/61040
EDRMS NO: PSC2021-00320**

SHOAL BAY PLACE PLAN

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions made during the exhibition of the draft Shoal Bay Place Plan and the response to the public submissions (**ATTACHMENT 1**).
- 2) Adopt the Shoal Bay Place Plan, as amended (**ATTACHMENT 2**).

**ORDINARY COUNCIL MEETING - 23 APRIL 2024
MOTION**

074	<p>Councillor Chris Doohan Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the submissions made during the exhibition of the draft Shoal Bay Place Plan and the response to the public submissions (ATTACHMENT 1). 2) Adopt the Shoal Bay Place Plan, as amended (ATTACHMENT 2).
------------	---

Councillor Peter Kafer left the meeting at 5:52pm.
Councillor Peter Kafer returned to the meeting at 5:56pm.

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, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Mayor Ryan Palmer returned to the meeting at 6:03pm and resumed the chair.

ORDINARY COUNCIL MEETING – 14 MAY 2024

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 24/100949
EDRMS NO: PSC2021-04195**

PLANNING POLICIES

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Requests the General Manager to:
 - a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the “Policies”) to include Policy statements to the effect of “Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard ‘4.3 Height of Buildings’, by greater than 10%, be determined by staff under delegation”, and that “such DAs be included in PS Newsletter prior to determination”.
 - b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.
 - c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 14 MAY 2024
MOTION**

096	<p>Councillor Giacomo Arnott Councillor Glen Dunkley</p> <p>It was resolved that Council requests the General Manager to:</p> <ol style="list-style-type: none"> a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the “Policies”) to include Policy statements to the effect of “Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard ‘4.3 Height
------------	--

	<p>of Buildings’, by greater than 10%, be determined by staff under delegation”, and that “such DAs be included in PS Newsletter prior to determination”, and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.</p> <p>b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.</p> <p>c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council.</p>
--	---

Cr Arnott introduced additional wording to 1a) – ‘and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process’, which was accepted.

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, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 28 MAY 2024

ITEM NO. 1

**FILE NO: 24/76010
EDRMS NO: 16-2023-658-1**

**DEVELOPMENT APPLICATION 16-2023-658-1 FOR A 3 STOREY DWELLING AT
3 TAREEBIN ROAD, NELSON BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2023-658-1 for a 3 storey dwelling and associated land clearing, driveway, retaining walls, and earthworks at 3 Tareebin Road, Nelson Bay, Lot 615 DP 9165, subject to the conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation to the building height for the reasons outline within this report.

**ORDINARY COUNCIL MEETING - 28 MAY 2024
MOTION**

102	<p>Councillor Peter Kafer Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve Development Application DA No. 16-2023-658-1 for a 3 storey dwelling and associated land clearing, driveway, retaining walls, and earthworks at 3 Tareebin Road, Nelson Bay, Lot 615 DP 9165, subject to the conditions contained in (ATTACHMENT 1). 2) Support the Clause 4.6 variation to the building height for the reasons outline within this report.
------------	--

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, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 2

**FILE NO: 24/76121
EDRMS NO: 16-2023-514-3**

**DEVELOPMENT APPLICATION 16-2023-514-3 FOR A DWELLING AT 111E
WALLAWA ROAD, NELSON BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Modification Application DA No. 16-2023-514-3 for a dwelling at 111E Wallawa Road, Nelson Bay subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 28 MAY 2024
MOTION**

103	<p>Councillor Peter Kafer Councillor Chris Doohan</p> <p>It was resolved that Council approve Modification Application DA No. 16-2023-514-3 for a dwelling at 111E Wallawa Road, Nelson Bay subject to the conditions contained in (ATTACHMENT 1).</p>
------------	--

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

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

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 3

**FILE NO: 24/90326
EDRMS NO: 16-2024-45-1**

**DEVELOPMENT APPLICATION 16-2024-45-1 AT 226 SANDY POINT ROAD,
SALAMANDER BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves Development Application DA No. 16-2024-45-1, for a 1 into 2 lot Torrens title subdivision and construction of a dwelling and swimming pool, subject to conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 28 MAY 2024
MOTION**

104	<p>Councillor Peter Kafer Councillor Chris Doohan</p> <p>It was resolved that Council approves Development Application DA No. 16-2024-45-1, for a 1 into 2 lot Torrens title subdivision and construction of a dwelling and swimming pool, subject to conditions contained in (ATTACHMENT 1).</p>
------------	---

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

Those for the Motion: Crs 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 – 11 JUNE 2024

ITEM NO. 1

**FILE NO: 24/102104
EDRMS NO: 58-2023-1-1**

PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the amendments to the planning proposal (**ATTACHMENT 1**) and related amendment to the Port Stephens Development Control Plan 2014 (**ATTACHMENT 2**) for 39, 39A and 41 Brocklesby Road Medowie (Lots 1 & 2 DP 1291794 and Lot 2 DP 508780).
- 2) Authorises the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

**ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION**

121	<p>Councillor Chris Doohan Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Notes the amendments to the planning proposal (ATTACHMENT 1) and related amendment to the Port Stephens Development Control Plan 2014 (ATTACHMENT 2) for 39, 39A and 41 Brocklesby Road Medowie (Lots 1 & 2 DP 1291794 and Lot 2 DP 508780). 2) Authorises 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).
------------	---

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
2024**

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

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. 2

**FILE NO: 24/78209
EDRMS NO: PSC2021-04028**

**VOLUNTARY PLANNING AGREEMENT - HANSON CONSTRUCTION MATERIAL
PTY LTD – BRANDY HILL PATHWAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submissions (**ATTACHMENT 1**) received during the public exhibition of the draft Voluntary Planning Agreement related to Voluntary Planning Agreement - Hanson Construction Material Pty Ltd – Brandy Hill pathway.
 - 2) Authorises the execution of the Voluntary Planning Agreement (as exhibited) (**ATTACHMENT 2**).
-

**ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION**

122	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receives and notes the submissions (ATTACHMENT 1) received during the public exhibition of the draft Voluntary Planning Agreement related to Voluntary Planning Agreement - Hanson Construction Material Pty Ltd – Brandy Hill pathway. 2) Authorises the execution of the Voluntary Planning Agreement (as exhibited) (ATTACHMENT 2).
------------	--

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.



**PORT STEPHENS COUNCIL
PLANNING DECISION REGISTER
2024**

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 25 JUNE 2024

ITEM NO. 1

**FILE NO: 24/112935
EDRMS NO: 16-2023-731-1**

DEVELOPMENT APPLICATION 16-2023-731-1 FOR A DWELLING AT 7 GYMEA WAY, NELSON BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No. 16-2023-731-1 for a dwelling and associated works at 7 Gymea Way, Nelson Bay (Lot: 5 DP: 285941) 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.

**ORDINARY COUNCIL MEETING - 25 JUNE 2024
MOTION**

138	<p>Councillor Glen Dunkley Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve Development Application (DA) No. 16-2023-731-1 for a dwelling and associated works at 7 Gymea Way, Nelson Bay (Lot: 5 DP: 285941) subject to the conditions contained in (ATTACHMENT 1), and an additional condition requiring all north facing windows on the first floor to have a fully opaque finish to ensure neighbouring privacy impacts are managed. 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.
------------	---

Cr Giacomo Arnott requested an additional condition as follows: 'additional condition requiring all north facing windows on the first floor to have a fully opaque finish to ensure neighbouring privacy impacts are managed.' The mover and seconder accepted the additional condition.

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.

ITEM NO. 3

**FILE NO: 24/134677
EDRMS NO: PSC2023-02759**

PLANNING PROPOSAL - COASTAL RISK PLANNING CLAUSE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the updated planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to insert a new clause and map to address the risk of dune transgression.
- 2) Receive and note the submissions received (**ATTACHMENT 2**) during public exhibition of the planning proposal.
- 3) Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure to request the amendment to the Port Stephens Local Environmental Plan 2013 is finalised.
- 4) Request the NSW Department of Planning, Housing and Infrastructure make an amendment to State Environmental Planning Policy (Resilience and Hazards) 2021 to map coastal risk areas identified in the Port Stephens Coastal Management Program as the Coastal Vulnerability Area, in accordance with the correspondence received on 24 April 2024 (**ATTACHMENT 3**).

**ORDINARY COUNCIL MEETING - 25 JUNE 2024
MOTION**

140	<p>Councillor Leah Anderson Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the updated planning proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 to insert a new clause and map to address the risk of dune transgression. 2) Receive and note the submissions received (ATTACHMENT 2) during public exhibition of the planning proposal.
------------	--

	<p>3) Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure to request the amendment to the Port Stephens Local Environmental Plan 2013 is finalised.</p> <p>4) Request the NSW Department of Planning, Housing and Infrastructure make an amendment to State Environmental Planning Policy (Resilience and Hazards) 2021 to map coastal risk areas identified in the Port Stephens Coastal Management Program as the Coastal Vulnerability Area, in accordance with the correspondence received on 24 April 2024 (ATTACHMENT 3).</p>
--	--

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

Those for the Motion: Mayor 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.

ITEM NO. 4

**FILE NO: 24/65666
EDRMS NO: PSC2023-03961-0004**

PORT STEPHENS LOCAL HOUSING STRATEGY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submissions received during the exhibition of the revised Port Stephens Local Housing Strategy and the response to the public submissions (**ATTACHMENT 1**).
- 2) Adopt the revised Port Stephens Local Housing Strategy, as amended (**ATTACHMENT 2**) and submit the Strategy to the NSW Department of Planning, Housing & Infrastructure for endorsement.

**ORDINARY COUNCIL MEETING - 25 JUNE 2024
MOTION**

144	<p>Councillor Leah Anderson Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receives and note the submissions received during the exhibition of the revised Port Stephens Local Housing Strategy and the response to the public submissions (ATTACHMENT 1). 2) Adopt the revised Port Stephens Local Housing Strategy, as amended (ATTACHMENT 2) and submit the Strategy to the NSW Department of Planning, Housing & Infrastructure for endorsement.
------------	--

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: 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.

ITEM NO. 5

**FILE NO: 24/127864
EDRMS NO: PSC2023-03961-0004**

**PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN –
MAPPING PART 1**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 1 (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 25 JUNE 2024
MOTION**

146	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 1 (ATTACHMENT 1).</p>
------------	--

Councillor Matthew Bailey left the meeting at 6:47pm.
Councillor Matthew Bailey returned to the meeting at 6:49pm.

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 Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 7

**FILE NO: 24/133102
EDRMS NO: PSC2023-03961-0004**

**PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN -
MAPPING PART 3**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 3 (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 25 JUNE 2024
MOTION**

147	<p>Councillor Leah Anderson Councillor Matthew Bailey</p> <p>It was resolved that Council adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 3 (ATTACHMENT 1).</p>
------------	---

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

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

Those against the Motion: Nil.

The motion was carried.