

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
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**COUNCIL PLANNING DECISION REGISTER**  
*Section 375A, Local Government Act 1993*  
(DLG Circular 08-45)  
Commenced 1 October 2008

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
4	Strategic Committee – 7 October 2008  Ordinary Meeting 21 October 2008	Cross Boundary S94 plan for village in Great Lakes Council Local Government area adjacent to Karuah	<p><b>Committee Recommendation:</b></p> <p>1) Adopt the exhibited amendment to the “Port Stephens Section 94 Development Contributions Plan 2007” to “Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens and Great Lakes Cross Boundary Section 94 Development Contributions Plan 2008”, and to include the site specific chapter 4.7.7 “Land zoned village (2) within the locality of ‘Karuah’ within the local government area of Great Lakes Council”</p> <p><b>Resolved:</b></p> <p>1) Adopt the exhibited amendment to the “Port Stephens Section 94 Development Contributions Plan 2007” to “Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens and Great Lakes Cross Boundary Section 94 Development Contributions Plan 2008”, and to include the site specific chapter 4.7.7 “Land zoned village (2) within the locality of ‘Karuah’ within the local government area of Great Lakes Council”</p>	<p>Crs MacKenzie, Westbury, Nell, Dover, Ward, Dingle, Tucker, O'Brien, Maher, Francis, Jordan &amp; Kafer.</p> <p>Crs MacKenzie, Westbury, Nell, Dover, Ward, Dingle, Tucker, O'Brien, Maher, Francis, Jordan &amp; Kafer.</p>	<p>Nil</p> <p>Nil</p>

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3	<p>Strategic Committee – 7 October 2008.</p> <p>Ordinary Council Meeting – 21 October 2008</p>	Development controls for brothels and restricted premises	<p><b>Committee Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Adopt Chapter 13 Brothels and Chapter 14 Restricted Premises of the Port Stephens Development Control Plan 2007; Attachments 1 and 2 respectively to the report and;</li> <li>2) Adopt amended Chapter 1 – Introduction A1.9 Advertising and Notification Procedures. (Attachment 3 to this report);</li> </ol> <p><b>Resolved:</b></p> <p><b>It was resolved that the recommendation be adopted with the alteration to the references to the 150metres and 200metres for restricted premises be changed to 400metres.</b></p>	<p>Crs Dover, Westbury, Jordan, O'Brien, Tucker Maher and MacKenzie</p> <p>Crs Dover, Westbury, Jordan, O'Brien, Tucker Maher and MacKenzie</p>	<p>Crs Francis, Nell, Ward, Kafer and Dingle</p> <p>Crs Francis, Nell, Ward, Kafer and Dingle</p>
4	Ordinary Council Meeting – 21 October 2008	Development application for place of assembly – outdoor music events (New Years Eve 2008, 2009, 2010) at No. 98 Shoal Bay Road Nelson Bay (Fly Point)	<p><b>Resolved:</b></p> <ol style="list-style-type: none"> <li>1) Approve Development Application 16-2008-610-1 for a twelve (12) month period subject to the conditions contained in Attachment 3.</li> <li>2) Note that the General Manager will undertake a compliance audit of all conditions of consent in conjunction with the Event Debrief by 28 February 2009</li> </ol> <p>Note: Carried with the Mayoral casting vote.</p>	Crs Jordan, Maher, Tucker, Nell, Westbury and MacKenzie	Crs Kafer, O'Brien, Dingle, Francis, Dover & Ward

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3	Strategic Committee – 4 November 2008	Council owned land at Salamander Bay/Soldiers Point/Taylors Beach	<p><b>Committee Recommendation:</b></p> <p>Resolve in accordance with Section 54 of the Environmental Planning and Assessment Act to prepare a draft Local Environmental Plan for Council owned lands (Attachment 1) to undertake the following:</p> <ol style="list-style-type: none"> <li>1) Site 1 – 100 Salamander Way, Salamander Bay (Lot 21 DP 1044009): Council note this site is currently being investigated for rezoning and reclassification.</li> <li>2) Site 2 – 360 Soldiers Point Road, Soldiers Point (Lots 1-4 DP 111773): Council note the possible redesign and future use of this land is currently being investigated.</li> <li>3) Site 3 – 314 Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): Council note previous resolution to reclassify this land is being actioned. Further, Council resolve to include the southern portion of Lot 600 DP 27382 in the investigations for rezoning from 6(a) General Recreation to 4(a) Industrial and reclassification to Operational Land.</li> <li>4) Site 4 – Stoney Ridge Reserve (Lot 51 DP 803471): Council resolve, in accordance with the Notice of Motion issued at its meeting of 27 June 2006 to rezone Part Lot 51 DP 803471 from 6(a) General Recreation to 7(a) Environmental Protection (Council note this land is Classified as Community Land, Categorized “Natural Area” with a sub-category of “Foreshore”). Further, Council resolve to rezone the wildlife corridor on Lot 3 DP 791551 and Lot 164 DP 27047 from 6(a) General Recreation to 7(a) Environmental</li> </ol>	Crs Dover, Westbury, Ward, Nell, Dingle, Tucker, O’Brien, MacKenzie, Maher, Francis and Jordan.	Nil.

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			<p>Protection.</p> <p>5) Site 5 – 8 Fleet Street (Lot 2 DP 79155): Council note previous resolution of 27 June 2006 to rezone Part Lot 2 DP 791551 (not including the 2(a) zoned land) from 6(a) General Recreation to 7(a) Environmental Protection and reclassify this part of the land from Operational to Community.</p> <p>6) Site 6 – 9B Diemars Road, Soldiers Point (Lot 644 DP 658258): Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.</p> <p>7) Site 7 – Diemars Quarry (Part Lot 51 DP 803471): Council resolve to rezone the Quarry site (Part Lot 51 DP 803471) for urban purposes and reclassify to operational. This rezoning is to include investigation of Lot 56 DP 618505 and Lot 54 DP 260211 (privately owned land) to a more appropriate open space/environmental zone.</p> <p>8) Site 8 – 22 Homestead Street, Salamander Bay (Lot 598 DP 27382): Council resolve to rezone the land from 6(a) General Recreation to 2(a) Residential and 7(a) Environmental Protection. Investigations are to include the triangular piece of land to the immediate north, which forms part of the south/eastern boundary of Stoney Ridge Reserve (Site 7).</p> <p>9) Site 9 – 14 Taylors Road, Taylors Beach (Lot 636 DP 27628): Council note further investigation of this land be held in abeyance, pending the outcome of investigations into the land to the north of this site.</p>		

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	<p>Ordinary Council Meeting – 25 November 2008</p>		<p>Further, Council resolve to:</p> <p>10) Review the potential application of S94A to infill residential development in the Peninsula rather than s94.</p> <p>11) Monitor the development of the Biobanking framework closely in relation to the potential for biobanking credits to be earned from some of the subject land.</p> <p><b>Resolved:</b></p> <p>It was resolved that</p> <p>1) Council resolve to:</p> <ul style="list-style-type: none"> <li>i. Site 3 – Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): include the southern portion of Lot 600 DP 27382 in the investigations for rezoning from 6(a) General Recreation to 4(a) Industrial and reclassification to Operational Land.</li> <li>ii. Site 4 – Stoney Ridge Reserve (Lot 51 DP 803471): rezone Part Lot 51 DP 803471, in accordance with the Notice of Motion issued at its meeting of 27 June 2006, from 6(a) General Recreation to 7(a) Environmental Protection.</li> <li>iii. rezone the wildlife corridor on Lot 3 DP 791551 and Lot 164 DP 27047 from 6(a) General Recreation to 7(a) Environmental Protection.</li> <li>iv. Site 7 – Diemars Quarry (Part Lot 51 DP 803471): rezone the Quarry site (Part Lot 51 DP 803471) for urban purposes and reclassify to operational. This rezoning is to include investigation of Lot 56 DP 618505 and Lot 54 DP 260211 (privately owned</li> </ul>	<p>Crs Dover, Westbury, Ward, Dingle, Tucker, O'Brien, MacKenzie, Maher, Francis, Ward and Jordan</p>	<p>Cr Nell</p>

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			<p>land) to a more appropriate open space/environmental zone.</p> <ul style="list-style-type: none"> <li>v. Site 8 – 22 Homestead Street, Salamander Bay (Lot 598 DP 27328): rezone from 6(a) General Recreation to 2(a) Residential and 7(a) Environmental Protection. Investigations are to include the triangular piece of land to the immediate north, which forms part of the south/eastern boundary of Stoney Ridge Reserve (Site 7).</li> <li>vi. Review the potential application of S94A to infill residential development in the Peninsula rather than s94.</li> <li>vii. Monitor the development of the Biobanking framework closely in relation to the potential for biobanking credits to be earned from some of the subject land.</li> </ul> <p>2) Council note:</p> <ul style="list-style-type: none"> <li>i. Site 1 - 100 Salamander Way, Salamander Bay (Lot 1 DP 1044009) is currently being investigated for rezoning and reclassification.</li> <li>ii. Site 2- 360 Soldiers Point Road, Soldiers Point (Lots 1-4 DP 111773): the possible redesign and future use of this land is currently being investigated.</li> <li>iii. Site 3 – 314 Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): Council note previous resolution to reclassify this land is being actioned.</li> <li>iv. Site 5 – 8 Fleet Street (Lot 2 DP 791551): Council note previous resolution of 27 June 2006 to rezone Part Lot 2 DP 791551, not</li> </ul>		

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			<p>including the 2(a) zoned land) from 6(a) General Recreation to 7(a) Environmental Protection and reclassify this part of the land from Operational to Community.</p> <p>v. Site 6 – 9BDiemars road, Soldiers Point (Lot 644 DP 658258): Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.</p> <p>vi. Site 9 – 14 Taylors Road, Taylors Beach (Lot 636 DP 27628): Council note further investigation of this land be held in abeyance, pending the outcome of investigations into the land to the north of this site.</p> <p>With the exception of Site 8.</p>		
1	Operations Committee – 11 November 2008	Development Application for Single Storey Dwelling at No. 20 Nobles Road, Nelsons Plains	<p><b>Committee Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. The proposed development is inconsistent with the provisions of the Hunter Regional Environmental Plan 1989 (Clauses 52-54) by being an inappropriate land use since it will increase the number of people susceptible to the effects of inundation.</li> <li>2. The proposed development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000, in particular, the Rural 1(a) Zone objectives and planning considerations for development on flood prone land.</li> <li>3. The proposed development is located on a Floodplain identified as being an area of Extreme Hazard and the Lower Hunter Valley Floodplain Risk Management Study (November 2001) recommends that no</li> </ol>	Crs Dover, Nell, Dingle, Tucker, O'Brien, Maher, Francis, Jordan and Kafer.	Cr MacKenzie

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			<p>additional dwellings should be permitted in this location.</p> <p>4. The proposed development is considered an inappropriate land use under the Floodplain Development Manual 2005.</p> <p>5. Approving additional dwelling houses in an Extreme Hazard flood area places further demand on the already limited resources of the State Emergency Service due to domestic property protection, evacuation and/or re-supply.</p> <p>6. Approval of this application would have an undesirable cumulative effect by increasing the community's susceptibility to flooding in terms of social, economic and environmental/ecological consequences.</p> <p>7. It is not possible to implement an evacuation plan which provides permanent, fail safe, maintenance free measures to ensure the timely, orderly and safe evacuation of occupants.</p>		
	Ordinary Council Meeting – 25 November 2008.		<p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	Crs Dover, Nell, Dingle, Tucker, O'Brien, Maher, Francis, Jordan, MacKenzie, Westbury, Ward and Kafer.	Nil.
2	Operations Committee – 11 November 2008  Ordinary	Development application for Urban Housing (7 dwellings) at No. 204 Meredith Cres, Raymond Terrace – Lot 231 DP593512 & No. 251 Adelaide Steve tucker , Raymond Terrace – Lot 232 DP 593512.	<p><b>Committee Recommendation:</b></p> <p>That the matter be deferred for a site inspection prior to Ordinary Council meeting on 25 November 2008 and the matter be referred to the Local Traffic Committee.</p> <p><b>Resolved:</b></p>	Crs Dover, Nell, Dingle, Tucker, O'Brien, MacKenzie, Maher, Francis, Jordan and Kafer.  Crs Dover, Nell, Dingle,	Nil.  Nil.



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	Council Meeting – 25 November 2008		It was resolved that the supplementary information be noted and Council approve the development application 16-2007-1119-1 subject to the conditions recommended in the report be adopted.	Tucker, O'Brien, MacKenzie, Maher, Francis, Jordan, Ward and Kafer.	
3	Operations Committee – 11 November 2008	Section 96 Modification for an Industrial Subdivision at No. 78-80 Port Stephens Dr, Taylors Beach.	<p><b>Committee Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Supports the proposed access to the industrial subdivision via a new intersection (roundabout) with Port Stephens Drive and removes existing approved access via Kara Crescent.</li> <li>2) Supports the provision of an ecological corridor generally consistent with the figure contained in Attachment 2 (Reference: Hunter Land Project Number 07254L, Drawing Number L1, Revision 6).</li> <li>3) Delegates the determination of the Section 96 application to the General Manager under delegated authority.</li> </ol>	Crs Dover, Nell, Dingle, Tucker, O'Brien, MacKenzie, Maher, Francis, Jordan and Kafer.	Nil.
	Ordinary Council Meeting – 25 November 2008		<ol style="list-style-type: none"> <li>4) Delegates to the General Manager to negotiate a draft Voluntary Planning Agreement, that is anticipated to be proposed by the applicant, consistent with the contents of this report.</li> <li>5) Note that a further report will be submitted on the draft Voluntary Planning Agreement prior to the final endorsement of that Agreement.</li> </ol> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	Crs MacKenzie, Dover, Tucker, Dingle, Kafer, Nell, Jordan, Maher, Francis, Westbury, Ward & O'Brien	Nil

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2	<p>Strategic Committee – 2 December 2008</p> <p>Ordinary Council Meeting – 16 December 2008</p>	<p>Proposed Amendment to Port Stephens Local environmental plan 2000 – in respect of certain lands at Karuah – draft Port Stephens Local Environmental Plan 2000 (amendment no. 24).</p>	<p><b>Committee Recommendation:</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Submit the exhibited draft Local Environmental Plan (draft Port Stephens LEP 2000 amendment No. 24) to the Department of Planning requesting that the draft plan (<b>Attachment 1</b>) be made by the Minister.</li> <li>2) Prior to the draft Plan being forwarded to the Minister, agreement be reached between the Department of Environment and Climate Change (DECC) and landowners to satisfy concerns raised by DECC in relation to bio-banking.</li> </ol> <p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	<p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; B Westbury; F Ward; J. Nell; S. O'Brien &amp; S. Tucker</p> <p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S. O'Brien, D. Maher, P. Kafer &amp; S. Tucker</p>	<p>Nil.</p> <p>Nil</p>
3	<p>Strategic Committee – 2 December 2008</p> <p>Ordinary Council Meeting – 16</p>	<p>Anna Bay Drainage Acid Sulfate Soils Plan of Management</p>	<p><b>Committee Recommendation:</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) That the recommendation be adopted.</li> <li>2) That the Council acknowledge the Tilligerry Creek Advisory Committee.</li> </ol> <p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	<p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; B Westbury; F Ward; J. Nell; S. O'Brien &amp; S. Tucker</p> <p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S.</p>	<p>Nil.</p> <p>Nil</p>

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	December 2008			O'Brien, D. Maher, P. Kafer & S. Tucker	
4	Strategic Committee – 2 December 2008  Ordinary Council Meeting – 16 December 2008	Draft Anna Bay Strategy and Town Plan	<p><b>Committee Recommendation:</b> That the recommendation be endorsed with the exception of the land recommended to become environmental protection north of Old Main Road and Gan Gan Road remain as Rural 1(a) zoning.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; B Westbury; F Ward; J. Nell; S. O'Brien &amp; S. Tucker</p> <p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S. O'Brien, D. Maher, P. Kafer &amp; S. Tucker</p>	<p>Nil.</p> <p>Nil.</p>
7	Operations Committee – 9 December 2008	Medowie Flooding	<p><b>Committee Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Form a Floodplain Risk Management Committee to frame the Brief and oversee a Flood Study to advise Council on Floodplain Management options for the Medowie township;</li> <li>2) Receive Nominations and appoint up to two Councillors on the Committee;</li> <li>3) Give consideration to funding of the Study in the quarterly budget review;</li> <li>4) Amend the Policy for Areas Affected By Flooding and/or Inundation as provided in Attachment No 1 to restrict subdivision to a minimum of 1 hectare on flood prone land.</li> <li>5) Amend LEP 2000 such that subdivision on flood prone land reflects a minimum lot size of 1</li> </ol>	Crs R. Westbury, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S. O'Brien, D. Maher, P. Kafer & S. Tucker	Nil.

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	Ordinary Council Meeting – 16 December 2008		<p>hectare.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S. O'Brien, D. Maher, P. Kafer & S. Tucker	Nil
3	<p>Strategic Committee – 3 February 2009</p> <p>Ordinary Council Meeting – 27 February 2009</p>	Preparation of a Draft Local Environmental Plan for Taylors Beach	<p><b>Committee Recommendation:</b> That Council resolves to prepare a draft LEP amendment to rezone the whole of Lot 2 DP 1115507, 41 Taylors Beach Road, Taylors Beach from Rural 1(a) to Environmental Protection 7(a).</p> <p><b>Resolved:</b> It was resolved that Council received and note the information including the Supplementary Information.</p>	<p>Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S. O'Brien, D. Maher, P. Kafer &amp; S. Tucker</p> <p>Crs Maher, Tucker, O'Brien, Dingle, Westbury, Dover &amp; MacKenzie</p>	Crs Kafer, Francis, Dingle, Nell and Ward
3	Ordinary Council Meeting – 27 February 2009	Section 82A REVIEW of determination under the environmental planning and assessment act 1979 - Development application for PROPOSED ADDITION TO CREATE A THREE STOREY DWELLING at no. 35 IRENE CRESCENT, SOLDIERS POINT	<p><b>Recommendation:</b> Reaffirm its previous decision for the refusal of this application under the provisions of DCP 2007 Clause B6 C46 relating to development within the Residential 2(a) zone must not exceed two (2) storeys. <i>Development in the Residential 2(a) zone <b>must not exceed 2 storeys.</b> Council <b>may only</b> approve loft spaces and dormer windows if they do not significantly alter roof design, roof pitch or building bulk, <b>and</b> do not cause adverse impacts on the privacy or amenity of neighbouring dwellings.</i></p> <p><b>Resolved:</b> It was resolved that Council approve the</p>	Crs Kafer, Francis, Dingle, Nell, Tucker, O'Brien, Westbury, Dover, MacKenzie and Ward.	Cr Maher

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			<p>development as submitted subject to conditions to be set by Council under delegated authority because:</p> <ol style="list-style-type: none"> <li>1) The views from this property were blocked by a recently approved and constructed three storey dwelling.</li> <li>2) Other than the proposed three storeys, the development is entirely consistent with the DCP.</li> <li>3) The proposed development is 0.4 m below the maximum height allowed under the DCP.</li> <li>4) The proposed development is entirely consistent with the streetscape of Irene Crescent.</li> <li>5) The applicants had already commenced designing their proposed extensions when the current DCP was introduced in 2007.</li> </ol>		
2	Strategic Committee Meeting -3 March 2009	Draft Medowie Strategy	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Adopt the Draft Medowie Strategy (<b>Attachment 1</b> – provided under separate cover) incorporating amendments as outlined in this report to facilitate; existing and future rezoning requests; future development and redevelopment in Medowie; and, implementation of the Lower Hunter Regional Strategy;</li> <li>2) Submit to the Director General of the Department of Planning seeking approval of the adopted Strategy;</li> <li>3) Note that the draft Strategy requires the preparation of an Infrastructure Plan to identify public infrastructure and how this will be funded to enable infrastructure provision to be integrated into the planning process associated with current</li> </ol>	Crs Daniel Maher, Steve Tucker, Bob Westbury, Sally Dover and Bob Westbury.	Crs Glenys Francis, Shirley O'Brien, Geoff Dingle, John Nell and Frank Ward.

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	<p>Ordinary Council Meeting – 24 March 2009</p>		<p>and future rezoning requests;</p> <p>4) Note that the General Manager will consult with the Hunter Development Corporation regarding prospective involvement in infrastructure delivery;</p> <p>5) Insert the strategic directions (Part A) from the draft Medowie Strategy into the Port Stephens Community Settlement and Infrastructure Strategy 2007; and</p> <p>6) Note that background and research information for the draft Medowie Strategy (Parts B and C) will be retitled Medowie Strategy – Technical Report/s.</p> <p>7) Additional inclusion of the land adjacent to Boundary Road as proposed rural residential.</p> <p><b>Resolved:</b></p> <p>1) Adopt the Draft Medowie Strategy (<b>Attachment 1</b> – provided under separate cover) incorporating amendments as outlined in this report to facilitate; existing and future rezoning requests; future development and redevelopment in Medowie; and, implementation of the Lower Hunter Regional Strategy;</p> <p>2) Submit to the Director General of the Department of Planning seeking approval of the adopted Strategy;</p> <p>3) Note that the draft Strategy requires the preparation of an Infrastructure Plan to identify public infrastructure and how this will be funded to enable infrastructure provision to be integrated into the planning process associated with current and future rezoning requests;</p>	<p>Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie</p>	<p>Nil.</p>

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			<p>4) Note that the General Manager will consult with the Hunter Development Corporation regarding prospective involvement in infrastructure delivery;</p> <p>5) Insert the strategic directions (Part A) from the draft Medowie Strategy into the Port Stephens Community Settlement and Infrastructure Strategy 2007; and</p> <p>6) Note that background and research information for the draft Medowie Strategy (Parts B and C) will be retitled Medowie Strategy – Technical Report/s.</p>		
2	Ordinary Council Meeting – 24 March 2009	Proposed Bunnings Development at Taylors Beach Industrial Area	<p><b>Recommendation:</b></p> <p>1) Advise that any future development application for a Bunning's store at Taylors Beach must be accompanied by an enhanced submission that satisfies the requirements of the Port Stephens Local Environmental Plan 2000</p> <p>2) Not support the Section 96 DA No. 16-2001-1700-3 that seeks to modify the condition of consent that currently requires the provision and construction of a bus lay-by, footpath and bus shelter in the subdivision in which the proposed Bunnings development is located.</p> <p><b>Resolved:</b></p> <p>It was resolved that Council advise that any future development application for a Bunning's store at Taylors Beach must be accompanied by an enhanced submission that satisfies the requirements of the Port Stephens Local Environmental Plan 2000.</p>	Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie	Nil.

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3	Ordinary Council Meeting – 24 March 2009	Development Application for proposed Police Station redevelopment at No. 55 and 59 William street (LOT 10 SEC 11 DP 758871), Raymond Terrace	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Approve Development Application 16-2008-949-1, Proposed Police Station Redevelopment at No. 55 and 59 William Street, Raymond Terrace, subject to the conditions contained in Attachment 4.</li> <li>2) Review the Raymond Terrace CBD Car Parking Strategy to address the significant car parking demand attributed to this Crown development.</li> <li>3) Through a letter from the Mayor to the NSW Minister for Police, convey that:               <ol style="list-style-type: none"> <li>a) Full support is provided to the establishment of a new police station for the Raymond Terrace Local Area Command at the earliest opportunity;</li> <li>b) There are significant design disadvantages in the Development Application submitted, but Council has to accept the position of the Minister that, due to budgetary limitations, this design has to proceed;</li> <li>c) Council is highly dissatisfied with the level of unmet parking demand consequent upon the police station development and also with the Minister's position that no developer contributions will be provided in lieu of car parking provision and given that developer contributions for an equivalent private sector development</li> </ol> </li> </ol>	Crs Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie	Crs Glenys Francis, Geoff Dingle, John Nell and Frank Ward.



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			<p>proposal with a shortfall of 43 car parking spaces would be \$681,851; and</p> <p>d) The Minister is asked for reconsideration to be given to the excavation of an additional basement level to provide additional car parking supply.</p> <p>4) Initiate a prompt review of the Port Stephens Section 94 Development Contributions Plan and explore alternative funding sources to address the \$732,345 contributions shortfall attributed to this Crown development.</p> <p><b>Resolved:</b> It was resolved that the original recommendation be adopted with the exception of Items 3d and 4.</p>		
4	Ordinary Council Meeting – 24 March 2009	Interim Planning Policy – Kangaroo St, Raymond Terrace	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Adopt the Interim Planning Policy for part of the Precinct in Figure C1.1 Raymond Terrace Town Centre in <i>Port Stephens Development Control Plan 2007 – C1 Raymond Terrace Town Centre (Attachment 1)</i> to clarify policy directions for this sector of Raymond Terrace;</li> <li>2) Resolve to prepare a draft amendment to <i>Port Stephens Development Control Plan 2007 – C1 Raymond Terrace Town Centre</i> to incorporate the contents of the Interim Planning Policy</li> </ol> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover, Bob Westbury, Frank Ward and Bruce MacKenzie	Nil.
1	Ordinary	Rescission Motion -	<b>Resolved:</b>	Crs Ken Jordan, Daniel	Crs Peter Kafer,

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Council Meeting – 24 March 2009	Development Compliance and Implementation of Compliance Policy	<p>It was resolved that Council rescind its decision of 24 February 2009 on Confidential Item 1, Minute No's. 50 and 51, namely Development Compliance and Implementation of the Compliance Policy, parts 4 &amp; 5 of the resolution relating to Cabbage Tree Road, Williamstown and Lemon Tree Passage Road, Salt Ash.</p> <p><b>Resolved:</b></p> <p>Item 4 It was resolved that Council allow the operators to continue with the provision of upgrading the access.</p> <p>Item 5 It was resolved that Council advise the owners to cease onsite industrial activity and allow continuation of transport business.</p>	Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie	Glenys Francis, Geoff Dingle, Frank Ward and John Nell
2	<p>Operation Committee – 14 April 2009</p> <p>Ordinary Council Meeting – 28 April 2009</p>	Section 96 Application – Proposed Dual Occupancy at 2 Tuna Crescent, Fingal Bay	<p><b>Recommendation:</b></p> <p><b>That Council:</b></p> <p>1) Refuse the Section 96 application, endorse the current requirements of the Condition 13 of the consent (DA 16-2006-1-2) and require the kerb and gutter to be constructed.</p> <p><b>Committee Recommendation:</b></p> <p>That the item be deferred for consultation with Council's Facilities &amp; Services and Sustainable Planning Groups.</p> <p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	Crs Bruce MacKenzie, Bob Westbury, Frank Ward, Sally Dover, John Nell, Peter Kafer, Glenys Francis, Daniel Maher, Ken Jordan, Shirley O'Brien, Steve Tucker and Geoff Dingle.	Nil.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
3	<p>Operation Committee – 14 April 2009</p> <p>Ordinary Council Meeting – 28 April 2009</p>	<p>Development Application for commercial premises &amp; demolition of Existing Buildings at No. 10 &amp; 12 Kangaroo Street, Raymond Terrace (lots 4 &amp; 5 DP37947)</p> <p>Matter Arising:</p>	<p><b>Recommendation:</b> That the recommendation be adopted with the exception of the amendment of Condition 11 to delete the contribution of \$15,000 for the one deficient car parking space on the basis that:</p> <p>a) The deficiency of one space will not be a significant impact in terms of car parking demand in the immediate locality.</p> <p>b) The turnover of car parking for such a commercial development will be less than a retail development.</p> <p><b>Resolved:</b> It was resolved that the Operations Committee recommendation be adopted</p> <p><b>Resolved:</b> It was resolved that Council review the DCP for the northern side of Kangaroo St, Raymond Terrace and report to Council.</p>	<p>Crs Bruce MacKenzie, Bob Westbury, Frank Ward, Sally Dover, John Nell, Peter Kafer, Glenys Francis, Daniel Maher, Shirley O'Brien and Geoff Dingle.</p> <p>Crs Bruce MacKenzie, Bob Westbury, Frank Ward, Sally Dover, John Nell, Peter Kafer, Glenys Francis, Daniel Maher, Shirley O'Brien and Geoff Dingle.</p> <p>Crs Bruce MacKenzie, Bob Westbury, Frank Ward, Sally Dover, John Nell, Peter Kafer, Glenys Francis, Daniel Maher, Shirley O'Brien and Geoff Dingle.</p>	<p>Nil.</p> <p>Nil.</p> <p>Nil.</p>
2	Ordinary Council Meeting – 28 April 2009	Mayoral Minute – Development Application for Home Employment (Hair Dressing salon) at No. 12/5 Mosman Place, Raymond Terrace (Lot 12, SP 44117)	<p><b>Recommendation:</b> <b>That Council:</b></p> <ol style="list-style-type: none"> <li>1. Resolve its support for DA 16-2008-730-1, including acceptance of variation for car parking from Port Stephens DCP 2007 and for any consent issued not to be for a limited time period;</li> </ol>	Crs Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie.	Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>2. Indicate its support for increased discretion being applied under delegation in relation to variations of car parking proposed from Port Stephens DCP 2007 by applicants for home employment and developments by Charity organisations or Churches when:</p> <ul style="list-style-type: none"> <li>• an exception or variation is well justified by documentation from the applicant; and</li> <li>• any decision to accept variation follows consultation between the Mayor, the Ward Councillors, the General Manager and/or the Group Manager Sustainable Planning and/or the Manager, Development &amp; Building.</li> </ul> <p><b>Resolved:</b> It was resolved that the Mayoral Minute be adopted.</p>		
2	Ordinary Council Meeting – 28 April 2009	Draft Amendment to the Port Stephens Development Control Plan 2007 - Chapter C10 Vantage Neighbourhood – Corlette	<p><b>Resolved:</b> It was resolved that Council place the Draft Amendment to the Port Stephens Development Control Plan 2007 - Chapter C10 Vantage Neighbourhood – Corlette (<b>Attachment 1</b>) on public exhibition for a period of 28 days.</p>	Crs Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury, Bruce MacKenzie, Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward	Nil.
3	Ordinary Council Meeting – 28 April 2009	Development Control Plan, Draft Local Environmental Plan and Medowie Strategy issues for Medowie Town Centre.	<p><b>Resolved:</b> <b>It was resolved that Council:-</b></p> <p>1. Confirm its resolution dated 27<sup>th</sup> May 2008 (Attachment 1) to prepare a Development Control Plan over land on the corner of Ferodale and Peppertree Roads for a supermarket and the surrounding town centre in the form of a site specific chapter of the</p>	Crs Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie.	Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>Port Stephens Development Control Plan 2007 (DCP);</p> <ol style="list-style-type: none"> <li>2. Note that Council funds have been allocated to prepare a DCP and that a consultant will be appointed in the near future to undertake the required work and that this will occur parallel to the processing of the draft LEP;</li> <li>3. Resolve that the concept proposal for a supermarket on the corner of Ferodale and Peppertree Roads (Attachment 2) and the rationale submitted by the proponent (Attachment 3) be approved in principle subject to appropriate conditions.</li> <li>4. Pursuant to Section 54 of the Environmental Planning and Assessment Act (1979) resolve to prepare a draft LEP to rezone council owned land Lot 4 DP 813A, Lot 5 DP 809A; Lot 240 DP 1027965; and privately owned land Lot 2 DP 632334; Lot 32 DP 1045148; Lot 31 DP 1045148; Lot 1 DP 553784; Lot A DP 404939; Lot 1 DP 260883; Lot 2 DP 260883; Lot: 3 DP 260883; and Lot 195 DP 17437 in the Medowie town centre (Attachment 4) to facilitate development of this land, provide flexibility to resolving pedestrian and vehicular access design issues raised by the super market site and devise a traffic solution to the town centre as required by the Department of Planning prior to finalising the supermarket site draft LEP; and</li> <li>5. Consult with land owners affected by Recommendation 4 prior to the draft LEP being forwarded to the LEP Review Panel.</li> <li>6. Through Council's Integrated Planning Section,</li> </ol>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			engage an independent consultant to peer review the assessment of the proposed rezoning of land under Recommendation 4 that is in council ownership		
1	Extra-Ordinary Council Meeting – 5 May 2009	Rescission Motion- Development Control Plan, Draft Local Environmental Plan and Medowie Strategy issues for Medowie Town Centre.	<p><b>Recommendation:</b></p> <p>That Council rescind its decision of 28 April 2009 on Item 3 of the General Manager’s Report, namely Development Control Plan, Draft Local Environmental Plan and Medowie Strategy Issues for Medowie Town Centre.</p> <p><b>Resolved:</b></p> <p>The rescission motion on being put was lost.</p>	Crs Peter Kafer, Glenys Francis, Geoff Dingle John Nell, Frank Ward	Crs Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Shirley O'Brien, Bruce MacKenzie
1	Strategic Committee – 12 May 2009  Ordinary Council – 19 May 2009	Rezoning request for 60 Port Stephens Drive	<p><b>Recommendation:</b></p> <p>Resolve to prepare a draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Drive, Taylors Beach to 7(a) Environment Protection and 4(a) Industrial (<b>Attachment 1</b>)</p> <p><b>Committee Recommendation:</b></p> <p>That the recommendation be adopted.</p> <p><b>Resolved:</b></p> <p>It was resolved that Council prepare a draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Drive, Taylors Beach to 7(a) Environment Protection and 4(a) Industrial (Attachment 1).</p>	Crs Sally Dover, Bruce MacKenzie, Ken Jordan, Steve Tucker, Shirley O'Brien and Bob Westbury  Crs Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.	Crs John Nell, Glenys Francis, Frank Ward, Geoff Dingle and Peter Kafer  Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.
1	Ordinary Council – 19 May 2009	Rezoning request for 60 Port Stephens Drive	Resolve to include the prohibition of bulky goods retailing in the draft amendment to rezone Lot 100 DP 1121428, 60 Port Stephens to 7(a) Environmental	Crs Peter Kafer, Geoff Dingle, John Nell and Frank Ward.	Crs Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker,

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
		<b>NOTICE of MOTION</b>	Protection and 4 (a) Industrial.  The motion was lost.		Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie
1	Ordinary Council Meeting – 30 June 2009	Rezoning request for 60 Port Stephens Drive  <b>RESCISSION MOTION</b>	<b>Rescission Motion:</b> That Council rescind its decision of 19 May 2009 on Item 1 of the Strategic Committee Report, namely to prepare a draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Drive, Taylors Beach to 7 (a) Environment Protection and 4 (a) Industrial.  <b>Resolved:</b> It was resolved that the Rescission Motion be carried.  <b>Resolved:</b> It was resolved that the draft LEP for 60 Port Stephens Drive be deferred to enable an ecologist to be engaged by Eureka Pty Ltd to review the ecological values of part of the site fronting Port Stephens Drive and for the outcomes of the ecological investigation to be subject of further discussions between Council, Eureka Pty Ltd and the NSW Department of Environmental & Climate Change.	Crs Bruce MacKenzie, Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Sally Dover  Crs Bruce MacKenzie, Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Sally Dover	Nil.  Nil.
1	Operations Committee – 9 June 2009  Ordinary	Proposed Amendment to Port Stephens S94 Development Contributions Plan	<b>Recommendation:</b> That Council:- 1) Endorse the draft amendments to the Port Stephens S94A Development Contributions Plan to include non-residential subdivisions. 2) Endorse the draft amendments for public exhibition.  <b>Resolved:</b> It was resolved that the recommendation be	Crs Sally Dover, Ken Jordan, Bruce MacKenzie, Bob Westbury, Shirley O'Brien, Steve Tucker, Frank Ward, Glenys Francis, Glenys Francis, John Nell, and Daniel Maher.  Crs Bruce MacKenzie,	Nil.  Nil

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Council meeting – 30 June 2009		adopted.	Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Sally Dover	
3	Ordinary Council meeting – 30 June 2009	Cross Boundary S94 Plan for Fern Bay and Fullerton Cove	<p><b>Recommendation:</b> That Council:</p> <p>1) Endorse for public exhibition the draft amendment to change the "Port Stephens Section 94 Development Contributions Plan" to "Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Development Contributions Plans 2008" and to include the site specific chapter 4.7.8 "Fern Bay and Fullerton Cove" (Attachment 2).</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	Crs Councillors Bruce MacKenzie, Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Sally Dover	Nil.
1	Ordinary Council meeting – 30 June 2009	Kings Hill draft lep – Consideration of Department of Planning's Draft Report on Aircraft Noise associated with Future introduction of the Joint Strike Fighter to RAAF Base Williamtown	<p><b>Resolved:</b> It was resolved that Council:-</p> <p>1) Advise the NSW Minister for Planning, the Hon. Kristina Keneally, that Council accepts the draft report <i>Review of the Australian Noise Exposure Concept for RAAF Base Williamtown (May 2009)</i> prepared by Airbiz for the NSW Department of Planning and supports planning for the Kings Hill</p>	Crs Bruce MacKenzie, Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Sally Dover	Nil.



Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>urban release area proceeding expeditiously;</p> <p>2) Note that it is not possible to confirm many of the assumptions used in the modelling presented in the Airbiz report, because this information has not been made available to Council; and that some of the apparent assumptions appear to overstate the nature and impact of aircraft movements on the noise environment of Kings Hill;</p> <p>3) Note that it is not possible to finalise an LEP for Kings Hill or the Moxy land until a revised ANEF is produced by the Department of Defence, particularly because the AirBiz Report is confidential, and its contents (including the ANECs) can not be provided to the public in the absence of the agreement of the Department of Defence and because no readily usable and credible alternative standard is available;</p> <p>4) Request the Department of Defence, through the Department of Planning, to urgently revise the ANEF for Kings Hill and surrounds in response to the available information on the likely aircraft noise environment over the next 10 years. This is particularly important given the impact of any delay on the implementation of the Lower Hunter Regional Strategy, and on the ability to achieve the Australian Government's housing supply and housing affordability objectives within the Region and</p> <p>5. Note that the General Manager will initiate further discussions with the Commonwealth Department of Defence regarding the wider implications of the analysis and conclusions in the Airbiz report for aircraft</p>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			noise policy in other locations in the Port Stephens LGA.		
1	Ordinary Council Meeting – 28 July 2009	Amendment to Clause 14 of the Local Environmental Plan 2000  <b>MAYORAL MINUTE</b>	<b>Recommendation:</b> Resolve to initiate a draft amendment to Clause 14 of the Port Stephens Local Environmental Plan 2000 to enable permissibility of dwellings on allotments created for approved uses prior to the appointed date.  <b>Resolved:</b> It was resolved that the Mayoral Minute be adopted together with an interim report to be provided to Council.	Cr Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.	Nil.
1	Operations Committee – 14 July 2009  Ordinary Council – 28 July 2009	Development Application for Commercial premises (Dan Murphy's Liquor) at No. 30 Port Stephens Street, Raymond Terrace.	<b>Recommendation:</b> That Council approve Development Application 16-2009-178-1 for the demolition of the existing building, construction of a new building and its use as a shop – liquor store subject to the Conditions contained in Attachment 4.  <b>Amendment:</b> That Council refuse Development Application 16-2008-827-1 for the following reasons:-  1. Detrimental effects on the local amenity. 2. Adverse social impact given that Port Stephens Street is the main entry and thoroughfare to Raymond Terrace which is the Main Centre of Port Stephens. 3. Adverse social impacts in terms of further inducement to alcohol generated problems in Raymond Terrace (domestic, violence, crime, anti-social behaviour etc).  The amendment was lost.	Crs Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, and Bob Westbury  Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.	Crs Geoff Dingle, John Nell, Frank Ward and Sally Dover.  Crs Bruce MacKenzie, Ken Jordan, Daniel Maher, Shirley O'Brien, Bob Westbury and Sally Dover.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p><b>Resolved:</b></p> <p>That Council approve Development Application 16-2009-178-1 for the demolition of the existing building, construction of a new building and its use as a shop – liquor store subject to the Conditions contained in Attachment 4.</p>	<p>Crs Bruce MacKenzie, Ken Jordan, Daniel Maher, Shirley O'Brien, Bob Westbury and Sally Dover.</p>	<p>Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.</p>
2	Operations Committee – 14 July 2009	Development Application to change use from shed to dwelling at No. 470 Marsh Road, Bobs Farm.	<p><b>Recommendation:</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Defer determination of Development Application 16-2008-827-1 to request applicant to submit additional plans for a separate replacement dwelling to facilitate and reinforce the Council resolution dated 24 February 2009.</li> <li>2) Require submission of additional plans for a separate replacement dwelling within six (6) months.</li> <li>3) Delegate the determination of Development Application 16-2008-827-1 to the General Manager, subject to the receipt of plans for a separate replacement dwelling within six (6) months.</li> <li>4) Should additional plans for a separate replacement dwelling not be received by Council within six (6) months, delegate the</li> </ol>	<p>Crs Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Peter Kafer.</p>	<p>Nil.</p>

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Ordinary Council – 28 July 2009		<p>refusal of Development Application 16-2008-827-1 to the General Manager.</p> <p><b>Committee Recommendation:</b> That matter be deferred to the Ordinary Council meeting on the 28<sup>th</sup> July to allow for a site inspection.</p> <p><b>Resolved:</b>  It was resolved that the matter be deferred to allow for a meeting between the applicant and Council's Sustainable Planning Group.</p>	Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.	Nil.
1	Strategic Committee – 7 July 2009	Principal Port Stephens Local Environmental Plan	<p><b>Recommendation:</b> That Council:</p> <ol style="list-style-type: none"> <li>1. Resolve to prepare the draft Port Stephens Local Environmental Plan (Principal LEP)/planning proposal pursuant to Section 54 and 55 of the Environmental Planning and Assessment Act 1979 (the Act) in accordance with the Standard Instrument (Local Environmental Plans) Order, 2006;</li> <li>2. Advise the Director General of the NSW Department of Planning that, in Council's opinion, a local environmental study under Section 57 of the Act is not necessary on the basis that the preparation of the Port Stephens Futures Strategy and associated technical studies will inform the preparation of the draft LEP;</li> <li>3. Commence referrals to the relevant</li> </ol>	Crs Bruce MacKenzie, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward, John Nell, Bob Westbury, Daniel Maher, Ken Jordan and Peter Kafer.	Nil.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Ordinary Council meeting – 28 July 2009		<p>government agencies in accordance with Section 62 of the Act; and</p> <p>4. Review and update Development Control Plan 2007 to include consequential amendments to support the Principal LEP in accordance with the provisions of Section 74C of the Act.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	Crs Bruce MacKenzie, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward, John Nell, Bob Westbury, Daniel Maher, Ken Jordan and Peter Kafer.	Nil.
3	Strategic Committee – 7 July 2009	Proposed amendment to Port Stephens Local Environmental Plan 2000 to reclassify and rezone various Council owned Public Lands	<p><b>Recommendation:</b> That Council:</p> <p>1) Pursuant to Section 54 and 55 of the Environmental Planning and Assessment Act (1979)/ resolve to initiate a planning proposal and to:</p> <p>a) Reclassify the following land from “community” to “operational” as identified in Attachment 1 (provided under separate cover) and rationales provided in Attachment 2 (provided under separate cover):</p> <ul style="list-style-type: none"> <li>▪ Lot 279 DP 740009, 27 Garden Avenue, Raymond Terrace (Site 1)</li> <li>▪ Lot 5 DP 261238, 9 Rosemount Drive, Raymond Terrace (Site 2)</li> <li>▪ Lot 1 DP 1093118, 1 Sketchley Street,</li> </ul>	Crs Bruce MacKenzie, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward, John Nell, Bob Westbury, Daniel Maher, Ken Jordan and Peter Kafer.	Nil.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>Raymond Terrace (Site 3)</p> <ul style="list-style-type: none"> <li>▪ Lot 23 DP 843416, 77 Dawson Road, Raymond Terrace (Site 4)</li> <li>▪ Lot 133 DP 246855, 20 Enterprise Drive, Tomago (Site 5)</li> <li>▪ Lot 132 DP 246855, 15 Enterprise Drive, Tomago (Site 6)</li> <li>▪ Lot 10 DP 596640, 44 Ferodale Road, Medowie (Site 7)</li> <li>▪ Lot 39 DP 807956, 2 Coachwood Drive, Medowie (Site 8)</li> <li>▪ Lot 38 DP 807956, 1 Coachwood Drive, Medowie (Site 9)</li> <li>▪ Lot 64 DP 815722, 151 Ferodale Road, Medowie (Site 10)</li> <li>▪ Lot 109 DP 243096, 1 Lyndel Close, Soldiers Point (Site 11)</li> <li>▪ Lot 22 DP 241918, 8 Garuwa Street, Fingal Bay (Site 12)</li> <li>▪ Lot 17 DP 805074, 154 Rocky Point Road, Fingal Bay (Site 13)</li> <li>▪ Lot 25 DP 247555, 44A Squire Street,, Fingal Bay (Site 14)</li> <li>▪ Lot 34 DP 580267, 13 School Drive, Tomago (Site 15)</li> <li>▪ Lot 17 DP 231214, 35a Blanch Street, Boat Harbour (Site 16)</li> <li>▪ Pt Lot 322 DP 636840, 9 Mitchell Street, Soldiers Point (Site 17)</li> <li>▪ Pt Lot 2071 DP 852662, 2 Ridgeway Avenue, Soldiers Point (Site 18)</li> </ul>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>b) Initiate a Planning Proposal and to Rezone the following land as below as identified in Attachment 1 (provided under separate cover) and rationales provided in Attachment 2 (provided under separate cover)/planning proposal:</p> <ul style="list-style-type: none"> <li>▪ (Site 1) Lot 279 DP 740009, 27 Garden Avenue, Raymond Terrace from 6(a) Community/Recreation to 2(a) Residential</li> <li>▪ (Site 3) Lot 1 DP 1093118, 1 Sketchley Street, Raymond Terrace from 6(a) Community/Recreation to 2(a) Residential</li> <li>▪ (Site 8) Lot 39 DP 807956, 2 Coachwood Drive, Medowie from 6(a) Community/Recreation to 2(a) Residential</li> <li>▪ (Site 9) Lot 38 DP 807956, 1 Coachwood Drive, Medowie from 6(a) Community/Recreation to 2(a) Residential</li> <li>▪ (Site 11) Lot 109 DP 243096, 1 Lyndel Close, Soldiers Point from 6(a) Community/Recreation to 2(a) Residential</li> <li>▪ (Site 14) Lot 25 DP 247555, 44A Squire Street, Fingal Bay from 6(a) Community/Recreation to 2(a) Residential</li> <li>▪ (Site 16) Lot 17 DP 231214, 35a Blanch Street, Boat Harbour from 6(a) Community/Recreation to</li> </ul>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Ordinary Council Meeting – 28 July 2009		<p>2(a) Residential</p> <ul style="list-style-type: none"> <li>▪ (Site 18) Pt Lot 2071 DP 852662, 2 Ridgeway Avenue, Soldiers Point from 6(a) Community/Recreation to 3(a) Business General.</li> </ul> <p>2) Note that the future classification, zone and use of community land zoned Public Recreation 6(a) Lot 10 DP 729986 at Jessie Road, Anna Bay will be considered as part of the preparation of a new Port Stephens Local Environmental Plan for 2011.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p> <p>Matter Arising: It was resolved that Council incorporate the implementation of the Council resolution of 24 October 2006 (Minute No. 715) to rezone Aliceton Reserve from Residential 2 (a) to Public Open Space 6(a) into the amendments proposed above.</p>	<p>Cr Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.</p> <p>Cr Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.</p>	<p>Nil</p> <p>Nil.</p>
4	Strategic Committee – 7 July 2009	Review of Port Stephens Local Environmental Plan 2000	<p><b>Recommendation:</b> That Council:</p> <ol style="list-style-type: none"> <li>1. Adopt the draft Local Environmental Plan No. 31 to amend the Port Stephens Local Environmental Plan 2000 which includes the</li> </ol>	Crs Bruce MacKenzie, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward, John Nell, Bob	Nil.



Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Ordinary Council Meeting – 28 July 2009		<p>following:</p> <ul style="list-style-type: none"> <li>• Minor editing and clarification of clauses</li> <li>• Modification of level of significance for existing cemeteries</li> <li>• Inclusion of existing potential archaeological items in the local significance schedule</li> <li>• Modification to the definitions of “clearing”, “earthworks” and “utility undertakings”.</li> </ul> <p>2. Pursuant to Section 69 of the Environmental Planning and Assessment Act, 1979, Council submit the draft Plan to the Department of Planning with the recommendation it be made by the Minister for Planning.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Westbury, Daniel Maher, Ken Jordan and Peter Kafer.</p> <p>Crs Bruce MacKenzie, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward, John Nell, Bob Westbury, Daniel Maher, Ken Jordan and Peter Kafer.</p>	Nil.
4	Ordinary Council Meeting – 28 July 2009  GM's report	Draft Amendment No. 33 to the Port Stephens Local Environmental Plan 2000	<p><b>Recommendation:</b> That Council:</p> <ol style="list-style-type: none"> <li>1) Adopt draft Port Stephens Local Environmental Plan 2000 (Amendment No. 33) as amended post exhibition (<b>Attachment 1</b>) for land at Taylors Beach; and,</li> <li>2) Forward draft Local Environmental Plan No.33 to the Department of Planning requesting the Minister to make the Plan.</li> </ol>	Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.	Nil.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
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			<p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>		
6	<p>Ordinary Council Meeting – 28 July 2009</p> <p>GM's report</p>	<p>Proposed Variation of Developer Contributions (s94) to be levied for Seniors Housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</p>	<p><b>Recommendation:</b> That Council:</p> <p>1) Endorse for public exhibition a draft amendment to the Port Stephens Section 94 Development Contributions Plan, to vary the contribution levy for seniors housing permitted with consent under <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Attachment 1)</i>.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.</p>	<p>Nil.</p>

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
3	<p>Ordinary Council Meeting – 25 August 2009</p> <p>GM's report</p>	<p>Proposed Urban Release Area at Wallalong</p>	<p><b>Resolved:</b> It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1. Resolve to amend and exhibit the Port Stephens Community Settlement and Infrastructure Strategy 2007 to include Wallalong as a new town;</li> <li>2. Make representations to Department of Planning for inclusion of Wallalong as a new town into the Lower Hunter Regional Strategy 2006; and</li> <li>3. Resolve that the funding of studies, investigations and design of the new town of Wallalong and Council's undertaking of the planning process, including any necessary third party review, be paid by the proponent and that Council will develop formal arrangements to ensure that these costs are equitably shared by all landowners who directly benefit from the proposal.</li> </ol>	<p>Crs Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover</p>	<p>Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.</p>
4	<p>Ordinary Council Meeting – 25 August 2009</p> <p>GM's report</p>	<p>Cross Boundary S94 Plan for Fern Bay and Fullerton Cove</p>	<p><b>Resolved</b> It was resolved to adopt the amendment to change the "Port Stephens Section 94 Development Contributions Plan" to "Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Development Contributions Plans 2008" and to include the site specific chapter 4.7.8 "Fern Bay and Fullerton Cove" (Attachment 1).</p>	<p>Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell, Frank Ward, Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover</p>	<p>Nil.</p>
5	<p>Ordinary Council Meeting – 25 August 2009</p>	<p>Proposed Amendment to Port Stephens S94A Development Contributions Plan</p>	<p><b>Resolved:</b> It resolved that Council adopt the revised Port Stephens S94A Development Contributions Plan to include non-residential subdivisions.</p>	<p>Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell, Frank Ward, Bruce MacKenzie, Ken Jordan, Daniel Maher,</p>	<p>Nil.</p>

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	GM's report			Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.	
1	Ordinary Council meeting – 8 September 2009	Development Application for Urban Housing (12 dwellings) and five (5) into two (2) lot subdivision at No. 66 Irawang Street and No's. 31, 31a, 33, 33A Glenelg Street Raymond Terrace.	<b>Resolved:</b> It was resolved that Council use discretion, as enabled, to accept a variation for the contributions required under the Port Stephens Developer Contributions Plan and thereby provide a credit of \$26,730 to the applicant for the development application for urban housing and a five lot subdivision at 66 Irawang Street and 31-33A Glenelg Street, Raymond Terrace for drainage works completed by the applicant which represents an upgrading to public infrastructure.	Crs Glenys Francis, Geoff Dingle, John Nell, Frank Ward, Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.	Nil.
1	Extra-Ordinary Council meeting – 15 September 2009	Development Application for a maintenance, manufacturing and testing facility for Sandvik mining equipment and machinery at No. 431 Masonite Road Heatherbrae	<b>Resolved:</b> It was resolved that Council approve Development Application 16-2009-418-1 for a Maintenance, Manufacturing and Testing Facility for Sandvik Mining Equipment and Machinery, at 431 Masonite Road, Heatherbrae subject to the Conditions contained in the Supplementary Information.	Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.	Nil.
2	Extra-Ordinary Council meeting – 15 September 2009	Development Application for Tourist Facility at No. 74-84 Gan Gan Road, Anna Bay.	<b>Resolved:</b> It was resolved that Council:  1) Support Development Application No. 16-2009-160-1 subject to the conditions contained in Attachment 3.  2) Delegates to the General Manager the determination of Development Application No. 16-2009-160-1 subject to receipt of owner's consent from NSW Land and Property	Crs Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.	Crs Peter Kafer, John Nell and Frank Ward.  Cr Geoff Dingle abstained from voting.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			Management Authority for sand dune management works on Part Lot 132 DP 753204.		
6	Ordinary Council meeting – 22 September 2009	Proposed Variation of Developer Contributions (s94) to be levied for Seniors Housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	<p><b>Resolved:</b></p> <p>It was resolved that Council adopt the amendment to the Port Stephens Section 94 Development Contributions Plan, to vary the contribution levy for seniors housing permitted with consent under <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Attachment 1)</i>.</p>	Crs Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.	Nil.
1	Council Committee & Ordinary Council meeting – 13 October 2009	Request to review the Section 94 Contributions imposed on development application 16-2009-200-1 for a bulk goods sales room (Bunnings Warehouse) at 78 Port Stephens Drive, Taylors Beach.	<p><b>Recommendation:</b></p> <p>That Condition 37 of development consent 16-2009-200-1 be amended to require that the amount of Section 94 contribution for roadworks be \$65,000, based on the acknowledgement of 'Material Public Benefit' created by the construction of the round-about proposed as part of the Subdivision application 16-2001-1700-1.1).</p> <p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	<p>Crs Ken Jordan, Shirley O'Brien, Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie and Steve Tucker.</p> <p>Crs Ken Jordan, Shirley O'Brien, Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie, John Nell and Steve Tucker.</p>	<p>Crs John Nell and Frank Ward</p> <p>Cr Frank Ward</p>
2	Council Committee & Ordinary Council meeting –	Section 96 Application to Modify Development Consent for Urban Housing at No. 60 Diemars Road, Salamander Bay.	<p><b>Recommendation:</b></p> <p>Refuse Development Application 16-2007-1117-3 for the reasons below:</p>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	13 October 2009		<ol style="list-style-type: none"> <li>1. Condition 11 was imposed to ensure that the remaining vegetated portion of the subject site remains undeveloped in perpetuity – reflecting the environmental values of that portion of the site</li> <li>2. No adequate or substantive justification has been provided to warrant deletion of Condition 11</li> <li>3. Condition 11 should remain to sustain the integrity of the original rationale for that condition</li> <li>4. The portion of the subject site which would be adversely impacted upon by deletion of Condition 11 has well substantiated environmental values including the presence of endangered ecological communities.</li> </ol> <p><b>Committee Recommendation:</b></p> <p>That Development Application 16-2007-1117-3 be approved.</p> <p><b>Resolved:</b></p> <p>It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, John Nell, Frank Ward, Bob Westbury and Sally Dover.</p> <p>Crs Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, John Nell, Frank Ward, Bob Westbury and Sally Dover.</p>	<p>Nil.</p> <p>Nil.</p>
9	Council Committee & Ordinary	Port Stephens Futures Strategy	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1) Adopt the Port Stephens Futures Draft Strategy</li> </ol>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	Council meeting – 13 October 2009		<p>(Attachment 1 – provided under separate cover) in principle and as a foundation for the preparation of the Community Strategic Plan, Delivery Program and Operational Plans;</p> <p>2) Delegate to the General Manager to finalise by way of corrections and upgrading for publication – without in any way detracting from the substance of the content of the document;</p> <p>3) Plan to exhibit the Port Stephens Futures Strategy with the Community Strategic Plan during March, April and/or May 2010, and</p> <p>4) Formally express its appreciation to the members of the Port Stephens Futures Reference Group (Attachment 2).</p> <p><b>Committee Recommendation:</b> That the recommendation be adopted and that the revised Port Stephens Futures Strategy be presented to back to Council.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Crs Ken Jordan, Shirley O'Brien , Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie, John Nell, Frank Ward and Steve Tucker.</p> <p>Crs Ken Jordan, Shirley O'Brien , Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie, John Nell, Frank Ward and Steve Tucker.</p>	<p>Nil.</p> <p>Nil.</p>
1	Council Committee	Development Application to convert existing building for	<b>Recommendation:</b>	Crs Bruce MacKenzie, Steve Tucker, Sally	Crs Geoff Dingle and Shirley O'Brien

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	& Ordinary Council meeting – 20 October 2009	use as a dwelling and to use the site as a trucking, earthmoving & fabrication business in the form of home employment at 3721 Nelson Bay Road, Bobs Farm.	<p>1) Approve Development Application 16-2008-745-1 subject to the conditions contained in Attachment 3.</p> <p><b>Committee Recommendation:</b> That the recommendation be adopted.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Dover, Frank Ward, John Nell, Bob Westbury, Peter Kafer and Daniel Maher</p> <p>Crs Bruce MacKenzie, Steve Tucker, Sally Dover, Frank Ward, John Nell, Bob Westbury, Peter Kafer and Daniel Maher</p>	<p>Crs Geoff Dingle and Shirley O'Brien</p>
2	Council Committee & Ordinary Council meeting – 20 October 2009	Development Application to use the site as a trucking business in the form of home employment at 774 Marsh Road, Bobs Farm	<p><b>Recommendation:</b></p> <p>1) Approve Development Application 16-2008-741-1 subject to the conditions contained in Attachment 3.</p> <p><b>Committee Recommendation:</b> That the recommendation be adopted.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Crs Bruce MacKenzie, Steve Tucker, Sally Dover, Frank Ward, John Nell, Bob Westbury, Peter Kafer and Daniel Maher</p> <p>Crs Bruce MacKenzie, Steve Tucker, Sally Dover, Frank Ward, John Nell, Bob Westbury, Peter Kafer and Daniel Maher</p>	<p>Crs Geoff Dingle and Shirley O'Brien</p> <p>Crs Geoff Dingle and Shirley O'Brien</p>
3	Council Committee & Ordinary Council	Draft Port Stephens Local Environmental Plan Amendment No 30 – Reclassification of 1b Bourke	<p><b>Recommendation:</b></p> <p>1) Adopt draft Port Stephens Local Environmental Plan 2000 (Amendment No 30) which seeks to</p>	<p>Crs Bruce MacKenzie, Steve Tucker, Sally Dover, Frank Ward, John Nell, Bob</p>	<p>Nil</p>



Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
	meeting – 20 October 2009	Street Raymond Terrace (lot 21 in dp 788588) from community to operational land	<p>reclassify Lot 21 in DP 788588 from Community to Operational land; and</p> <p>2) Forward draft Port Stephens Local Environmental Plan 2000 (Amendment No 30) to the NSW Department of Planning and request that the Minister make the Plan.</p> <p><b>Committee Recommendation:</b> That the recommendation be adopted.</p> <p><b>Resolved:</b> It was resolved that the recommendation be adopted.</p>	<p>Westbury, Peter Kafer, Geoff Dingle, Shirley O'Brien and Daniel Maher .</p> <p>Crs Bruce MacKenzie, Steve Tucker, Sally Dover, Frank Ward, John Nell, Bob Westbury, Peter Kafer, Geoff Dingle, Shirley O'Brien and Daniel Maher .</p>	<p>Nil</p>
1	Council Committee & Ordinary Council meeting – 10 November 2009	Proposed amendment to Local Environmental Plan 2000 (No. 32) to rezone land to facilitate commercial development - Corner Ferodale and Peppertree roads, Medowie	<p><b>Recommendation:</b></p> <p>Not proceed with the Draft Port Stephens Local Environmental Plan 2000 (Amendment No. 32) (<b>Attachment 1</b>) at this stage given that there is no supporting Infrastructure Plan as required by the Medowie Strategy.</p> <p><b>Committee Recommendation:</b></p> <p>That Item 1 – Proposed Amendment to Local Environmental Plan 2000. (No.32) to Rezone Land to Facilitate Commercial Development – Cnr Ferodale &amp; Peppertree Roads, Medowie, being deferred until 24 November 2009.</p>	<p>Crs Bruce MacKenzie, Daniel Maher, John Nell, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, Sally Dover, Shirley O'Brien and Steve Tucker.</p>	<p>Nil.</p>

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
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			<p><b>Resolved:</b></p> <p>It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Bruce MacKenzie, Daniel Maher, John Nell, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, Sally Dover, Shirley O'Brien and Steve Tucker.</p>	<p>Nil.</p>
2	<p>Council Committee &amp; Ordinary Council meeting – 10 November 2009</p>	<p>Development application for four (4) Lot subdivision at No. 364 Six Mile Road, Eagleton</p>	<p><b>Recommendation:</b></p> <p>Refuse Development Application 16-2009-105-1 for the reasons listed below.</p> <ol style="list-style-type: none"> <li>1) The proposal has not demonstrated a future use or that the proposed allotments are capable of sustaining a permissible use in the future.</li> <li>2) The development is inconsistent with Clause 37 and Clause 38 of the Port Stephens Council Local Environmental Plan 2000. It is not considered that the future allotments will be suitable for intensification of land use, due to extent and nature of flooding, impact on occupants, property and impact on adjoining properties. Proposed lots 1, 2 and 3 would be severely affected by flooding depths of 4.2 metres and due to isolation in severe floods accessibility for emergency services would be severely limited.</li> <li>3) Approval of any intensification of land use as a result of the subdivision in high risk flood areas places further demand on</li> </ol>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>already limited SES resources by way of domestic property protection, evacuation and/or resupply.</p> <p>4) The development is considered to be an inappropriate land use under the Floodplain Development Manual, 2005.</p> <p>5) The development is not consistent with the provisions and objectives of Zone No 1 (a) (Rural Agriculture "A" Zone) of the Port Stephens Local Environmental Plan 2000. The proposal will fragment agricultural lands and will not protect the agricultural potential of the land. It is not considered that the future allotments will be suitable for intensification of land use, due to extent and nature of flooding.</p> <p>6) Insufficient information was submitted with the application to enable a comprehensive assessment of the use of the proposed allotments under Section 79C of the Environmental Planning and Assessment Act, 1979.</p> <p>7) Insufficient information has been provided to assess the proposal in accordance with Clause 47 of the Port Stephens Local Environmental Plan 2000, in terms of demonstrating that the site has the capability for adequate facilities for water provision and wastewater treatment for any intensification of land use permissible as a result of the subdivision.</p> <p>8) Insufficient information has been provided to demonstrate that adequate access can</p>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>be achieved for all proposed allotments, and in particular proposed Lot 3 has no physical constructed access currently available.</p> <p>9) The development is inconsistent with the principles of State Environmental Planning Policy (Rural Lands) 2008, as the development is not considered to be located in an appropriate location due to extent and nature of flooding.</p> <p>10) It is not possible to implement an evacuation plan for proposed Lots 1-3, that would provide permanent, fail safe, maintenance free measures to ensure the timely, orderly and safe evacuation of any future development on the land, including animal based agricultural activities.</p> <p>11) The development is contrary to the public interests and expectations, of an orderly and predictable built environment.</p> <p>12) The development is inconsistent with the provisions of the Hunter Regional Environmental Plan 1989. It is not considered that the future allotments will be suitable for intensification of land use, due to extent and nature of flooding.</p> <p>13) Approval of this application would have an undesirable cumulative effect, having the potential to increase the community's susceptibility to flooding, in terms of social, economic and environmental consequences.</p>		

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p><b>Committee Recommendation:</b></p> <p>That the item be deferred to allow for a site inspection and a further report be submitted to a future Council Committee meeting.</p> <p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	<p>Crs Bruce MacKenzie, Daniel Maher, Ken Jordan, John Nell, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, Sally Dover, Shirley O'Brien and Steve Tucker.</p> <p>Crs Bruce MacKenzie, Daniel Maher, Ken Jordan, John Nell, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, Sally Dover, Shirley O'Brien and Steve Tucker.</p>	<p>Nil.</p> <p>Nil.</p>
1 Confidential	Council Committee & Ordinary Council meeting – 10 November 2009	Unauthorised Depot: Cabbage Tree Road, Williamstown	<p><b>Resolved:</b></p> <p>It was resolved to issue an order on the owner of Lot 5 DP747925, H/No. 645 Cabbage Tree Road, Williamstown pursuant to Section 121B of the Environmental Planning and Assessment Act 1979 requiring that, within 1 month from the date of issue of the order, the unauthorised Depot cease operating at the site as this land use is prohibited by Port Stephens Local Environmental Plan 2000. The unauthorised increase in the number of cranes using the existing access poses significant and unacceptable risks to road users.</p>	Crs Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Geoff Dingle, Frank Ward and John Nell	Crs Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
2	Council Committee & Council meeting – 24 November 2009	Proposed Amendment to Local Environmental Plan 2000 (No.32) Commercial Development, Corner Ferodale & Peppertree Roads, Medowie – Infrastructure Agreement.	<p><b>Committee Recommendation:</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Endorse the Infrastructure Agreement as contained in Attachment 1 (letter from Group Manager, Sustainable Planning to Buldev Pty Ltd) and require the General Manager to put into place a legal mechanism to bind any successive owners; and</li> <li>2) Endorse the draft Port Stephens Local Environmental Plan 2000 Amendment No. 32 to be submitted to the NSW Department of Planning requesting that the Plan be made by the NSW Minister for Planning.</li> </ol> <p><b>Resolved:</b></p> <p>It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Peter Kafer, Glenys Francis, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Bruce MacKenzie.</p> <p>Crs Peter Kafer, Glenys Francis, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury and Bruce MacKenzie.</p>	<p>Cr Frank Ward</p> <p>Cr Frank Ward.</p>
3	Council Committee & Council meeting – 24 November 2009	Medowie Strategy review	<p><b>Committee Recommendation:</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Prepare a draft amendment and public exhibition of the Medowie Strategy to identify: <ol style="list-style-type: none"> <li>a. Site 1 Boundary Road as potential future Rural Small Holdings in the south west part and the remainder Environmental Management (<b>Attachment 1</b>);</li> <li>b. Site 3 Waropara Road North as Rural Small Holdings and Environmental Living (<b>Attachment 2</b>);</li> </ol> </li> </ol>	<p>Crs Ken Jordan, Daniel Maher, Shirley O'Brien, Steve Tucker, Bob Westbury and Bruce MacKenzie</p>	<p>Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell, and Frank Ward</p>

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
			<p>c. Site 5 Ferodale Road West as Environmental Living (<b>Attachment 3</b>);</p> <p>2) Make no change to the Medowie Strategy with respect to:</p> <p>a. Site 2 Corner Ferodale Road and Kirrang Drive (<b>Attachment 4</b>);</p> <p>b. Site 4 Coachwood Drive East (<b>Attachment 5</b>);</p> <p>c. Site 6 Medowie Rd (Brocklesby Neighbourhood North) (<b>Attachment 6</b>);</p> <p>d. Site 7 Wade Close (<b>Attachment 7</b>);</p> <p>3) Prepare a planning proposal in accordance with section 55 of the Environmental Planning and Assessment Act 1979 to initiate the rezoning process of the Boundary Road site (Site 1) for Rural Small Holdings and Environmental Management purposes (<b>Attachment 1</b>) and request the NSW Department of Planning to undertake a 'gateway' determination, with no further action to be undertaken until Council's consideration of the exhibited Medowie Strategy incorporating the proposed draft amendments including Site 1 Boundary Road</p> <p><b>Resolved:</b></p> <p>It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Bruce MacKenzie. The Motion was carried on the casting</p>	<p>Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.</p>

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
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4	Council Committee & Council meeting – 24 November 2009	Section 96 application – Proposed modification to manufacturing and testing facility for Sandvik Mining equipment and machinery at No. 431 Masonite Road Heatherbrae	<p><b>Committee Recommendation:</b></p> <p>That Council approve the Section 96(1A) application to modify Conditions 5 and 39 of the consent (DA 16-2009-418-1) so that a Construction Certificate can be obtained without the Section 50 Certificate being issued by Hunter Water Corporation, and to permit external work and storage of goods and materials on hardstand areas.</p> <p><b>Resolved:</b></p> <p>It was resolved that the recommendation be adopted.</p>	<p>vote of the Mayor.</p> <p>Crs Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury, Bruce MacKenzie, Glenys Francis and Frank Ward.</p> <p>Crs Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury, Bruce MacKenzie, Glenys Francis and Frank Ward.</p>	<p>Crs Nil.</p> <p>Crs Nil.</p>
1	Council Committee & Council meeting – 8 December 2009	Development Application for four (4) Lot subdivision at No. 364 Six Mile Road, Eagleton.	<p><b>Council Recommendation:</b></p> <p>That the matter be deferred to allow for further information to be provided with respect to:</p> <ol style="list-style-type: none"> <li>1. Inform the Council as to whether the legal status of the roads relevant to this application.</li> <li>2. Information relating to the incidence of flooding history of the site.</li> </ol> <p><b>Resolved:</b></p> <p>It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Bruce MacKenzie, Peter Kafer, Glenys Francis, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward, John Nell, Sally Dover and Bob Westbury.</p> <p>Crs Bruce MacKenzie, Peter Kafer, Glenys Francis, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward, John Nell, Sally Dover and Bob</p>	<p>Cr Ken Jordan</p> <p>Cr Ken Jordan</p>



Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
				Westbury.	
1	Council meeting – 8 December 2009	Rescission Motion – Unauthorised Depot: Cabbage Tree Road, Williamstown.	<p><b>Resolved:</b></p> <p>It was resolved that Council defer enforcement action requiring the illegal use to cease and instead issue orders requiring the operator to undertake road works at the site access, or other works as required, to reduce the risk to road users to an acceptable level in accordance with road design standards as identified by Council's Traffic Engineer.</p>	<p>Crs Ken Jordan, Steve Tucker, Shirley O'Brien, Bob Westbury Shirley O'Brien and Bruce MacKenzie.</p> <p>Carried on the casting vote of the Mayor.</p>	Crs Peter Kafer, Glenys Francis, Daniel Maher, Geoff Dingle John Nell and Frank Ward.