



ORDINARY COUNCIL MEETING 11 FEBRUARY 2014

ITEM NO. 1

FILE NO: 16-2010-460-2

SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION FOR RECREATION FACILITY (GYM) AT NO. 118 MAGNUS STREET NELSON BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the modification to 16-2010-4602 in accordance with the amended condition No.19 detailed within **(ATTACHMENT 3)**, resulting in the reduction of Section 94 Contributions from \$75,642 to \$46,857.20 (excluding CPI indexing).

ORDINARY COUNCIL MEETING – 11 FEBRUARY 2014
MOTION

004	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor John Morello
	That the recommendation be adopted.

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



PORT STEHENS COUNCIL
PLANNING DECISION REGISTER
Section 375A, Local Government Act 1993
(DLG Circular 08-45) –
Commenced 1 October 2008



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

Those against the Motion: Nil.



MOTION

005	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that Council approve the modification to 16-2010-4602 in accordance with the amended condition No.19 detailed within (ATTACHMENT 3) , resulting in the reduction of Section 94 Contributions from \$75,642 to \$46,857.20 (excluding CPI indexing).

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

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

Those against the Motion: Nil.



ORDINARY COUNCIL MEETING 25 FEBRUARY 2014

ITEM NO. 1

FILE NO: PSC2013-00455

PLANNING PROPOSAL FOR LOT 2 DP 810866 (509 GAN GAN ROAD, ONE MILE)

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the revised Planning Proposal at **(ATTACHMENT 5)** for the purpose of Section 55 of the Environmental Planning and Assessment Act 1979 to:
 - a. Retain the existing E4 Environmental Living Zone and apply a minimum lot size of 2,000m² to the western part of the site and 4 hectares to the residual land as shown in **(ATTACHMENT 4)**;
 - b. Forward the Planning Proposal to the NSW Department of Planning and Infrastructure for a Gateway Determination;
- 2) Consider a request from the Proponent for Council to reimburse the original fee paid in 2003 of \$10,500 adjusted to a 2013 dollar value of \$14,196.

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
MOTION

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

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Ken Jordan
	That the recommendation be adopted.



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

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

Those against the Motion: Nil.

MOTION

033	Councillor John Nell Councillor John Morello
	It was resolved that Council: <ol style="list-style-type: none">1. Adopt the revised Planning Proposal at (ATTACHMENT 5) for the purpose of Section 55 of the Environmental Planning and Assessment Act 1979 to:<ol style="list-style-type: none">a. Retain the existing E4 Environmental Living Zone and apply a minimum lot size of 2,000m² to the western part of the site and 4 hectares to the residual land as shown in (ATTACHMENT 4);b. Forward the Planning Proposal to the NSW Department of Planning and Infrastructure for a Gateway Determination;2. Consider a request from the Proponent for Council to reimburse the original fee paid in 2003 of \$10,500 adjusted to a 2013 dollar value of \$14,196.

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

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

Those against the Motion: Nil.



ITEM NO. 2

FILE NO: PSC2012-03912

**PLANNING PROPOSAL FOR LOT 100 AND LOT 101 DP 583216
CORNER OF FERODALE AND FAIRLANDS ROADS MEDOWIE**

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL
SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the revised Planning Proposal at **(ATTACHMENT 3)** in respect of Lot 100 and Lot 101 DP 583216 to rezone the subject land to R5 Large Lot Residential (with a minimum lot size of 1,000m²) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 and seek a Gateway Determination, noting the requirement for the Proponent to provide an infrastructure strategy.

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee left the meeting at 6.08pm, prior to Item 2.

	Councillor Geoff Dingle Councillor Steve Tucker
	That the recommendation be adopted.

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

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

Those against the Motion: Nil.

MOTION



Cr Paul Le Mottee left the meeting at 6.37pm, prior to Item 2.

034	<p>Councillor John Nell Councillor John Morello</p> <p>It was resolved that Council adopt the revised Planning Proposal at (ATTACHMENT 3) in respect of Lot 100 and Lot 101 DP 583216 to rezone the subject land to R5 Large Lot Residential (with a minimum lot size of 1,000m²) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 and seek a Gateway Determination, noting the requirement for the Proponent to provide an infrastructure strategy.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.



ITEM NO. 3

FILE NO: PSC2008-9241

YACAABA STREET EXTENSION, NELSON BAY

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse Concept 5 - one-way north bound (**ATTACHMENT 5**) as the preferred extension option for Yacaaba Street;
- 2) Place this Concept on public exhibition for a minimum period of 28 days;
- 3) Should no submissions objecting to the exhibited Concept be received then adopt and prepare a submission to Council's 2014/15 Integrated Works (Capital Works) Program;
- 4) Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013.

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee returned to the meeting at 6.16pm, during Item 3.

	<p>Councillor John Nell Councillor John Morello</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Endorse Concept 5 - one-way north bound (ATTACHMENT 5) as the preferred extension option for Yacaaba Street; 2) Place this Concept on public exhibition for a minimum period of 28 days; 3) Should no submissions objecting to the exhibited concept be received then adopt and allocate funds for detailed design in the 2014/2015 budget in preparation for a submission into Council's 2015/2016 Integrated Works (Capital Works) Program; 4) Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013.



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

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

Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee returned to the meeting at 6.39pm, during Item 3.

035	<p>Councillor John Nell Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse Concept 5 - one-way north bound (ATTACHMENT 5) as the preferred extension option for Yacaaba Street; 2) Place this Concept on public exhibition for a minimum period of 28 days; 3) Should no submissions objecting to the exhibited concept be received then adopt and allocate funds for detailed design in the 2014/2015 budget in preparation for a submission into Council's 2015/2016 Integrated Works (Capital Works) Program; 4) Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

Cr Geoff Dingle left the meeting at 6.39pm after the block vote was carried for all items.



EXTRA-ORDINARY COUNCIL MEETING 15 APRIL 2014

ITEM NO. 1

FILE NO: 16-2013-757-1

DEVELOPMENT APPLICATION FOR SENIORS LIVING SELF CARE VILLAGE AT NO. 118 & 118A SOLDIERS POINT ROAD SOLDIERS POINT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2013-757-1 subject to the conditions contained in **(ATTACHMENT 3)**.

EXTRA-ORDINARY COUNCIL MEETING – 15 APRIL 2014
MOTION

089	<p>Councillor Steve Tucker Councillor Sally Dover</p>
	<p>It was resolved that Council approve Development Application 16-2013-757-1 subject to the conditions contained in (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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.



ITEM NO. 2

FILE NO: 13/803 (16-2009-889-6)

ASH STREET/OASIS CLOSE WALKWAY – SOLDIERS POINT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend its resolution from 25 February 2014 requiring a 50% split of contributions for construction of walkway Option B;
- 2) Endorse a contribution respectively of \$34,000 for the owners of 3 Oasis and \$100,000 for the Soldiers Point Bowling Club (subject to the relevant memorandum of understanding and/or Voluntary Planning Agreements);
- 3) Upon the finalisation of the negotiations and respective payments, Council commence construction of the Walkway.

EXTRA-ORDINARY COUNCIL MEETING – 15 APRIL 2014

MOTION

090	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Amend its resolution from 25 February 2014 requiring a 50% split of contributions for construction of walkway Option B; 2) Endorse a contribution respectively for \$34,000 for the owners of 3 Oasis Close; \$34,000 for the owners of Soldiers Point Bowling Club; and the balance being \$66,000 to be funded via Section 94 contributions (subject to a relevant memorandum of understanding and/or voluntary planning agreements as necessary); 3) Upon the finalisation of the negotiations and respective payments, Council commence construction of the Walkway.
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PORT STEHENS COUNCIL
PLANNING DECISION REGISTER
Section 375A, Local Government Act 1993
(DLG Circular 08-45) –
Commenced 1 October 2008



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

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

Those against the Motion: Cr Steve Tucker.





ORDINARY COUNCIL MEETING 27 MAY 2014

ITEM NO. 1

FILE NO: 7-1996-41637-21

MODIFICATION OF DEVELOPMENT CONSENT FOR VANTAGE ESTATE SUBDIVISION AT NO. LOT 2249 DP 1141586, 4 MOORING AVENUE CORLETTE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Section 96 Modification of Development Consent (7-1996-41637-21) for Vantage Estate subdivision at Lot 2249 DP 1141586, 4 Mooring Avenue Corlette subject to the conditions contained in (ATTACHMENT 3).

ORDINARY COUNCIL MEETING – 27 MAY 2014
MOTION

116	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Geoff Dingle
	That Council defer Item 1 to allow for the provision of additional information with respect to Section 94 fees to be submitted back to Council.

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

Those for the Motion: Crs Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.



Those against the Motion: Mayor Bruce MacKenzie, Crs Ken Jordan and Sally Dover.

MOTION

118	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council defer Item 1 to allow for the provision of additional information with respect to Section 94 fees to be submitted back to Council.

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

Those for the Motion: Crs Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Mayor Bruce MacKenzie, Crs Ken Jordan and Sally Dover.



ITEM NO. 2

FILE NO: PSC2013-01904

**RECLASSIFICATION OF LOT 10 DP 729986 – 2 JESSIE ROAD,
 ANNA BAY (FORMER ANNA BAY OVAL)**

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL
 SERVICES SECTION MANAGER
 GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to reclassify Lot 10, DP 729986 – 2 Jessie Road, Anna Bay (Former Anna Bay Oval) from community to operational land as defined under the Local Government Act 1993;
- 2) Request that the NSW Government – Planning & Infrastructure make the planning proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.

ORDINARY COUNCIL MEETING – 27 MAY 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	<p>That the recommendation be adopted.</p>

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

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

Those against the Motion: Nil.




MOTION

119	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council: 1) Adopt the planning proposal (ATTACHMENT 1) to reclassify Lot 10, DP 729986 – 2 Jessie Road, Anna Bay (Former Anna Bay Oval) from community to operational land as defined under the Local Government Act 1993; 2) Request that the NSW Government – Planning & Infrastructure make the planning proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.

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

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

Those against the Motion: Nil.





ORDINARY COUNCIL MEETING 10 JUNE 2014

ITEM NO. 1

FILE NO: 13/803 (16-2009-889-6)

PORT STEPHENS SECTION 94 AND 94A DEVELOPMENT CONTRIBUTIONS PLAN 2007 (DRAFT AMENDMENT NO. 10)

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES MANAGER
 GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit draft amendments to the draft Port Stephens Section 94 and S94A Development Contributions Plans 2007 (Draft Amendment No.10) **(ATTACHMENT 1)** for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:
 - a. include Ash Street/Oasis Close, Soldiers Point Walkway in the works schedule as a priority 1;
 - b. Identify the Ash Street/Oasis Close, Soldiers Point Walkway on the works schedule map.
- 2) Should no submissions be made, the amendments be adopted following exhibition.

ORDINARY COUNCIL MEETING –10 JUNE 2014

MOTION

	<p>Councillor Peter Kafer Councillor Chris Doohan</p>
	<p>That the Motion be put.</p>

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

Those for the Motion: Mayor Bruce MacKenzie Cr Peter Kafer, Paul Le Mottee, Chris Doohan, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Cr Steve Tucker.



MOTION

132	Councillor John Nell Councillor Sally Dover
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Exhibit draft amendments to the draft Port Stephens Section 94 and S94A Development Contributions Plans 2007 (Draft Amendment No.10) (ATTACHMENT 1) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to: <ol style="list-style-type: none"> a. include Ash Street/Oasis Close, Soldiers Point Walkway in the works schedule as a priority 1; b. Identify the Ash Street/Oasis Close, Soldiers Point Walkway on the works schedule map. 2) Should no submissions be made, the amendments be adopted following 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 Bruce MacKenzie, Cr Paul Le Mottee, Chris Doohan, John Nell and Sally Dover.

Those against the Motion: Cr Peter Kafer, Steve Tucker and Geoff Dingle.





ORDINARY COUNCIL MEETING 24 JUNE 2014

ITEM NO. 1

FILE NO: 16-2014-224-1

**DEVELOPMENT APPLICATION FOR A COMMUNITY FACILITY
 (MEN’S SHED) AT 5-9 MEMORIAL DRIVE, KARUAH**

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application (16-2014-224-1) for the use of the site as community facility (Karuah Men’s Shed) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING – 24 JUNE 2014
 MOTION**

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Ken Jordan Councillor Sally Dover</p>
	<p>That Council approve Development Application (16-2014-224-1) for the use of the site as community facility (Karuah Men's Shed) subject to the conditions of consent shown below:</p> <p>DEFERRED COMMENCMENT</p> <p>Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended), this is a deferred commencement condition. The consent is not to operate until the Applicant satisfies the Council that:</p> <ul style="list-style-type: none"> 1. Concurrence is required to be obtained from the Minister of Primary Industries in accordance to clause 19 of the Marine Parks Act 1997 for the development. Any conditions imposed on the use by the Marine Parks Authority shall be adhered to.



CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. Development Consent is granted for a change of use for a community facility (Karuah Man’s Shed) at 5-9 Memorial Drive, Karuah (Lot 141, 158 & 189 DP 753196).
2. The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Statement of Environmental Effects prepared by Le Mottee Group dated 8 April 2014
Site plans titled ‘Karuah Boat Shed’ and undated
Floor plan titled ‘Karuah Boat Shed’ and undated
North and South Elevations undated
East and West Elevations undated

CONDITIONS TO BE REVIEWED/CONSIDERED WITHIN 12 MONTHS

3. The building is to be provided with an accessible wc to conform to AS1428.1 **within 12 months of the date of this consent.**
4. The development shall provide two (2) on-site car parking spaces, including 1 disabled parking space. These spaces shall be separately accessible, clearly line-marked and adequately paved and drained in accordance with Section B3 – Parking, Traffic and Transport, of Port Stephens Development Control Plan 2007 and/or the relevant Australian Standards. **Car parking must be provided within 12 months from the date of this consent.**

CONDITIONS TO BE SATISFIED AT ALL TIMES

5. Any fuel or lubricants stored on site for the use of machinery will need to be placed in a bunded area so:
 - a. they cannot spill and leak into the water and



	<p>b. are above the 1:100 year flood level.</p> <p>6. Any changes in the floor level inside the building are to be provided with a ramp that conforms to the provisions of AS1428.1 and access to and throughout the building is to be upgraded as required to meet the provisions of AS1428.1.</p> <p>Note: This will include modifying the entrance area of the building to remove or relocate the trench.</p> <p>7. A portable fire extinguisher selected located and installed to conform to AS2444-2001 is to be provided to the building.</p> <p>8. Any relevant easements required for the provision of electricity, water or sewer services is to be obtained and evidence provided to Council within 2 years of the date of this consent.</p> <p>9. If sewer is not available to the site approval shall be obtained under Section 68 of the <i>Local Government Act 1993</i>, for the installation of an on-site sewage management system, in relation to the installation of wc amenities.</p> <p>The application shall be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.</p> <p>Following installation of the approved on-site sewage management system, an "application to operate" the system, under the provisions of section 68 of the <i>Local Government Act 1993</i>, shall be submitted to and approved by Council, prior to use of the system.</p> <p>10. All electrical equipment (including electrical cords and connections) are to be placed on shelving, or elevated otherwise, at a minimum level of 1.8m AHD.</p> <p>11. The following design precautions must be adhered to:-</p> <p style="padding-left: 40px;">a. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux</p>
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	<p>valve to protect against internal sewage surcharge.</p> <p>b. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.</p> <p>d. All <u>new/additional</u> building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.</p> <p>e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.</p> <p>f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.</p> <p>g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.</p> <p>h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.</p> <p>i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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



Those against the Motion: Nil.

MOTION

151	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council approve Development Application (16-2014-224-1) for the use of the site as community facility (Karuah Men's Shed) subject to the conditions of consent shown below:</p> <p>DEFERRED COMMENCEMENT</p> <p>Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended), this is a deferred commencement condition. The consent is not to operate until the Applicant satisfies the Council that:</p> <ol style="list-style-type: none"> 1. Concurrence is required to be obtained from the Minister of Primary Industries in accordance to clause 19 of the Marine Parks Act 1997 for the development. Any conditions imposed on the use by the Marine Parks Authority shall be adhered to. <p>CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT</p> <ol style="list-style-type: none"> 1. Development Consent is granted for a change of use for a community facility (Karuah Man's Shed) at 5-9 Memorial Drive, Karuah (Lot 141, 158 & 189 DP 753196). 2. The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent: <table border="1" style="margin-left: 20px; width: 80%;"> <tr> <td style="padding: 2px;">Statement of Environmental Effects prepared by Le Mottee Group dated 8 April 2014</td> </tr> <tr> <td style="padding: 2px;">Site plans titled 'Karuah Boat Shed' and undated</td> </tr> <tr> <td style="padding: 2px;">Floor plan titled 'Karuah Boat Shed' and undated</td> </tr> </table> 	Statement of Environmental Effects prepared by Le Mottee Group dated 8 April 2014	Site plans titled 'Karuah Boat Shed' and undated	Floor plan titled 'Karuah Boat Shed' and undated
Statement of Environmental Effects prepared by Le Mottee Group dated 8 April 2014				
Site plans titled 'Karuah Boat Shed' and undated				
Floor plan titled 'Karuah Boat Shed' and undated				



	<table border="1" data-bbox="511 338 1346 443"> <tr> <td data-bbox="511 338 1346 390">North and South Elevations undated</td> </tr> <tr> <td data-bbox="511 390 1346 443">East and West Elevations undated</td> </tr> </table> <p>CONDITIONS TO BE REVIEWED/CONSIDERED WITHIN 12 MONTHS</p> <ol style="list-style-type: none"> 3. The building is to be provided with an accessible wc to conform to AS1428.1 within 12 months of the date of this consent. 4. The development shall provide two (2) on-site car parking spaces, including 1 disabled parking space. These spaces shall be separately accessible, clearly line-marked and adequately paved and drained in accordance with Section B3 – Parking, Traffic and Transport, of Port Stephens Development Control Plan 2007 and/or the relevant Australian Standards. Car parking must be provided within 12 months from the date of this consent. <p>CONDITIONS TO BE SATISFIED AT ALL TIMES</p> <ol style="list-style-type: none"> 5. Any fuel or lubricants stored on site for the use of machinery will need to be placed in a bunded area so: <ol style="list-style-type: none"> a. they cannot spill and leak into the water and b. are above the 1:100 year flood level. 6. Any changes in the floor level inside the building are to be provided with a ramp that conforms to the provisions of AS1428.1 and access to and throughout the building is to be upgraded as required to meet the provisions of AS1428.1. Note: This will include modifying the entrance area of the building to remove or relocate the trench. 7. A portable fire extinguisher selected located and installed to conform to AS2444-2001 is to be provided to the building. 8. Any relevant easements required for the provision of electricity, water or sewer services is to be obtained and evidence provided to Council within 2 years of the date of this consent. 9. If sewer is not available to the site approval shall be obtained 	North and South Elevations undated	East and West Elevations undated
North and South Elevations undated			
East and West Elevations undated			



	<p>under Section 68 of the <i>Local Government Act 1993</i>, for the installation of an on-site sewage management system, in relation to the installation of wc amenities.</p> <p>The application shall be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.</p> <p>Following installation of the approved on-site sewage management system, an “application to operate” the system, under the provisions of section 68 of the <i>Local Government Act 1993</i>, shall be submitted to and approved by Council, prior to use of the system.</p> <p>10. All electrical equipment (including electrical cords and connections) are to be placed on shelving, or elevated otherwise, at a minimum level of 1.8m AHD.</p> <p>11. The following design precautions must be adhered to:-</p> <ul style="list-style-type: none"> a. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge. b. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. d. All <u>new/additional</u> building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
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	<p>g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.</p> <p>h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.</p> <p>i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.



ITEM NO. 2

FILE NO: 16-2013-626-1

DEVELOPMENT APPLICATION FOR A REDEVELOPMENT OF AN EXISTING TOURIST FACILITY (MARINA RESORT) AT NO. 29-45 MAGNUS STREET, NELSON BAY

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2013-626-1 for a redevelopment of an existing tourist facility (Marina Resort) at No. 29-45 Magnus Street, Nelson Bay subject to the conditions contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING – 24 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor John Morello
	That the recommendation be adopted.

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

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

Those against the Motion: Nil.

MOTION

152	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council approve Development Application 16-



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Section 375A, Local Government Act 1993
(DLG Circular 08-45) –
Commenced 1 October 2008



	2013-626-1 for a redevelopment of an existing tourist facility (Marina Resort) at No. 29-45 Magnus Street, Nelson Bay subject to the conditions contained in (ATTACHMENT 3) .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.



ITEM NO. 3

FILE NO: 16-2014-41-1

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2011-543-1 Storage Shed at No. 69 Francis Avenue Lemon Tree Passage: for the following reason:
 - a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity.
 - b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.

ORDINARY COUNCIL MEETING – 24 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Steve Tucker Councillor John Morello</p>
	<p>That Council defer Item 3 to allow for a site inspection by Council.</p>

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



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

Those against the Motion: Crs Geoff Dingle and Peter Kafer.

MOTION

153	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council defer Item 3 to allow for a site inspection by Council.

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

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

Those against the Motion: Crs Geoff Dingle and Peter Kafer.



ITEM NO. 4

FILE NO: 7-1996-41637-21

MODIFICATION OF DEVELOPMENT CONSENT FOR VANTAGE ESTATE SUBDIVISION AT LOT 2249 DP 1141586, NO. 4 MOORING AVENUE CORLETTE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Section 96 Modification of Development Consent (7-1996-41637-21) for Vantage Estate subdivision at Lot 2249 DP 1141586, 4 Mooring Avenue Corlette subject to the conditions contained in (ATTACHMENT 3).

ORDINARY COUNCIL MEETING – 24 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Mayor Bruce MacKenzie Councillor Ken Jordan
	That the recommendation be adopted.

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

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

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.



MOTION

154	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that Council approve the Section 96 Modification of Development Consent (7-1996-41637-21) for Vantage Estate subdivision at Lot 2249 DP 1141586, 4 Mooring Avenue Corlette subject to the conditions contained in (ATTACHMENT 3) .

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

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

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.





ORDINARY COUNCIL MEETING 22 JULY 2014

ITEM NO. 1

FILE NO: PSC2006-1515

PLANNING PROPOSAL – 8 WAROPARA ROAD MEDOWIE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Not proceed with a request from the Proponent to modify the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) to extend the potential development footprint across the subject land and increase the minimum lot size from 1,000m² to 2,000m²;
- 2) Continue with the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) as previously endorsed by Council at its meeting on 28 May 2013 for a potential development footprint of 1,000m² on part of the subject land.

ORDINARY COUNCIL MEETING – 22 JULY 2014

MOTION

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

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Ken Jordan
	That the recommendation be adopted.

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



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

Those against the Motion: Nil.

MOTION

185	<p>Councillor Ken Jordan Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Not proceed with a request from the Proponent to modify the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) to extend the potential development footprint across the subject land and increase the minimum lot size from 1,000m² to 2,000m²; 2) Continue with the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) as previously endorsed by Council at its meeting on 28 May 2013 for a potential development footprint of 1,000m² on part of the subject land.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.





ORDINARY COUNCIL MEETING 12 AUGUST 2014

ITEM NO. 1

FILE NO: 16-2014-122-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT: 31 DP: 609041 NO. 218 SEAHAM ROAD, NELSONS PLAINS

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

RECOMMENDATION IS THAT COUNCIL:

- 3) Refuse Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development;
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2013, in particular the objectives and planning considerations for development on flood prone land;
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005;
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000);
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
MOTION



197	Councillor Paul Le Mottee Councillor Ken Jordan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Geoff Dingle
	That the development application be deferred until the briefing on the flood prone land policy is held.

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

Those for the Motion: Crs Geoff Dingle and John Nell.

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

The motion was lost.

	Councillor Ken Jordan Councillor Paul Le Mottee
	That Council be provided with possible conditions of consent for the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.

Those for the Motion: Crs Paul Le Mottee, Ken Jordan, Steve Tucker and Sally Dover.

Those against the Motion: Crs Geoff Dingle, John Nell and Bruce MacKenzie.

The motion on being put was carried.



AMENDMENT

	<p>Mayor Bruce MacKenzie Councillor Sally Dover</p>
	<p>That Council approve the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed, in principle, and that conditions of consent be provided to Council for consideration.</p>

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee and Sally Dover.

Those against the Motion: Crs Ken Jordan, Steve Tucker, Geoff Dingle and John Nell.

The amendment on being put was lost.

MATTER ARISING

	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p>
	<p>That no further development applications where flood prone land is involved be assessed until the flood prone policy is complete and that the draft flood prone land policy be fast tracked.</p>

MOTION

<p>199</p>	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p>
	<p>It was resolved that Council be provided with possible conditions of consent for the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.</p>



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



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

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

Those against the Motion: Crs Geoff Dingle and John Nell.



ITEM NO. 2

FILE NO: 16-2014-71-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT 1 DP 194703 NO. 306 SEAHAM ROAD NELSONS PLAINS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development.
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000 & 2013, in particular the Rural 1a/RU1 zone objectives and planning considerations for development on flood prone land.
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005.
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000)
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**



	<p>Mayor Bruce MacKenzie Councillor Sally Dover</p> <p>That Council approve the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed, in principle, and condition of consent be provided to the next Ordinary Council meeting.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee and Sally Dover.

Those against the Motion: Crs Ken Jordan, Geoff Dingle, Steve Tucker and John Nell.

The motion was lost.

	<p>Councillor John Nell Councillor Geoff Dingle</p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Geoff Dingle and John Nell.

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

The motion was lost.

	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>That Council be provided with possible conditions of consent for the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Paul Le Mottee, Ken Jordan, Steve Tucker and Sally Dover.

Those against the Motion: Mayor Bruce MacKenzie, Geoff Dingle and John Nell.

MOTION

201	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council be provided with possible conditions of consent for the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.

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

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

Those against the Motion: Crs Geoff Dingle and John Nell.



ITEM NO. 3

FILE NO: 16-2008-940-3

**DEVELOPMENT APPLICATION FOR EXEMPTION TO SECTION 94A
 DEVELOPMENT CONTRIBUTIONS FOR NEWCASTLE AIRPORT –
 EXTENSION OF TERMINAL**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2008-940-3 for Exemption to Section 94A Development Contributions for Newcastle Airport – Extension of Terminal, subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Ken Jordan left the meeting at 6.39pm.
 Cr Ken Jordan returned to the meeting at 6.41pm, prior to voting on Item 3.

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

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

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

Those against the Motion: Mayor Bruce MacKenzie.



MOTION

202	Councillor Paul Le Mottee Councillor Steve Tucker
	It was resolved that Council refuse development application 16-2008-940-3 for Exemption to Section 94A Development Contributions for Newcastle Airport – Extension of Terminal, subject to the conditions contained in (ATTACHMENT 3) .

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

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

Those against the Motion: Mayor Bruce MacKenzie.



ITEM NO. 4

FILE NO: 16-2014-41-1

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2011-543-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:
 - a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity;
 - b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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

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

Those against the Motion: Mayor Bruce MacKenzie.



MOTION

203	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council refuse development application 16-2011-543-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:</p> <ul style="list-style-type: none"> a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity; b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Mayor Bruce MacKenzie.





ORDINARY COUNCIL MEETING 26 AUGUST 2014

ITEM NO. 1

FILE NO: 16-2014-41-1

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:
 - a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity.
 - b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>That Council defer Item 1 - Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage to allow for a site inspection.</p>



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

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

Those against the Motion: Geoff Dingle.

MOTION

220	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council defer Item 1 - Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage to allow for a site inspection.

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

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

Those against the Motion: Geoff Dingle.



ITEM NO. 2

FILE NO: 16-2014-122-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT: 31 DP: 609041 NO. 218 SEAHAM ROAD, NELSONS PLAINS

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

RECOMMENDATION IS THAT COUNCIL:

- 4) Refuse Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed subject to the following:
- f. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development;
 - g. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2013, in particular the objectives and planning considerations for development on flood prone land;
 - h. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005;
 - i. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000);
 - j. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.
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ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p>
	<p>That Council approve the Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at Lot: 31 DP: 609041 No. 218 Seaham Road, Nelsons Plains subject to the conditions contained in (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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Geoff Dingle and John Nell.

MOTION

221	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p>
	<p>It was resolved that Council approve the Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at Lot: 31 DP: 609041 No. 218 Seaham Road, Nelsons Plains subject to the conditions contained in (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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Geoff Dingle and John Nell.



ITEM NO. 3

FILE NO: 16-2014-71-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT 1 DP 194703 NO. 306 SEAHAM ROAD NELSONS PLAINS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development.
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000 & 2013, in particular the Rural 1a/RU1 zone objectives and planning considerations for development on flood prone land.
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005.
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000)
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.
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ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p>
	<p>That Council approve the Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at Lot 1 DP 194703, No. 306 Seaham Road, Nelsons Plains subject to the conditions contained in (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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Geoff Dingle and John Nell.

MOTION

222	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p>
	<p>It was resolved that Council approve the Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at Lot 1 DP 194703, No. 306 Seaham Road, Nelsons Plains subject to the conditions contained in (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 Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Geoff Dingle and John Nell.



ITEM NO. 4

FILE NO: 16-2013-790-1

DEVELOPMENT APPLICATION FOR CARAVAN PARK AT NO. 4011 NELSON BAY ROAD, BOBS FARM

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2013-790-1 for a Caravan Park (Sunrise Caravan Park) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Sally Dover Councillor John Nell
	That the recommendation be adopted.

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

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

Those against the Motion: Nil.

MOTION

223	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council approve Development Application 16-2013-790-1 for a Caravan Park (Sunrise Caravan Park) subject to the conditions contained in (ATTACHMENT 3) .




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PLANNING DECISION REGISTER
Section 375A, Local Government Act 1993
(DLG Circular 08-45) –
Commenced 1 October 2008



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

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

Those against the Motion: Nil.





ORDINARY COUNCIL MEETING – 14 OCTOBER 2014

ITEM NO. 1

FILE NO: 16-2014-221-1

DEVELOPMENT APPLICATION FOR MULTIPLE DWELLING HOUSING AND FOUR LOT SUBDIVISION AT NO. 116 PORT STEPHENS STREET, RAYMOND TERRACE

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

RECOMMENDATION IS THAT COUNCIL:

Refuse Development Application 16-2014-221-1 for Multiple Dwelling Housing and Subdivision at No.116 Port Stephens Street, Raymond Terrace for the following reasons;

- 1) The site is not suitable for the proposed development (s.79C(1)(c) *Environmental Planning and Assessment Act (EP&A Act 1979)*) for the following reasons;
 - a. The majority of the site is located within a floodway and high provisional hazard category for 5% Annual Exceedance Probability (AEP) and greater.
 - b. The proposal will result in the intensification of development within the floodway and increase safety risks to the occupants of the development and adjoining properties.
- 2) The development is inconsistent with the aims and objectives of the R2 Low Density Residential Zone as the development is not compatible with the flood risk of the area (s.79C(1)(a)(i) *EP&A Act 1979*).
- 3) The development is inconsistent with clause 7.3 'Flood Planning' of *Port Stephens Local Environmental Plan 2013* (s.79C(1)(a)(i) *EP&A Act 1979*). The development of the site for four multi-dwelling houses and associated subdivision is not compatible with the land's high risk flood hazard and would result in unacceptable flood risk to life and property.
- 4) The development fails to conform to the Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000), NSW Floodplain Development Manual 2005 and the Draft Port Stephens Council Areas Affected by Flooding and/or Inundation Policy.



- 5) The development is inappropriate for the site given the site is within a high risk flood area and it is therefore not within the public interest (s.79C(1)(e) EP&A Act 1979).

MOTION

257	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council move into Committee of the Whole.

Cr Paul Le Mottee left the meeting at 6.14pm prior to Item 1.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Mayor Bruce MacKenzie Councillor John Morello
	That the recommendation be adopted.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Ken Jordan, Steve Tucker and John Morello.

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.

MOTION

The Council meeting was adjourned at 7.05pm for a period of five minutes.

The Council meeting resumed at 7.12 pm with all in attendance at the adjournment being present, with the exception of Cr Paul Le Mottee.

259	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council approve development application 16-2014-221-1 for Multiple Dwelling Housing and Subdivision at No.116 Port



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



	Stephens Street, Raymond Terrace, in principle, and request the General Manager to provide draft conditions of consent to the next Council meeting on 28 October 2014.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Steve Tucker and John Morello.

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.

The Motion was carried on the casting vote of the Acting Mayor.





ORDINARY COUNCIL MEETING – 14 OCTOBER 2014

ITEM NO. 2

FILE NO: 16-2014-168-1

**DEVELOPMENT APPLICATION FOR STAGED DEVELOPMENT -
RURAL LAND SHARING COMMUNITY AND STAGE 1 AT NO. 15
GREEN WATTLE CREEK ROAD, BUTTERWICK**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING – 14 OCTOBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Geoff Dingle</p>
	<p>That Council defer Item 2, development application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick, to allow a site inspection by Councillors.</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 Peter Kafer, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Crs Ken Jordan and Mayor Bruce MacKenzie

Mayor Bruce MacKenzie vacated the Chair and left the meeting at 6.30pm and Cr Steve Tucker Chaired the Council meeting.

Cr Paul Le Mottee returned to the meeting at 6.30pm.



MOTION

260	Councillor Ken Jordan Councillor Geoff Dingle
	It was resolved that Council defer Item 2, development application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick, to allow a site inspection by Councillors.

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

Those for the Motion: Crs Peter Kafer, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Crs Ken Jordan.





ORDINARY COUNCIL MEETING – 14 OCTOBER 2014

ITEM NO. 3

FILE NO: 16-2014-41-1

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:
 - a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity.
 - b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.

**ORDINARY COUNCIL MEETING – 14 OCTOBER 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor John Morello</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Officers investigate proceeding with action under the <i>Environmental Planning & Assessment Act 1979</i> to issue a notice of intention to serve an order to reduce the length of the shed at 69 Francis Avenue, Lemon Tree Passage from the Francis Avenue elevation by 2 metres. 2. Issue a 'deferred commencement' approval under Section 80(3) of the <i>Environmental Planning and Assessment Act 1979</i> for development application 16-2014-41-1 for the use of a storage
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	<p>shed at 69 Francis Avenue, Lemon Tree Passage, subject to the conditions in Attachment 1. The consent will not become operational until the requirements of Recommendation 1 have been satisfied and the structure has been reduced in length by 2 metres.</p> <p>3. Officers investigate the issue of a penalty of \$750 under the <i>Environmental Planning & Assessment Act 1979</i> based on the case law principal that a wrongdoer should not benefit from a wrongdoing (<i>Ireland v Cessnock City Council</i> [1999] NSWLEC 250 and <i>Kouflidis v City of Salisbury</i> [1982] 29 SASR 321). The \$750 shall compensate the original fees that would have been applicable to a development application and construction certificate.</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 Steve Tucker, Paul Le Mottee, Ken Jordan and John Morello.

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.





ORDINARY COUNCIL MEETING – 14 OCTOBER 2014

ITEM NO. 4

FILE NO: 16-2012-553-3

SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION FOR URBAN HOUSING – ADDITIONS TO EXISTING AGED CARE FACILITY (26 VILLAS) (AMEND SECTION 94 CONTRIBUTIONS) AT NO. 38, 38A FARM ROAD & 16 ALA MOANA WAY, FINGAL BAY

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the modification to Development Application 16-2012-553-3, resulting in the reduction of Section 94 Contributions from \$294,084 to \$141,631 (excluding CPI indexing);
- 2) Modify the consent to ensure the facility is occupied as an aged care facility, with the property title being amended to restrict occupation to those persons identified within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

**ORDINARY COUNCIL MEETING – 14 OCTOBER 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor John Morello</p>
	<p>That the recommendation be adopted and receive and note the Supplementary Information.</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 Steve Tucker, Peter Kafer, Paul Le Mottee, Ken Jordan, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

MOTION



262	Councillor Ken Jordan Councillor Geoff Dingle
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve the modification to Development Application 16-2012-553-3, resulting in the reduction of Section 94 Contributions from \$294,084 to \$141,631 (excluding CPI indexing); 2) Modify the consent to ensure the facility is occupied as an aged care facility, with the property title being amended to restrict occupation to those persons identified within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. 3) Receives and notes the Supplementary Information.

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

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

Those against the Motion: Nil.





ORDINARY COUNCIL MEETING – 14 OCTOBER 2014

ITEM NO. 5

FILE NO: PSC2009-08546

PLANNING PROPOSAL- VARIOUS COUNCIL OWNED LANDS

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT, SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 for the following sites:
 - a. Reclassify Site 1 - Lot 279, DP 740009 – 27 Garden Avenue, Raymond Terrace community to operational land;
 - b. Reclassify Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land;
 - c. Reclassify Site 3 - Part Lot 1, DP 1093118 – 1 Sketchley Street, Raymond Terrace from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential;
 - d. Reclassify Site 4 - Part Lot 23, DP 843416 – 77 Dawson Road, Raymond Terrace from community to operational land;
 - e. Reclassify Site 5 - Lot 133, DP 246855 – 20 Enterprise Drive, Tomago from community to operational land;
 - f. Reclassify Site 6 - Lot 132, DP 246855 – 15 Enterprise Drive, Tomago from community to operational land;
 - g. Reclassify Site 7 - Lot 34, DP 580267 – 13 School Drive, Tomago from community to operational land;
 - h. Reclassify Site 8 - Lot 10, DP 596640 – 44 Ferodale Road, Medowie from community to operational land;
 - i. Reclassify Site 9 - Lots 38, DP 807956 – 1 Coachwood Drive, Medowie from community to operational land;
 - j. Reclassify Site 10 - Lot 29, DP 807956 – 2 Coachwood Drive, Medowie from community to operational land;
 - k. Reclassify Site 11 - Lot 22, Sect 5, DP 241918 – 8 Garuwa Street, Fingal Bay from community to operational land;
 - l. Reclassify Site 12- Lot 25, Sec 5, DP 247555 – 44B Squire Street, Fingal Bay from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential.



- 2) Adopt the amended Planning Proposal (**ATTACHMENT 1**) by seeking a revised Gateway Determination and conducting a detailed site survey to accurately.
 - a. Reclassify Site 14 - Part Lot 322, DP 636840 – 9 Mitchell Street, Soldiers Point from community to operational land and rezone from B1 Neighbourhood Centre to RE1 Public Recreation;
 - b. Reclassify Site 15 - Part Lot 2071, DP 852662 - 2A Sunset Boulevard, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to B1 Neighbourhood Centre;
 - c. Classify Part Lot 2071, DP852662, Part Lot 322, DP 636840 and Part Lot 2, DP 211909 as a public road under the Roads Act 1993 (**ATTACHMENT 2**).
- 3) Defer consideration of Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal (**ATTACHMENT 1**) to allow further information to be provided by the Proponent in response to matters raised by the community;
- 4) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Ken Jordan</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 for the following sites: <ol style="list-style-type: none"> a. Reclassify Site 1 - Lot 279, DP 740009 – 27 Garden Avenue, Raymond Terrace community to operational land; b. Reclassify Site 3 - Part Lot 1, DP 1093118 – 1 Sketchley Street, Raymond Terrace from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential; c. Reclassify Site 4 - Part Lot 23, DP 843416 – 77 Dawson Road, Raymond Terrace from community to operational land; d. Reclassify Site 5 - Lot 133, DP 246855 – 20 Enterprise Drive, Tomago from community to operational land; e. Reclassify Site 6 - Lot 132, DP 246855 – 15 Enterprise Drive, Tomago from community to operational land;
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	<p>f. Reclassify Site 7 - Lot 34, DP 580267 – 13 School Drive, Tomago from community to operational land;</p> <p>g. Reclassify Site 8 - Lot 10, DP 596640 – 44 Ferodale Road, Medowie from community to operational land;</p> <p>h. Reclassify Site 9 - Lots 38, DP 807956 – 1 Coachwood Drive, Medowie from community to operational land;</p> <p>i. Reclassify Site 10 - Lot 29, DP 807956 – 2 Coachwood Drive, Medowie from community to operational land;</p> <p>j. Reclassify Site 11 - Lot 22, Sect 5, DP 241918 – 8 Garuwa Street, Fingal Bay from community to operational land;</p> <p>k. Reclassify Site 12- Lot 25, Sec 5, DP 247555 – 44B Squire Street, Fingal Bay from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential.</p> <p>2) Adopt the amended Planning Proposal (ATTACHMENT 1) by seeking a revised Gateway Determination and conducting a detailed site survey to accurately.</p> <p style="padding-left: 40px;">a. Reclassify Site 14 - Part Lot 322, DP 636840 – 9 Mitchell Street, Soldiers Point from community to operational land and rezone from B1 Neighbourhood Centre to RE1 Public Recreation;</p> <p style="padding-left: 40px;">b. Reclassify Site 15 - Part Lot 2071, DP 852662 - 2A Sunset Boulevard, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to B1 Neighbourhood Centre;</p> <p style="padding-left: 40px;">c. Classify Part Lot 2071, DP852662, Part Lot 322, DP 636840 and Part Lot 2, DP 211909 as a public road under the Roads Act 1993 (ATTACHMENT 2).</p> <p>3) Defer consideration of Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal (ATTACHMENT 1) to allow further information to be provided by the Proponent in response to matters raised by the community;</p> <p>4) Defer consideration of Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land;</p> <p>5) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.



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

Those against the Motion: Crs Peter Kafer.

MOTION

263	<p>Councillor Ken Jordan Councillor Geoff Dingle</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 for the following sites: <ol style="list-style-type: none"> a. Reclassify Site 1 - Lot 279, DP 740009 – 27 Garden Avenue, Raymond Terrace community to operational land; b. Reclassify Site 3 - Part Lot 1, DP 1093118 – 1 Sketchley Street, Raymond Terrace from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential; c. Reclassify Site 4 - Part Lot 23, DP 843416 – 77 Dawson Road, Raymond Terrace from community to operational land; d. Reclassify Site 5 - Lot 133, DP 246855 – 20 Enterprise Drive, Tomago from community to operational land; e. Reclassify Site 6 - Lot 132, DP 246855 – 15 Enterprise Drive, Tomago from community to operational land; f. Reclassify Site 7 - Lot 34, DP 580267 – 13 School Drive, Tomago from community to operational land; g. Reclassify Site 8 - Lot 10, DP 596640 – 44 Ferodale Road, Medowie from community to operational land; h. Reclassify Site 9 - Lots 38, DP 807956 – 1 Coachwood Drive, Medowie from community to operational land; i. Reclassify Site 10 - Lot 29, DP 807956 – 2 Coachwood Drive, Medowie from community to operational land; j. Reclassify Site 11 - Lot 22, Sect 5, DP 241918 – 8 Garuwa Street, Fingal Bay from community to operational land; k. Reclassify Site 12- Lot 25, Sec 5, DP 247555 – 44B Squire Street, Fingal Bay from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential. 2) Adopt the amended Planning Proposal (ATTACHMENT 1) by seeking a revised Gateway Determination and conducting a detailed site survey to accurately.
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	<ul style="list-style-type: none"> a. Reclassify Site 14 - Part Lot 322, DP 636840 – 9 Mitchell Street, Soldiers Point from community to operational land and rezone from B1 Neighbourhood Centre to RE1 Public Recreation; b. Reclassify Site 15 - Part Lot 2071, DP 852662 - 2A Sunset Boulevard, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to B1 Neighbourhood Centre; c. Classify Part Lot 2071, DP852662, Part Lot 322, DP 636840 and Part Lot 2, DP 211909 as a public road under the Roads Act 1993 (ATTACHMENT 2). <ul style="list-style-type: none"> 3) Defer consideration of Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal (ATTACHMENT 1) to allow further information to be provided by the Proponent in response to matters raised by the community; 4) Defer consideration of Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land; 5) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Crs Peter Kafer.





ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

ITEM NO. 1

FILE NO: 16-2014-168-1

**DEVELOPMENT APPLICATION FOR STAGED DEVELOPMENT -
 RURAL LAND SHARING COMMUNITY AND STAGE 1 AT NO. 15
 GREEN WATTLE CREEK ROAD, BUTTERWICK**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick subject to the conditions contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014
MOTION

275	Councillor John Morello Councillor Ken Jordan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee left the meeting at 6.05pm, prior to Item 1.

	Councillor Peter Kafer Councillor Chris Doohan
	That the recommendation be adopted.

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

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



Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 7.09pm, prior to Item 1.

277	<p>Councillor Ken Jordan Councillor John Morello</p> <p>It was resolved that Council approve Development Application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick subject to the conditions contained in (ATTACHMENT 3).</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.





ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

ITEM NO. 2

FILE NO: 16-2014-221-1

DEVELOPMENT APPLICATION FOR MULTIPLE DWELLING HOUSING AND FOUR LOT SUBDIVISION AT NO. 116 PORT STEPHENS STREET, RAYMOND TERRACE

REPORT OF: MIKE MCINTOSH – GROUP MANAGER OFFICE
 GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 5) Approve Development Application DA 16-2014-221-1 subject to the attached conditions of consent (**ATTACHMENT 1**) for Multiple Dwelling Housing and Subdivision at No. 116 Port Stephens Street, Raymond Terrace.

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor John Morello
	That the recommendation be adopted.

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

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

Those against the Motion: Crs Peter Kafer and Geoff Dingle.

MOTION

278	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council approve Development Application DA 16-2014-221-1 subject to the attached conditions of consent (ATTACHMENT



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	1) for Multiple Dwelling Housing and Subdivision at No. 116 Port Stephens Street, Raymond Terrace.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Crs Peter Kafer and Geoff Dingle





ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

ITEM NO. 4

FILE NO: PSC2014-02879

**PLANNING PROPOSAL – 1519 RICHARDSON ROAD, SALT ASH
 (PAULS CORNER)**

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION
 MANAGER
 GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to forward the Planning Proposal (**ATTACHMENT 1**) to Department of Planning and Environment to seek a gateway determination under section 55 of the Environmental Planning and Assessment Act 1979 to:
 - a. Rezone Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 from RU2 Rural Landscape to B1 Neighbourhood Centre;
 - b. Place a height limit of 9m for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with localities zoned B1 Neighbourhood Centre;
 - c. Remove the 40Ha Minimum Lot Size for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with other localities zoned commercial;
 - d. Adopt an additional permitted use clause to restrict a single commercial development on the subject site to 500m² and limit total commercial development to 2,100 m² to ensure that the Site maintains its position as a 'Smaller Village Centre' within the centres hierarchy as detailed under the Port Stephens Planning Strategy.
- 2) Acknowledge that the Proponent's request (**ATTACHMENT 4**) for a reduction in rezoning fees would be inconsistent with other planning proposals classified as Category B under the Port Stephens Council Fees & Charges and is therefore not supported.

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Steve Tucker



	That the recommendation be adopted.
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Cr Peter Kafer left the meeting at 6.36pm, during Item 4.
 Cr Peter Kafer returned to the meeting at 6.38pm, during Item 4.

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

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

Those against the Motion: Nil.

MOTION

280	<p>Councillor Ken Jordan Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Resolve to forward the Planning Proposal (ATTACHMENT 1) to Department of Planning and Environment to seek a gateway determination under section 55 of the Environmental Planning and Assessment Act 1979 to: <ol style="list-style-type: none"> a. Rezone Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 from RU2 Rural Landscape to B1 Neighbourhood Centre; b. Place a height limit of 9m for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with localities zoned B1 Neighbourhood Centre; c. Remove the 40Ha Minimum Lot Size for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with other localities zoned commercial; d. Adopt an additional permitted use clause to restrict a single commercial development on the subject site to 500m² and limit total commercial development to 2,100 m² to ensure that the Site maintains its position as a 'Smaller Village Centre' within the centres hierarchy as detailed under the Port Stephens Planning Strategy. 2) Acknowledge that the Proponent's request (ATTACHMENT 4) for a reduction in rezoning fees would be inconsistent with other planning proposals classified as Category B under the Port Stephens Council Fees & Charges and is therefore not supported.
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PORT STEHENS COUNCIL
PLANNING DECISION REGISTER
Section 375A, Local Government Act 1993
(DLG Circular 08-45) –
Commenced 1 October 2008



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

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

Those against the Motion: Nil.





ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014

ITEM NO. 1

FILE NO: 16-2014-406-1

**DEVELOPMENT APPLICATION FOR NEIGHBOURHOOD SHOPS,
 SIGNAGE AND USE (PHARMACY) AT NO. 1339 CLARENCE
 TOWN ROAD, SEAHAM**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in **(ATTACHMENT 3)**.

Council at its meeting of 28 October 2014, resolved to defer this item to allow for a site inspection by Councillors. The site inspection was held on Monday 3 November 2014.

The report is re-submitted for Council's consideration.

**ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
 MOTION**

290	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Sally Dover
	That Council: 1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in (ATTACHMENT 3) .



	<p>2) The following conditions be included within (ATTACHMENT 3):</p> <p>9A. The intersection of the access road to the subject development and Clarence Town Road shall be upgraded to a type AUL(S) intersection, for northbound traffic turning left into the development site from Clarence Town Road. The intersection shall be designed and constructed in accordance with Austroads guidelines (with RMS supplements) to the satisfaction of Council. Provision shall be made for on-road cyclists through the intersection. Detailed design to be provided prior to Roads Act approval.</p> <p>9B. Where road upgrades are undertaken to satisfy condition 9A and 9B above, the public drainage system is to be upgraded in accordance with Councils Policy. A detailed engineering design is to be provided to Council, prior to the issue of a construction certificate.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker and Sally Dover.

Those against the Motion: Crs Peter Kafer, Ken Jordan, Chris Doohan and Geoff Dingle.

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

MOTION

	<p>Councillor Chris Doohan Councillor Peter Kafer</p>
	<p>That Council refuse the development application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy).</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 Chris Doohan, Peter Kafer, Ken Jordan and Geoff Dingle.



Those against the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker and Sally Dover.

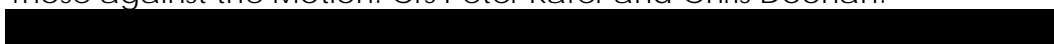
The motion on being put was lost.

292	<p>Councillor Paul Le Mottee Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in (ATTACHMENT 3). 2) The following conditions be included within (ATTACHMENT 3) at: <ol style="list-style-type: none"> 9A. The intersection of the access road to the subject development and Clarence Town Road shall be upgraded to a type AUL(S) intersection, for northbound traffic turning left into the development site from Clarence Town Road. The intersection shall be designed and constructed in accordance with Austroads guidelines (with RMS supplements) to the satisfaction of Council. Provision shall be made for on-road cyclists through the intersection. Detailed design to be provided prior to Roads Act approval. 9B. Where road upgrades are undertaken to satisfy condition 9A and 9B above, the public drainage system is to be upgraded in accordance with Councils Policy. A detailed engineering design is to be provided to Council, prior to the issue of a construction certificate. 3) A further condition be included to require left turn only when exiting the subject site.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

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





ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014

ITEM NO. 2

FILE NO: PSC2013-05184

DRAFT PORT STEHENS DEVELOPMENT CONTROL PLAN 2014

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**) to place on public exhibition for a minimum period of 28 days;
- 2) Following public exhibition, report the matter back to Council for their consideration of submissions.

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p>
	<p>That the recommendation be adopted.</p>

Cr Ken Jordan left the meeting at 6.01pm, during Item 2.
Cr Ken Jordan returned to the meeting at 6.04pm, during Item 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 Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker, Sally Dover, Peter Kafer, Ken Jordan, Chris Doohan and Geoff Dingle.

Those against the Motion: Nil.

MOTION

293	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
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	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Draft Port Stephens Development Control Plan 2014 (ATTACHMENT 1) to place on public exhibition for a minimum period of 28 days;2) Following public exhibition, report the matter back to Council for their consideration of submissions.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

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

Those against the Motion: Nil.

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ORDINARY COUNCIL MEETING – 25 NOVEMBER 2014

ITEM NO. 2

FILE NO: PSC2008-3848

398 CABBAGE TREE ROAD, WILLIAMTOWN

REPORT OF: BRETT FIELD – ACTING PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consent to the Assignment of the Agreement for Lease and Lease from Castle Quarry Products Pty Ltd to Benelli Holdings Pty Ltd;
- 2) Authorise the Mayor and the General Manager to sign all relevant legal documentation.

ORDINARY COUNCIL MEETING – 25 NOVEMBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee left the meeting at 6.33pm, during Item 2.

	<p>Mayor Bruce MacKenzie Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

MOTION

309	<p>Councillor Steve Tucker Councillor Sally Dover</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Consent to the Assignment of the Agreement for Lease and Lease from Castle Quarry Products Pty Ltd to Benelli Holdings Pty Ltd; 2) Authorise the Mayor and the General Manager to sign all relevant legal documentation.





ORDINARY COUNCIL MEETING – 25 NOVEMBER 2014

ITEM NO. 3

FILE NO: A2004-0945

**ACQUISITION OF EASEMENT OVER LOT 26 DP 1071458 BEING
3933 NELSON BAY ROAD BOB'S FARM**

REPORT OF: BRETT FIELD – ACTING PROPERTY SERVICES SECTION MANAGER
GROUP: PROPERTY SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Grants authority to affix Council Seal and Signatures to the Deposited Plan Administration Sheet and the 88B Instrument prior to lodging at the office of Land and Property Information (LPI);
- 2) Authorises the General Manager to endorse the Deed of Agreement for Easement Works on behalf of Council for the acquisition of an easement over Lot 26 DP 1071458 at Bob's Farm.

**ORDINARY COUNCIL MEETING – 25 NOVEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee returned to the meeting at 6.48pm, during Item 3.

	Councillor Steve Tucker Councillor Sally Dover
	That the recommendation be adopted.

MOTION

310	Councillor Steve Tucker Councillor Sally Dover
	It was resolved that Council: <ol style="list-style-type: none"> 1) Grants authority to affix Council Seal and Signatures to the Deposited Plan Administration Sheet and the 88B Instrument prior to lodging at the office of Land and Property Information (LPI); 2) Authorises the General Manager to endorse the Deed of Agreement for Easement Works on behalf of Council for the acquisition of an easement over Lot 26 DP 1071458 at Bob's Farm.



ORDINARY COUNCIL MEETING – 25 NOVEMBER 2014

ITEM NO. 15

FILE NO: PSC2011-02308

BOOMERANG PARK, RAYMOND TERRACE – DRAFT MASTERPLAN

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER
 GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the public submissions received during the public exhibition period.
- 2) Adopt the Draft Boomerang Park Master Plan (**TABLED DOCUMENT 1**).
- 3) Endorse the proposed funding strategy as shown in (**ATTACHMENT 1**).
- 4) That the General Manager be authorised to initiate the reclassification and rezoning process for the land identified as 27 in the Boomerang Park Master Plan (**TABLED DOCUMENT 1**) to be reported to Council for consideration as the Relevant Planning Authority under the Environmental Planning & Assessment Act 1979.

**ORDINARY COUNCIL MEETING – 25 NOVEMBER 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

Item 15 was brought forward and dealt with prior to Item 1.

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Receive and note the Supplementary Information 2) Adopt the recommendation.

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

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

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.



MOTION

322	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Consider the public submissions received during the public exhibition period. 2) Adopt the Draft Boomerang Park Master Plan (TABLED DOCUMENT 1). 3) Endorse the proposed funding strategy as shown in (ATTACHMENT 1). 4) That the General Manager be authorised to initiate the reclassification and rezoning process for the land identified as 27 in the Boomerang Park Master Plan (TABLED DOCUMENT 1) to be reported to Council for consideration as the Relevant Planning Authority under the Environmental Planning & Assessment Act 1979. 5) That the Supplementary Information dated 24 November 2014, be received and noted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Crs Peter Kafer, Geoff Dingle and John Nell.





ORDINARY COUNCIL MEETING – 9 DECEMBER 2014

ITEM NO. 1

FILE NO: 16-2014-492-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND AND SINGLE STOREY DWELLING AT LOT: 5A DP: 9901 NO. 19 HIGH ST, HINTON

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-492-1 (earth mound and single storey dwelling) for an earth mound and single storey dwelling for the following reasons.
 - a) The subject land is located entirely in the Floodway, Excessive Depth Floodplain Management Zone and is subjected to a high hazard flood category for smaller events up to 5% AEP (1 in 20 years) and greater. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development;
 - b) The development is inconsistent with the provisions of Clause 7.3 of Port Stephens Local Environmental Plan 2013, in particular the objectives of this clause for development on flood prone land including minimising the flood risk to life and property, allowing development which is compatible with the land's flood risk and avoiding significant adverse impacts on the flood behaviour and environment;
 - c) The floodway definition under the NSW Floodplain Risk Management Guideline (Department of Environment and Climate Change) is considered undesirable land use due to; potential redirection flows, danger to personal safety and significant financial losses due to the damage potential.

ORDINARY COUNCIL MEETING – 9 DECEMBER 2014
MOTION

329	Councillor Steve Tucker Councillor Chris Doohan
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	It was resolved that Council move into Committee of the Whole.
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	Councillor Steve Tucker Councillor Chris Doohan
	That Item 9 and 10 be brought forward and dealt with prior to Item 1 in Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee left the meeting at 6.41pm.

The meeting adjourned at 6.41pm for ten minutes to allow Councillors to read draft conditions of consent for Items 1 to 4.

The meeting resumed at 6.49pm, with all present that were present at the adjournment, with the exception of Cr Paul Le Mottee.

331	Mayor Bruce MacKenzie Councillor Chris Doohan
	<p>That development application 16-2014-492-1 (earth mound and single storey dwelling) for an earth mound and single storey dwelling be approved with the following conditions of consent:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any works consent from the Minister is to be obtained under Clause 256 of the Water Management Act 2000 for works adjacent levee banks. 2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development or is noted in red by Council on the approved plans. 3. All building work must be carried out in accordance with the provisions of the Building Code of Australia. 4. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying



	<p>authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.</p>
5.	<p>Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-</p> <ul style="list-style-type: none">* Monday to Friday, 7am to 6pm;* Saturday, 8am to 1pm;* No construction work to take place on Sunday or Public Holidays.
6.	<p>It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.</p>
7.	<p>No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.</p>
8.	<p>A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.</p>
9.	<p>The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.</p>
10.	<p>Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.</p>
11.	<p>Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater</p>



	<p>tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>12. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>13. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>14. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. All associated fill and batters are to remain within the property boundaries.</p> <p>15. Prior to the issue of the Construction Certificate a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).</p> <p>16. Prior to the issue of the Occupation Certificate an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p> <p>17. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 7.1metres AHD. The following design precautions must be adhered to:-</p> <p>a. The floor level of any habitable room is to be located at a</p>
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	<p>height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.</p> <ul style="list-style-type: none"> b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge. c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed. g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level. i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning. <p>18. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p> <p>19. A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services</p>
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	<p>Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.</p> <p>20. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.</p> <p>21. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.

MOTION

Cr Paul Le Mottee left the meeting at 7.26pm prior to Item 1, in Open Council.

	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that development application 16-2014-492-1 (earth mound and single storey dwelling) for an earth mound and single storey dwelling be approved with the following conditions of consent:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any works consent from the Minister is to be obtained under Clause 256 of the Water Management Act 2000 for works adjacent levee banks. 2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development or is noted in red by Council on the approved plans. 3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
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4.	A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
5.	Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:- * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays.
6.	It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
7.	No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
8.	A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.
9.	The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.
10.	Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
11.	Collected stormwater runoff shall be piped to designated onsite stormwater tanks.



	<p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>12. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>13. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>14. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. All associated fill and batters are to remain within the property boundaries.</p> <p>15. Prior to the issue of the Construction Certificate a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).</p> <p>16. Prior to the issue of the Occupation Certificate an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p> <p>17. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 7.1metres AHD. The following design precautions must be adhered to:-</p>
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	<ul style="list-style-type: none"> a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge. c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed. g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level. i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning. <p>18. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p> <p>19. A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food,</p>
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	<p>medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.</p>
20.	Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.
21.	Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.



ITEM NO. 2

FILE NO: 16-2014-392-1

DEVELOPMENT APPLICATION FOR INCREASED EARTH MOUND AND SINGLE STOREY DWELLING AT LOT: 1 DP: 1193826 NO. 851 NEWLINE RD, EAGLETON

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-392-1(increased earth mound and single storey dwelling) for an increased earth mound and single storey dwelling for the following reasons:
 - a) The subject land is located entirely in the Floodway, Excessive Depth Floodplain Management Zone and is subjected to a high hazard flood category for smaller events up to 20% AEP (1 in 5 years) and greater. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development;
 - b) The development is inconsistent with the provisions of Clause 7.3 of Port Stephens Local Environmental Plan 2013, in particular the objectives of this clause for development on flood prone land including minimising the flood risk to life and property, allowing development which is compatible with the land's flood risk and avoiding significant adverse impacts on the flood behaviour and environment;
 - c) The floodway definition under the NSW Floodplain Risk Management Guideline (Department of Environment and Climate Change) is considered undesirable land use due to; potential redirection flows, danger to personal safety and significant financial losses due to the damage potential.

ORDINARY COUNCIL MEETING – 9 DECEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p>
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	<p>That development application 16-2014-392-1 (increased earth mound and single storey dwelling) for an increased earth mound and single storey dwelling be approved with the following conditions of consent:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any works consent from the Minister is to be obtained under Clause 256 of the Water Management Act 2000 for works adjacent levee banks. 2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 3. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent. 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. 5. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:- <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays. 6. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works. 7. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council. 8. A waste containment facility shall be provided on the
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	<p>construction site immediately after the first concrete pour for the building and is to be regularly serviced.</p> <p>9. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.</p> <p>10. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.</p> <p>11. The development shall take place in accordance with the stated values of the BASIX certificate submitted with the application. Prior to the issue of any occupation certificate an appropriately qualified person shall certify compliance with these requirements, as applicable. Where minor changes to the development occur (eg. colours and the like) these changes shall be referred to Council prior to the changes being made.</p> <p>12. Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>13. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>14. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>15. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling</p>
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	<p>has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill.</p> <p>16. Prior to the issue of the Construction Certificate a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).</p> <p>17. Prior to the issue of the Occupation Certificate an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p> <p>18. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 5.6 metres AHD. The following design precautions must be adhered to:-</p> <ol style="list-style-type: none"> a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge. c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches
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	<p>are to be installed.</p> <p>g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.</p> <p>h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.</p> <p>i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.</p> <p>19. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p> <p>20. A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.</p> <p>21. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.</p> <p>22. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.



MOTION

332	<p>Councillor Chris Doohan Councillor Steve Tucker</p>
	<p>It was resolved that development application 16-2014-392-1 (increased earth mound and single storey dwelling) for an increased earth mound and single storey dwelling be approved with the following conditions of consent:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any works consent from the Minister is to be obtained under Clause 256 of the Water Management Act 2000 for works adjacent levee banks. 2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 3. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent. 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. 5. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:- <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays. 6. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works. 7. Approved toilet accommodation for all tradespersons on the



	<p>building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.</p> <p>8. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced.</p> <p>9. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.</p> <p>10. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.</p> <p>11. The development shall take place in accordance with the stated values of the BASIX certificate submitted with the application. Prior to the issue of any occupation certificate an appropriately qualified person shall certify compliance with these requirements, as applicable. Where minor changes to the development occur (eg. colours and the like) these changes shall be referred to Council prior to the changes being made.</p> <p>12. Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>13. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>14. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities.</p>
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	<p>The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p>
15.	<p>Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill.</p>
16.	<p>Prior to the issue of the Construction Certificate a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).</p>
17.	<p>Prior to the issue of the Occupation Certificate an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p>
18.	<p>The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 5.6 metres AHD. The following design precautions must be adhered to:-</p> <ul style="list-style-type: none">a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.e. All main power supply, heating and air conditioning



	<p>service installations, including meters shall be located above the Flood Planning Level.</p> <p>f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.</p> <p>g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.</p> <p>h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.</p> <p>i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.</p> <p>19. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p> <p>20. A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.</p> <p>21. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.</p> <p>22. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.



PORT STEHENS COUNCIL
PLANNING DECISION REGISTER
Section 375A, Local Government Act 1993
(DLG Circular 08-45) –
Commenced 1 October 2008



Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.



ITEM NO. 3

FILE NO: 16-2014-441-1

**DEVELOPMENT APPLICATION FOR SINGLE STOREY DWELLING,
 EARTH MOUND & FARM SHED AT LOT 1 DP: 997568 NO. 13
 SWANREACH ROAD, HINTON.**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-441-1 for single storey dwelling, earth mound and farm shed for the following reasons:
 - a) The subject land is located entirely in the high hazard flood storage area and in a high hazard floodway. Due to the risk associated with velocities and/or depth which potentially pose a risk to structures and/or the safety of persons the land is considered unsuitable for residential development;
 - b) The development is inconsistent with the provisions of Clause 7.3 of Port Stephens Local Environmental Plan 2013, in particular the objectives of this clause for development on flood prone land including minimising the flood risk to life and property, allowing development which is compatible with the land's flood risk and avoiding significant adverse impacts on the flood behaviour and environment;
 - c) The floodway definition under the NSW Floodplain Risk Management Guideline (Department of Environment and Climate Change) is considered undesirable land use due to; potential redirection flows, danger to personal safety and significant financial losses due to the damage potential.

**ORDINARY COUNCIL MEETING – 9 DECEMBER 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p>
	<p>That development application 16-2014-441-1 for single storey dwelling, earth mound and farm shed be approved with the</p>



	<p>following conditions of consent:</p> <ol style="list-style-type: none"> 1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development. 3. All building work must be carried out in accordance with the provisions of the Building Code of Australia. 4. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:- <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays. 5. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works. 6. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council. 7. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997. 8. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without
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	<p>appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.</p> <p>9. Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>10. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>11. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>12. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation.</p> <p>13. Prior to the issue of the Construction Certificate a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).</p> <p>14. Prior to the issue of the Occupation Certificate an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p>
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	<p>15. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 6.7metres AHD. The following design precautions must be adhered to:-</p> <ol style="list-style-type: none"> a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge. c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed. g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level. i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning. <p>16. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p>
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	<p>17. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.</p> <p>18. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.

MOTION

333	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that development application 16-2014-441-1 for single storey dwelling, earth mound and farm shed be approved with the following conditions of consent:</p> <ol style="list-style-type: none"> 1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development. 3. All building work must be carried out in accordance with the provisions of the Building Code of Australia. 4. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:- <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm;
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	<ul style="list-style-type: none"> * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays.
5.	<p>It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.</p>
6.	<p>Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.</p>
7.	<p>A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.</p>
8.	<p>The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.</p>
9.	<p>Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p>
10.	<p>Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p>
11.	<p>Only Virgin Excavated Natural Material (VENM) in accordance</p>



	<p>with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>12. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation.</p> <p>13. Prior to the issue of the Construction Certificate a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).</p> <p>14. Prior to the issue of the Occupation Certificate an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p> <p>15. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 6.7metres AHD. The following design precautions must be adhered to:-</p> <ol style="list-style-type: none"> a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge. c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
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	<ul style="list-style-type: none"> e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed. g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level. i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning. <p>16. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p> <p>17. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.</p> <p>18. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.



ITEM NO. 4

FILE NO: 16-2014-384-1

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

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-384-1 (Machinery Shed) for an earth mound and machinery shed for the following reasons:
 - a) The subject land is located entirely in the Floodway, Excessive Depth Floodplain Management Zone and is subjected to a high hazard flood category for smaller events up to 5% AEP (1 in 20 years) and greater. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable development;
 - b) The development is inconsistent with the provisions of Clause 7.3 of Port Stephens Local Environmental Plan 2013, in particular the objectives of this clause for development on flood prone land including minimising the flood risk to life and property, allowing development which is compatible with the land's flood risk and avoiding significant adverse impacts on the flood behaviour and environment;
 - c) The proposal seeks to develop in close proximity to the Hinton Spillway. Potential Levee damage has been previously identified (OEH) by existing filling and buildings. The proposed development could further impact the levee structure, allowing additional flows into the Hinton area.

**ORDINARY COUNCIL MEETING – 9 DECEMBER 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p>
	<p>That development application 16-2014-384-1 (Machinery Shed) for an earth mound and machinery shed be approved with the</p>



	<p>following conditions of consent:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any works approval under Part 3 Section 91 of the Water Management Act 2000 is to be attained. 2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 3. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent. 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. 5. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:- <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays. 6. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works. 7. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. 8. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.
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	<p>9. Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p> <p>10. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>The top of constructed building mound shall not extend more than 3m from the perimeter of proposed structure. A maximum 1 in 4 gradient shall be used in the construction of the batter banks.</p> <p>11. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>12. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with Condition 13 and the stated flood planning level.</p> <p>13. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 6 metres AHD. The following design precautions must be adhered to:-</p> <ol style="list-style-type: none"> a. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. b. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. c. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. d. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed. e. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
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	<p>h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.</p> <p>i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.</p> <p>14. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.

MOTION

334	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that development application 16-2014-384-1 (Machinery Shed) for an earth mound and machinery shed be approved with the following conditions of consent:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any works approval under Part 3 Section 91 of the Water Management Act 2000 is to be attained. 2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 3. The development is to be carried out in accordance with the
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	<p>approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent.</p>
4.	<p>All building work must be carried out in accordance with the provisions of the Building Code of Australia.</p>
5.	<p>Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-</p> <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays.
6.	<p>It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.</p>
7.	<p>A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced.</p>
8.	<p>The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.</p>
9.	<p>Collected stormwater runoff shall be piped to designated onsite stormwater tanks.</p> <p>All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.</p>
10.	<p>Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development.</p> <p>The top of constructed building mound shall not extend more than 3m from the perimeter of proposed structure. A maximum 1 in 4 gradient shall be used in the construction of the batter</p>



	<p>banks.</p> <p>11. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.</p> <p>12. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with Condition 13 and the stated flood planning level.</p> <p>13. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 6 metres AHD. The following design precautions must be adhered to:-</p> <ul style="list-style-type: none"> a. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods. b. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible. c. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level. d. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed. e. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level. i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning. <p>14. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building</p>
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	structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Peter Kafer, John Nell and Geoff Dingle.