



COUNCIL COMMITTEE 16 AUGUST 2011 & COUNCIL MEETING 23 AUGUST 2011

ITEM NO. 1

FILE NO: PSC2006-0038

AIRCRAFT NOISE

REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING
 GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the revised draft Port Stephens Development Control Plan Chapter B15: "Aircraft Noise" (**Attachment 1** provided under separate cover);
 - 2) Adopt the draft Aircraft Noise Policy (**Attachment 2** – provided under separate cover);
 - 3) Request the Commonwealth Government, through the Parliamentary Secretary of Defence, to urgently revise the ANEF 2025 mapping to minimise impacts on the Port Stephens Community.
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COUNCIL COMMITTEE MEETING – 16 AUGUST 2011

	<p>Councillor Geoff Dingle Councillor John Nell</p>	<p>That Council resolve to:</p> <ol style="list-style-type: none"> 1) Adopt the 2025 ANEF of 10th August 2011 and former 2012 ANEF (Aircraft Noise Planning Area) as the basis for its draft Aircraft Noise Policy and draft Port Stephens Development Control Plan 2007 Chapter B15 Aircraft Noise for Buildings; 2) Use the 2025 ANEF of 10th August 2011 and former 2012 ANEF (Aircraft Noise Planning Area) as the basis for assessing development applications as part of its duty of care under section 79C of the Environmental Planning and Assessment Act 1979.
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In accordance with Section 375A of the Local Government Act, a division is required for this item.



**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
Section 375A, Local Government Act 1993
(DLG Circular 08-45) – From August 2011
to December 2011**



Those for the motion: Crs Bruce MacKenzie, Peter Kafer, Frank Ward, Steve Tucker, Caroline De Lyall, John Nell, Geoff Dingle, Sally Dover, Shirley O'Brien and Ken Jordan.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 23 AUGUST 2011

292	Councillor Geoff Dingle Councillor John Nell	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Steve Tucker, Geoff Dingle, John Nell, Frank Ward and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Bruce MacKenzie and Shirley O'Brien.



COUNCIL COMMITTEE 16 AUGUST 2011 & COUNCIL MEETING 23 AUGUST 2011

ITEM NO. 2

FILE NO: PSC2009-07013

PLANNING PROPOSAL TO PERMIT A MEDICAL CENTRE AT 2 KEEL STREET, SALAMANDER BAY

**REPORT OF: BRUCE PETERSEN, MANAGER ENVIRONMENTAL AND DEVELOPMENT
 PLANNING**

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve, subject to receipt of the relevant fee, to forward the Planning Proposal at **Attachment 1** to amend the *Port Stephens Local Environmental Plan 2000* under section 55 of the *Environmental Planning and Assessment Act 1979* to permit with consent a medical centre at 2 Keel Street Salamander Bay (Lot 1 in DP 880861) via an enabling clause.
 - 2) Resolve to charge 50% (\$2,000) of the original fee (\$4,000) for reconsideration of the Planning Proposal.
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COUNCIL COMMITTEE MEETING – 16 AUGUST 2011

	<p>Councillor Sally Dover Councillor John Nell</p>	<p>That Council resolve, subject to receipt of the relevant fee, to forward the Planning Proposal at Attachment 1 to amend the <i>Port Stephens Local Environmental Plan 2000</i> under section 55 of the <i>Environmental Planning and Assessment Act 1979</i> to permit with consent a medical centre at 2 Keel Street Salamander Bay (Lot 1 in DP 880861) via an enabling clause.</p>
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In accordance with Section 375A of the Local Government Act, a division is required for this item.



**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
Section 375A, Local Government Act 1993
(DLG Circular 08-45) – From August 2011
to December 2011**



Those for the motion: Crs Bruce MacKenzie, Peter Kafer, Ken Jordan, Steve Tucker, Caroline De Lyall, Glenys Francis, John Nell, Sally Dover, Shirley O'Brien and Geoff Dingle.

Those against the motion: Crs Frank Ward.

ORDINARY COUNCIL MEETING – 23 AUGUST 2011

Cr Peter Kafer left the meeting at 6.12pm prior to voting.

Cr Peter Kafer returned to the meeting at 6.13pm prior to voting.

295	Councillor John Nell Councillor Ken Jordan	It was resolved that the Council Committee recommendation be adopted with payment of full fees being \$4,000 for the Planning Proposal.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, John Nell and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle and Frank Ward.



Cr Sally Dover declared significant non-pecuniary conflict of interest and left the meeting at 6.05pm.

Cr Frank Ward less than significant non-pecuniary conflict of interest.

ITEM NO. 1

FILE NO: 16-2011-471-1

DEVELOPMENT APPLICATION FOR SIXTEEN (16) VILLA UNITS AT NO. 60 DEIMARS ROAD SALAMANDER BAY

REPORT OF: MATTHEW BROWN – MANAGER DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL HEALTH
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application for the following reasons.
 - The development application was not accompanied by a Species Impact Statement as required by Clause 78A(8)(b) of the *Environmental Planning and Assessment Act, 1979* and Schedule 1 of the *Environmental Planning and Assessment Regulations, 2000*.
 - The development is inconsistent with development consent 16-2007-1117-3 and the Vegetation Management Plan as required by those conditions.
 - The development is inconsistent with the objectives and requirements contained within State Environmental Planning Policy 71 – Coastal Protection.
 - The development is inconsistent with the 2(a) Residential zone objectives contained within Clause 16(2)(d) of the Port Stephens Local Environmental Plan 2000.
 - The development is inconsistent with the provisions of the Port Stephens Comprehensive Koala Plan of Management.
 - The proposal does not meet Comprehensive Koala Plan of Management performance criteria (a), (b), (c), and (d) and as such is inconsistent with SEPP 44.
 - The development as proposed is inconsistent with the requirements of clause B7.C21 of Port Stephens Development Control Plan 2007.



- The cumulative impacts of the development under Section 79C of the Environmental Planning and Assessment Act, 1979 are considered to result in an adverse ecological impact.



COUNCIL COMMITTEE MEETING – 6 SEPTEMBER 2011

RECOMMENDATION:

	<p>Councillor Sally Dover Councillor Frank Ward</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1) Accept the development application for sixteen villas units at No. 60 Diemars Road, Salamander Bay without a Species Impact Statement and requests the Manager Development Assessment and Environmental Health to proceed with a full assessment of the application and report back to Council. 2) This site be included in the site inspections on 17 September 2011.
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In accordance with Section 375A of the Local Government Act, a division is required for this item.

Those for the motion: Crs Bruce MacKenzie, Ken Jordan, Bob Westbury, Frank Ward, Glenys Francis, John Nell, Geoff Dingle, Sally Dover, Shirley O'Brien and Steve Tucker.

Those against the motion: Crs Caroline De Lyall and Peter Kafer.

ORDINARY COUNCIL MEETING – 13 SEPTEMBER 2011

Cr Peter Kafer left the meeting at 6.21pm prior to voting.

Cr Peter Kafer returned to the meeting at 6.22pm prior to voting.

<p>321</p>	<p>Councillor Bruce MacKenzie Councillor Frank Ward</p>	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Accept the development application for sixteen villas units at No. 60 Diemars Road, Salamander Bay without a Species Impact Statement and requests the Manager Development Assessment
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**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
Section 375A, Local Government Act 1993
(DLG Circular 08-45) – From August 2011
to December 2011**



		<p>and Environmental Health to proceed with a full assessment of the application and report back to Council.</p> <p>2. This site be included in the site inspections on 17 September 2011 and the applicant be invited to attend the site inspection.</p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, John Nell, Frank Ward and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan and Geoff Dingle.





COUNCIL COMMITTEE 11 OCTOBER 2011 & COUNCIL MEETING 18 OCTOBER 2011

ITEM NO. 2

FILE NO: 16-2011-24-1

DEVELOPMENT APPLICATION FOR EXTENSION TO EXISTING SERVICE STATION (SALES ROOM) & CONVERSION OF 4 X WORKSHOP BAYS TO 2 X SELF SERVE CAR WASH BAYS

REPORT OF: MATTHEW BROWN MANAGER DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL HEALTH
 GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2011-24-1 subject to the conditions contained in Attachment 4.
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COUNCIL COMMITTEE MEETING – 11 OCTOBER 2011

	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	<p>That Council approve Development Application 16-2011-24-1 subject to the conditions contained in Attachment 4.</p>

ORDINARY COUNCIL MEETING – 18 OCTOBER 2011

370	<p>Councillor Ken Jordan Councillor Bruce MacKenzie</p>
	<p>It was resolved that Council approve Development Application 16-2011-24-1 subject to the conditions contained in Attachment 3.</p>



**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
Section 375A, Local Government Act 1993
(DLG Circular 08-45) – From August 2011
to December 2011**



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

Those for the Motion: Crs Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.

Those against the Motion: Nil.



ITEM NO. 5

FILE NO: PSC2006-1627

AMENDMENTS TO CHAPTER B6 SINGLE AND DUAL OCCUPANCY DWELLINGS – PORT STEHENS DEVELOPMENT CONTROL PLAN 2007

REPORT OF: PETER MARLER – ACTING ENVIRONMENTAL AND DEVELOPMENT
 PLANNING MANAGER
 GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft amendments to Port Stephens Development Control Plan 2007 *Chapter B6 Single Dwellings, Dual Occupancy Dwellings and Ancillary Structures* on public exhibition for a minimum of 28 days.

COUNCIL COMMITTEE MEETING – 11 OCTOBER 2011

	<p>Councillor Ken Jordan Councillor Bob Westbury</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 18 OCTOBER 2011


373	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Place the draft amendments to Port Stephens Development Control Plan 2007 <i>Chapter B6 Single Dwellings, Dual Occupancy Dwellings and Ancillary Structures</i> on public exhibition for a minimum of 28 days. 2) Following the public exhibition period a report be provided to Council on any submissions received.



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

Those for the Motion: Crs Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.

Those against the Motion: Nil.





COUNCIL COMMITTEE 8 NOVEMBER 2011 & COUNCIL MEETING 22 NOVEMBER 2011

ITEM NO. 1

FILE NO: PSC2011-02260

PLANNING PROPOSAL – ANNA BAY NORTH

REPORT OF: BRUCE PETERSEN, MANAGER ENVIRONMENTAL & DEVELOPMENT
 PLANNING

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at **Attachment 1** in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 to facilitate further investigations into the rezoning of the following allotments for residential development:
 - a. Lot 21 DP 718935, Lot A DP 360150, Lot 9001 DP 1039267, Lot 10 DP 884411, Lot 50 DP 1087677, Lot 21 DP 602720, Lot 222 DP 791705, Lot 221 DP 791705, Lot 2 DP 614468, Lot 4 DP 614468, Lot 963 DP 731955, Lot 962 DP 731955 and Lot 961 DP 731955 Gan Gan Road and Old Main Road, Anna Bay.
- 2) Resolve to include in the Planning Proposal the following additional allotments:
 - a. Lot 22 in DP 718935, Lot 23 in DP 718935 and Lot 1 in DP 536350 Gan Gan Road and Lot 952 DP 519188, Lot 1 DP 614468 and Lot 3 DP 614468 Old Main Road, Anna Bay.
- 3) Resolve to report the Planning Proposal to Council prior to any public exhibition in the event of a positive "gateway" determination from the NSW Department of Planning and Infrastructure, which would require the submission of all relevant studies.

COUNCIL COMMITTEE MEETING 8 NOVEMBER 2011

	<p>Councillor Sally Dover Councillor Ken Jordan</p>
	<p>That the recommendation be adopted.</p>

Councillors Steve Tucker and Peter Kafer entered the meeting at 6.46pm prior to voting.

Councillor Frank Ward left the meeting at 6.55pm.



**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
Section 375A, Local Government Act 1993
(DLG Circular 08-45) – From August 2011
to December 2011**



Councillor Frank Ward returned to the meeting at 6.56pm.

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

Those for the motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Sally Dover, Shirley O'Brien, Glenys Francis, Peter Kafer, John Nell and Frank Ward .

Those against the motion: Crs Geoff Dingle.

ORDINARY COUNCIL MEETING 22 NOVEMBER 2011

Cr Peter Kafer left the meeting at 6.11pm prior to voting.

Cr Peter Kafer returned to the meeting at 6.12pm prior to voting.

395	Councillor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that the recommendation be adopted.

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

Those for the Motion: Crs Bob Westbury, Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.



ITEM NO. 3

FILE NO: 16-2010-769-1

**SECTION 82A REVIEW OF DEVELOPMENT APPLICATION FOR
 DEMOLITION OF EXISTING UNITS AND CONSTRUCTION OF URBAN
 HOUSING (4 UNITS) AT NO. 64 SANDY POINT ROAD, CORLETTE**

**REPORT OF: MATTHEW BROWN, MANAGER DEVELOPMENT ASSESSMENT &
 ENVIRONMENTAL HEALTH**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Section 82A Review of Determination for Development Application 16-2010-769-1 for the demolition of existing units and construction of urban housing (4 units) at 64 Sandy Point Road, Corlette

COUNCIL COMMITTEE MEETING 8 NOVEMBER 2011

	<p>Councillor John Nell Councillor Ken Jordan</p>
	<p>That Council approve the Section 82A Review of Determination for Development Application 16-2010-769-1 for the demolition of existing units and construction of urban housing (3 units) at 64 Sandy Point Road, Corlette.</p>

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

Those for the motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Sally Dover, Shirley O'Brien, Glenys Francis, Peter Kafer, John Nell, Geoff Dingle and Frank Ward .

Those against the motion: Nil.

ORDINARY COUNCIL MEETING 22 NOVEMBER 2011

397	<p>Councillor John Nell Councillor Peter Kafer</p>
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	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bob Westbury, Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.





COUNCIL COMMITTEE 13 DECEMBER 2011 & COUNCIL MEETING 20 DECEMBER 2011

ITEM NO. 2

FILE NO: 16-2011-471-1

**DEVELOPMENT APPLICATION FOR SIXTEEN (16) VILLA UNITS AT NO 60
DIEMARS ROAD SALAMANDER BAY**

REPORT OF: **MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL
HEALTH**

GROUP: **SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2011-471-1 for sixteen (16) villa units at No. 60 Diemars Road, Salamander Bay, for the following reasons.
 - a. The development application is not accompanied by a Species Impact Statement as required by Clause 78A(8)(b) of the *Environmental Planning and Assessment Act, 1979* and Schedule 1 of the *Environmental Planning and Assessment Regulations, 2000*;
 - b. The development proposal is inconsistent with development consent 16-2007-1117-3 and the Vegetation Management Plan as required by the conditions of this consent;
 - c. The development proposal is inconsistent with the objectives and requirements contained within State Environmental Planning Policy 71 – Coastal Protection;
 - d. The development proposal is inconsistent with the 2(a) Residential Zone objectives contained within Clause 16(2)(d) of the Port Stephens Local Environmental Plan 2000 because the proposal does not facilitate an ecologically sustainable development, protecting environmental assets.
 - e. The development proposal is inconsistent with the provisions of the Port Stephens Comprehensive Koala Plan of Management;
 - f. The development proposal does not meet Comprehensive Koala Plan of Management Performance Criteria and as such is inconsistent with State Environmental Planning Policy 44;
 - g. The cumulative impacts of the proposed development under Section 79C of the *Environmental Planning and Assessment Act, 1979* are considered to result in adverse ecological impacts;
 - h. The development proposal does not comply with section 5(a)(vii) of the *Environmental Planning and Assessment Act, 1979*, in that it does not promote ecologically sustainable development.
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COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011
RECOMMENDATION:

	<p>Councillor Bruce MacKenzie Councillor Shirley O'Brien</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Indicate its support in principle for the development application for sixteen (16) villas units at No. 60 Diemars Road, Salamander Bay; 2) An independent consultant/independent consultants be engaged to undertake an assessment of ecological significance for submission to the NSW Office of Environment and Heritage and for the drafting of conditions.

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

Those for the Motion: Crs Bob Westbury, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Frank Ward.

Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Geoff Dingle, John Nell and Glenys Francis.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

Cr Sally Dover left the meeting at 5.36pm prior to voting.

441	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Indicate its support in principle for the development application for sixteen (16) villas units at No. 60 Diemars Road, Salamander Bay; 2) An independent consultant/independent consultants be engaged to undertake an assessment of ecological significance for submission to the NSW Office of Environment and Heritage and for the drafting of conditions.



**PORT STEHENS COUNCIL
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	3) The Mayor and General Manager be given delegated authority to appoint the independent consultant to process the development application.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle and John Nell.

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



ITEM NO. 1

FILE NO: PSC 2006-0046

PORT STEPHENS PLANNING STRATEGY

**REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL & DEVELOPMENT
 PLANNING**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the draft Port Stephens Planning Strategy 2011 at **Attachment 1** (provided under separate cover) which includes the following changes to the exhibited version:
 - Deletion of the Eastern Growth Corridor;
 - Deletion at Appendix 3 of land identified at Heatherbrae (Radiata plantation);
 - Deletion at Appendix 3 – Former Gan Gan Army Camp;
 - Minor editing for readability or clarification purposes;
- 2) Reaffirm support for Heatherbrae as an Enterprise Corridor;
- 3) Review the potential for additional growth in the medium to long term in the exhibited Eastern Growth Corridor area following review of the Lower Hunter Regional Strategy, and completion of the Raymond Terrace/Heatherbrae Growth strategy;
- 4) Forward the draft Port Stephens Planning Strategy at **Attachment 1** (provided under separate cover) to the Director-General Department of Planning and Infrastructure requesting endorsement;
- 5) Advise proponents who have requested their land to be included in the draft Port Stephens Planning Strategy of the review of the Lower Hunter Regional Strategy by the Department of Planning and Infrastructure and the opportunity to substantiate their case in a submission to the Department.

COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011

RECOMMENDATION:

	<p>Councillor Bruce MacKenzie Councillor Steve Tucker</p>
	<p>That Council:</p>



	<ol style="list-style-type: none"> 1) Adopt the draft Port Stephens Planning Strategy 2011 at Attachment 1 (provided under separate cover) which includes the following changes to the exhibited version: <ul style="list-style-type: none"> • Deletion at Appendix 3 of land identified at Heatherbrae (Radiata plantation); • Deletion at Appendix 3 – Former Gan Gan Army Camp; • Minor editing for readability or clarification purposes; 2) Reaffirm support for Heatherbrae as an Enterprise Corridor; 3) Review the potential for additional growth in the medium to long term in the exhibited Eastern Growth Corridor area following review of the Lower Hunter Regional Strategy, and completion of the Raymond Terrace/Heatherbrae Growth strategy; 4) Forward the draft Port Stephens Planning Strategy at Attachment 1 (provided under separate cover) to the Director-General Department of Planning and Infrastructure requesting endorsement; 5) Advise proponents who have requested their land to be included in the draft Port Stephens Planning Strategy of the review of the Lower Hunter Regional Strategy by the Department of Planning and Infrastructure and the opportunity to substantiate their case in a submission to the Department.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Glenys Francis.

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

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

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

Cr Sally Dover returned to the meeting at 5.55pm following Item 2.

	<p>Councillor Geoff Dingle Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the draft Port Stephens Planning Strategy 2011 at



	<p>Attachment 1 (provided under separate cover) which includes the following changes to the exhibited version:</p> <ul style="list-style-type: none"> • Deletion at Appendix 3 of land identified at Heatherbrae (Radiata plantation); • Deletion at Appendix 3 – Former Gan Gan Army Camp; • Minor editing for readability or clarification purposes; <p>2) Reaffirm support for Heatherbrae as an Enterprise Corridor;</p> <p>3) Review the potential for additional growth in the medium to long term in the exhibited Eastern Growth Corridor area following review of the Lower Hunter Regional Strategy, and completion of the Raymond Terrace/Heatherbrae Growth strategy;</p> <p>4) Forward the draft Port Stephens Planning Strategy at Attachment 1 (provided under separate cover) to the Director-General Department of Planning and Infrastructure requesting endorsement;</p> <p>5) Advise proponents who have requested their land to be included in the draft Port Stephens Planning Strategy of the review of the Lower Hunter Regional Strategy by the Department of Planning and Infrastructure and the opportunity to substantiate their case in a submission to the Department.</p>
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Cr Dingle withdrew the Motion.

MOTION

442	<p>Councillor Sally Dover Councillor Shirley O'Brien</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the draft Port Stephens Planning Strategy 2011 at Attachment 1 (provided under separate cover) which includes the following changes to the exhibited version: <ul style="list-style-type: none"> • Deletion at Appendix 3 of land identified at Heatherbrae (Radiata plantation); • Minor editing for readability or clarification purposes; 2) Reaffirm support for Heatherbrae as an Enterprise Corridor; 3) Review the potential for additional growth in the medium to long term in the exhibited Eastern Growth Corridor area following review of the Lower Hunter Regional Strategy, and completion of the Raymond Terrace/Heatherbrae Growth strategy; 4) Forward the draft Port Stephens Planning Strategy at Attachment 1
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	<p>(provided under separate cover) to the Director-General Department of Planning and Infrastructure requesting endorsement;</p> <p>5) Advise proponents who have requested their land to be included in the draft Port Stephens Planning Strategy of the review of the Lower Hunter Regional Strategy by the Department of Planning and Infrastructure and the opportunity to substantiate their case in a submission to the Department.</p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.

Those against the Motion: Crs Glenys Francis, Caroline De Lyall, Geoff Dingle and John Nell.

AMENDMENT

	<p>Councillor John Nell Councillor Geoff Dingle</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the draft Port Stephens Planning Strategy 2011 at Attachment 1 (provided under separate cover) which includes the following changes to the exhibited version: <ul style="list-style-type: none"> • Deletion of the Eastern Growth Corridor; • Deletion at Appendix 3 of land identified at Heatherbrae (Radiata plantation); • Deletion at Appendix 3 – Former Gan Gan Army Camp; • Minor editing for readability or clarification purposes; 2) Reaffirm support for Heatherbrae as an Enterprise Corridor; 3) Review the potential for additional growth in the medium to long term in the exhibited Eastern Growth Corridor area following review of the Lower Hunter Regional Strategy, and completion of the Raymond Terrace/Heatherbrae Growth strategy; 4) Forward the draft Port Stephens Planning Strategy at Attachment 1 (provided under separate cover) to the Director-General Department of Planning and Infrastructure requesting endorsement;
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**PORT STEHENS COUNCIL
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	5) Advise proponents who have requested their land to be included in the draft Port Stephens Planning Strategy of the review of the Lower Hunter Regional Strategy by the Department of Planning and Infrastructure and the opportunity to substantiate their case in a submission to the Department.
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In accordance with the Section 375A, 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: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Bob Westbury.

The amendment was lost.



FORESHADOWED AMENDMENT

<p>Councillor Bruce MacKenzie Councillor Peter Kafer</p>
<p>That Council:</p> <ol style="list-style-type: none">1) Adopt the draft Port Stephens Planning Strategy 2011 at Attachment 1 (provided under separate cover) which includes the following changes to the exhibited version:<ul style="list-style-type: none">• Deletion at Appendix 3 of land identified at Heatherbrae (Radiata plantation);• Deletion at Appendix 3 – Former Gan Gan Army Camp;• Minor editing for readability or clarification purposes;2) Reaffirm support for Heatherbrae as an Enterprise Corridor;3) Review the potential for additional growth in the medium to long term in the exhibited Eastern Growth Corridor area following review of the Lower Hunter Regional Strategy, and completion of the Raymond Terrace/Heatherbrae Growth strategy;4) Forward the draft Port Stephens Planning Strategy at Attachment 1 (provided under separate cover) to the Director-General Department of Planning and Infrastructure requesting endorsement;5) Advise proponents who have requested their land to be included in the draft Port Stephens Planning Strategy of the review of the Lower Hunter Regional Strategy by the Department of Planning and Infrastructure and the opportunity to substantiate their case in a submission to the Department.

Cr MacKenzie withdrew the Foreshadowed Amendment.



ITEM NO. 3

FILE NO: 16-2009-257-1

**DEVELOPMENT APPLICATION 16-2009-257-1 FOR A 229 SITE
 CARAVAN PARK, MANAGERS RESIDENCE, COMMUNITY HALL, &
 RECREATION FACILITIES AT 19 & 20 ROAD 580 OFF PORT STEPHENS
 DRIVE, ANNA BAY**

REPORT OF: **MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL
 HEALTH**
 GROUP: **SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse DA 16-2009-257-1 for the following reasons:
 The site is not considered suitable for 229 caravan sites providing long term accommodation, because:
 - a) The site is not considered suitable for the proposed quantity of long term sites following assessment of the application against Clause 10 of State Environmental Planning Policy 21 Caravan Parks;
 - b) The development is inconsistent with the objectives of the 1(a) Rural Agriculture Zone;
 - c) The development is not consistent with the strategy map or Sustainability Criteria (specifically points 1. Infrastructure Provision, 2. Access, 8. Quality and Equity in Services) in the Lower Hunter Regional Strategy;
 - d) The development is not consistent with the proposed Town Plan in the Anna Bay Strategy.

COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011
RECOMMENDATION:

	<p>Councillor Steve Tucker Councillor Sally Dover</p>
	<p>That Council resolve to approve the development application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay subject to the condition of consent contained in ATTACHMENT 3.</p>



**PORT STEHENS COUNCIL
 PLANNING DECISION REGISTER -
 Section 375A, Local Government Act 1993
 (DLG Circular 08-45) – From August 2011
 to December 2011**



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

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Bob Westbury, Steve Tucker, Shirley O'Brien and Sally Dover.

Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Geoff Dingle, John Nell, Frank Ward and Glenys Francis.

The motion was lost.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

443	<p>Councillor Bruce MacKenzie Councillor Sally Dover</p> <p>It was resolved that Council resolve to approve the development application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay subject to the condition of consent contained in ATTACHMENT 3.</p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle and John Nell.

Cr Glenys Francis left the meeting at 6.30pm.
 Cr Glenys Francis returned to the meeting at 6.32pm.
 Cr Peter Kafer left the meeting at 6.34pm
 Cr Peter Kafer returned at 6.36pm.

MATTER ARISING

	<p>Councillor Ken Jordan Councillor John Nell</p>
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	That Council request the General Manager to draft a policy on restricting any further caravan parks/mobile homes on Rural 1(a) land.
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Cr Jordan withdrew the Matter Arising.

ITEM NO. 4

FILE NO: 16-2011-638-1

DEVELOPMENT APPLICATION FOR TWO LOT SUBDIVISION AT NO. 456 FULLERTON COVE ROAD FULLERTON COVE

REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL & DEVELOPMENT PLANNING

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2011-603-1 for the reasons contained below:
 - The development is concluded to be prohibited development as it is inconsistent with clause 12 of the Port Stephens Local Environmental Plan 2000.

**COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011
 RECOMMENDATION:**

	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	That the development application for a two lot subdivision at No. 456 Fullerton Cove Road, Fullerton Cove be approved as the subject land is divided by an existing road.

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Glenys Francis.



**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
Section 375A, Local Government Act 1993
(DLG Circular 08-45) – From August 2011
to December 2011**



Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

	Councillor John Nell Councillor
	That Item 4 be deferred and request a report be provided to Council amending the Port Stephens Council Local Environmental Plan to enable the subdivision to occur.



AMENDMENT

	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Receive and note the legal advice that the subdivision cannot be approved; 2) Representations be made with the Member for Port Stephens to seek an appointment with the Director General of the Department of Planning.

PROCEDURAL MOTION

444	<p>Councillor Glenys Francis Councillor Caroline De Lyall</p>
	<p>It was resolved that Council move into confidential session to discuss the confidential legal advice.</p>

Council's Manager Communications and Customer Relations and Communication and Marketing Coordinator were present during the confidential session.

Cr Bruce MacKenzie left the meeting at 6.52pm.

445	<p>Councillor Glenys Francis Councillor Peter Kafer</p>
	<p>It was resolved that Council move into Committee of the Whole to allow discussion on the legal advice.</p>

Committee of the Whole recommendation

	<p>Councillor John Nell Councillor Glenys Francis</p>
	<p>That Council:</p>



	<ol style="list-style-type: none"> 1) Receive and note the legal advice that the subdivision cannot be approved; 2) Representations be made with the Member for Port Stephens to seek an appointment with the Director General of the Department of Planning to seek his agreement to expedite a site specific amendment to the Port Stephens Council Local Environmental Plan enabling this subdivision to be given consent in the future.
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446	Councillor Steve Tucker Councillor Glenys Francis
	It was resolved that Council move out of Committee of the Whole.

447	Councillor Steve Tucker Councillor Glenys Francis
	It was resolved that Council move out of confidential session.

Cr Bruce MacKenzie returned at 7.04pm.

448	Councillor John Nell Councillor Glenys Francis
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the legal advice that the subdivision cannot be approved; 2) Representations be made with the Member for Port Stephens to seek an appointment with the Director General of the Department of Planning to seek his agreement to expedite a site specific amendment to the Port Stephens Council Local Environmental Plan enabling this subdivision to be given consent in the future.

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



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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Glenys Francis.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

449	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that the recommendation be adopted.

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Glenys Francis.

Those against the Motion: Nil.



ITEM NO. 6

FILE NO: PSC2009-09538

KARUAH GROWTH STRATEGY AND DCP

REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL & DEVELOPMENT
 PLANNING

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Karuah Growth Strategy as it refers to land in Port Stephens Local Government Area (**Attachment 1 - under separate cover**);
- 2) Adopt the amended Karuah Development Control Plan Chapter as it refers to land in Port Stephens Local Government Area pursuant to the Environmental Planning and Assessment Act (**Attachment 2 - under separate cover**) incorporating the proposed amendments;
- 3) The owner of Lot 52 DP 735066 be advised to seek clarification of the status of their land from the Department of Planning and Infrastructure in relation to the Green Corridor in the context of review of the Lower Hunter Regional Strategy.

COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011

RECOMMENDATION:

	<p>Councillor Peter Kafer Councillor Bob Westbury</p>
	<p>That the recommendation be adopted.</p>

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Glenys Francis.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011



**PORT STEHENS COUNCIL
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450	Councillor Glenys Francis Councillor Peter Kafer
	It was resolved that the recommendation be adopted.

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Glenys Francis.

Those against the Motion: Nil.



ITEM NO. 7

FILE NO: PSC2006-6753

REZONING 22 HOMESTEAD STREET, SALAMANDER BAY FROM RECREATION TO RESIDENTIAL

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER
 GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council as landowners, submit a planning proposal, to rezone (Option 2, **ATTACHMENT 1**) Lot 598 DP 27382, 22 Homestead Street, Salamander Bay to Residential 2(a) and Environmental 7(a) and Reclassify and Rezone Part Lot 51 DP 803471 from Community to Operational and 6(a) to Residential 2(a) as shown in **ATTACHMENT 1**.

COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011
RECOMMENDATION:

	<p>Councillor Ken Jordan Councillor Bob Westbury</p>
	<p>That Council as landowners, submit a planning proposal, to rezone (Option 2, ATTACHMENT 2) Lot 598 DP 27382, 22 Homestead Street, Salamander Bay to Residential 2(a) and Environmental 7(a) and Reclassify and Rezone Part Lot 51 DP 803471 from Community to Operational and 6(a) to Residential 2(a) as shown in ATTACHMENT 2.</p>

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Glenys Francis.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011



PORT STEHENS COUNCIL
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451	Councillor John Nell Councillor Sally Dover
	It was resolved that Council as landowners, submit a planning proposal, to rezone (Option 2, ATTACHMENT 2) Lot 598 DP 27382, 22 Homestead Street, Salamander Bay to Residential 2(a) and Environmental 7(a) and Reclassify and Rezone Part Lot 51 DP 803471 from Community to Operational and 6(a) to Residential 2(a) as shown in ATTACHMENT 2 .

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Glenys Francis.

Those against the Motion: Nil.



ITEM NO. 8

FILE NO: PSC2005-4390

TREE PRESERVATION ORDER AND PROCEDURES

**REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL AND DEVELOPMENT PLANNING
 MANAGER**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the amended Tree Preservation Order (**Attachment 1 – under separate cover**);
- 2) Adopt the amended Tree Management Procedures (**Attachment 2 – under separate cover**);
- 3) Note the submissions received on the draft Tree Preservation Order and the draft Tree Management Procedures (**Attachment 3 – under separate cover**);
- 4) Delegate, under section 377(1) of the LG Act, to create a 355b Committee of Council for each ward for the purposes of carrying out 82A reviews of Tree Preservation Order applications.

**COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011
 RECOMMENDATION:**

	<p>Councillor Bruce MacKenzie Councillor Shirley O'Brien</p>
	<p>That Item 8 be deferred to the Ordinary meeting of Council.</p>

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Glenys Francis.

Those against the Motion: Nil.

Cr Glenys Francis vacated the chair at 8.55pm and Cr Geoff Dingle chaired the meeting.



Cr Glenys Francis left the meeting at 8.55pm.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

	<p>Councillor Sally Dover Councillor Shirley O'Brien</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the amended Tree Preservation Order (Attachment 1 – under separate cover); 2) Adopt the amended Tree Management Procedures (Attachment 2 – under separate cover); 3) Note the submissions received on the draft Tree Preservation Order and the draft Tree Management Procedures (Attachment 3 – under separate cover); 4) Delegate, under section 377(1) of the LG Act, to create a 355b Committee of Council for each ward for the purposes of carrying out 82A reviews of Tree Preservation Order applications. 5) Amend 1 (g) of the Tree Preservation Order and the associated procedures to read "providing economic benefit, health and safety to the residents".

AMENDMENT

452	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>
	<p>It was resolved that Council defer Item 8 to allow for a further 2 way conversation with Councillors.</p>

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

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



**PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
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Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Glenys Francis.

Those against the Motion: Nil.



ITEM NO. 9

FILE NO: PSC2007-2685

COUNCIL OWNED LAND AT SALAMANDER BAY/SOLDIERS POINT/TAYLORS BEACH

REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL & DEVELOPMENT
PLANNING

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Subject to item 3 below to forward the exhibited Planning Proposal at **Attachment 1** incorporating amendments to the NSW Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 requesting that the proposal be made to:
 - a. Reclassify Lot 1 in DP 263269 (314 Soldiers Point Road) from "Community" to "Operational" land and maintain the current 4(a) Industrial zoning;
 - b. Rezone the southern part of Lot 600 in DP 27382 (308 Soldiers Point Road) from 6(a) General Recreation to 4(a) Industrial and reclassify that part from "Community" to "Operational" land;
 - c. Rezone part Lot 51 in DP 803471 (1 Diemars Road) from 6(a) General Recreation to 7(a) Environment Protection;
 - d. Rezone Lot 3 in DP 791551 (160B Soldiers Point Road) from 6(a) General Recreation to 7(a) Environment Protection;
 - e. Rezone Lot 164 in DP 27047 (160A Soldiers Point Road) from 6(a) General Recreation to 7(a) Environment Protection; and
 - f. Rezone the northern part of Lot 2 in DP 791551 (8 Fleet Street) from 6(a) General Recreation to 7(a) Environment Protection and reclassify that part from "Operational" to "Community" land;
 - 2) Exclude from the Planning Proposal two privately-owned lots being:
 - a. Lot 54 in DP 260211 (25 Diemars Road); and
 - b. Lot 56 in DP 618505 (27 Diemars Road);
 - 3) Note that a management plan will be prepared to improve vegetation management and wildlife corridors in the vicinity of Lot 600 DP 27382 (308 Soldiers Point Road);
 - 4) Waive the reclassification and rezoning fees as there are no significant commercial values added to the properties as a consequence of the reclassification and rezoning processes.
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COUNCIL COMMITTEE MEETING – 13 DECEMBER 2011
RECOMMENDATION:

	<p>Councillor John Nell Councillor Frank Ward</p>
	<p>That the recommendation be adopted.</p>

AMENDMENT

	<p>Councillor Sally Dover Councillor John Nell</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Subject to item 3 below to forward the exhibited Planning Proposal at Attachment 1 incorporating amendments to the NSW Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 requesting that the proposal be made to: <ol style="list-style-type: none"> a. Reclassify Lot 1 in DP 263269 (314 Soldiers Point Road) from "Community" to "Operational" land and maintain the current 4(a) industrial zoning; b. Rezone part Lot 51 in DP 803471 (1 Diemars Road) from 6(a) General Recreation to 7(a) Environment Protection; c. Rezone Lot 3 in DP 791551 (160B Soldiers Point Road) from 6(a) General Recreation to 7(a) Environment Protection; d. Rezone Lot 164 in DP 27047 (160A Soldiers Point Road) from 6(a) General Recreation to 7(a) Environment Protection; and e. Rezone the northern part of Lot 2 in DP 791551 (8 Fleet Street) from 6(a) General Recreation to 7(a) Environment Protection and reclassify that part from "Operational" to "Community" land; 2) Exclude from the Planning Proposal two privately-owned lots being: <ol style="list-style-type: none"> a. Lot 54 in DP 260211 (25 Diemars Road); b. Lot 56 in DP 618505 (27 Diemars Road); c. Rezone the southern part of Lot 600 in DP 27382 (308 Soldiers Point Road) from 6(a) General Recreation to 4(a) Industrial and reclassify that part from "Community" to "Operational" land; 3) Note that a management plan will be prepared to improve



	<p>vegetation management and wildlife corridors in the vicinity of Lot 600 DP 27382 (308 Soldiers Point Road);</p> <p>4) Waive the reclassification and rezoning fees as there are no significant commercial values added to the properties as a consequence of the reclassification and rezoning process.</p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, John Nell, Sally Dover, Glenys Francis and Geoff Dingle.

Those against the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Frank Ward.

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

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

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, John Nell, Sally Dover, Glenys Francis and Geoff Dingle.

Those against the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Frank Ward.

FORESHADOWED AMENDMENT

	<p>Councillor Frank Ward Councillor</p>
	<p>That Council defer Item 9 to allow discussion with the adjoining landowners.</p>

	<p>Councillor Glenys Francis Councillor John Nell</p>
	<p>That the Council Committee meeting continue until the end of Item 9 and that all other matters be deferred to the Ordinary Council meeting on 20 December 2011.</p>



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There being no further business the meeting closed at 9.16pm following Item 9.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

453	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Subject to item 3 below to forward the exhibited Planning Proposal at Attachment 1 incorporating amendments to the NSW Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 requesting that the proposal be made to: <ol style="list-style-type: none"> a. Reclassify Lot 1 in DP 263269 (314 Soldiers Point Road) from "Community" to "Operational" land and maintain the current 4(a) industrial zoning; b. Rezone part Lot 51 in DP 803471 (1 Diemars Road) from 6(a) General Recreation to 7(a) Environment Protection; c. Rezone Lot 3 in DP 791551 (160B Soldiers Point Road) from 6(a) General Recreation to 7(a) Environment Protection; d. Rezone Lot 164 in DP 27047 (160A Soldiers Point Road) from 6(a) General Recreation to 7(a) Environment Protection; and e. Rezone the northern part of Lot 2 in DP 791551 (8 Fleet Street) from 6(a) General Recreation to 7(a) Environment Protection and reclassify that part from "Operational" to "Community" land; 2) Exclude from the Planning Proposal two privately-owned lots being: <ol style="list-style-type: none"> a. Lot 54 in DP 260211 (25 Diemars Road); b. Lot 56 in DP 618505 (27 Diemars Road); c. Rezone the southern part of Lot 600 in DP 27382 (308 Soldiers Point Road) from 6(a) General Recreation to 4(a) Industrial and reclassify that part from "Community" to "Operational" land; 3) Note that a management plan will be prepared to improve vegetation management and wildlife corridors in the vicinity of Lot 600 DP 27382 (308 Soldiers Point Road); 4) Waive the reclassification and rezoning fees as there are no significant commercial values added to the properties as a consequence of the reclassification and rezoning process.
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PORT STEHENS COUNCIL
PLANNING DECISION REGISTER -
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Glenys Francis.

Those against the Motion: Nil.



ITEM NO. 10

FILE NO: PSC2009-02442

DRAFT DEVELOPMENT CONTROL PLAN CHAPTER C10 DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE WILLIAMTOWN

REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL & DEVELOPMENT PLANNING
 GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to publicly exhibit the *Draft Port Stephens Development Control Plan 2007 Chapter C11 Williamtown Defence and Airport Related Employment Zone* at **Attachment 1** for 28 days for the purposes of section 18 of the *Environmental Planning and Assessment Regulation 2000*.

ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

454	<p>Councillor Ken Jordan Councillor Caroline De Lyall</p> <hr/> <p>It was resolved that the recommendation be adopted.</p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Bob Westbury, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Glenys Francis.

Those against the Motion: Nil.