

**ORDINARY COUNCIL MEETING 13 FEBRUARY 2018**

**NOTICE OF RESCISSION**

**ITEM NO. 1**

**FILE NO: 17/249368**

**EDRMS NO: PSC2017-00020**

**PLANNING PROPOSAL – REZONE AND AMEND THE MINIMUM LOT SIZES AT  
111 SOUTH STREET (LOT 14 DP1079392) AND 1C SYLVAN AVENUE (LOT 11  
DP1105086), MEDOWIE**

**COUNCILLOR: JOHN NELL  
RYAN PALMER  
GLEN DUNKLEY**

**THAT COUNCIL:**

Rescind its decision of 12 December 2017 on Item No. 3 Planning Proposal –  
Rezone and amend the minimum lot sizes at 111 South Street (Lot 14 DP1079392)  
and 1C Sylvan Avenue (Lot 11 DP1105086), Medowie.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
MOTION**

<p><b>Councillor John Nell Mayor Ryan Palmer</b></p> <p>That Council rescind its decision of 12 December 2017 on Item No. 3 Planning Proposal – Rezone and amend the minimum lot sizes at 111 South Street (Lot 14 DP1079392) and 1C Sylvan Avenue (Lot 11 DP1105086), Medowie.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is  
required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley and John Nell.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Sarah  
Smith and Steve Tucker.

The motion was lost.

**ITEM NO. 1**

**FILE NO: 18/10551  
EDRMS NO: PSC2017-02843**

**PLANNING PROPOSAL - MINOR ZONE BOUNDARY ADJUSTMENT, 100  
SALAMANDER WAY, SALAMANDER BAY**

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) to amend the *Port Stephens Local Environmental Plan 2013* (LEP) which seeks to rectify minor mapping inconsistencies at 100 Salamander Way, Salamander Bay by:
  - a. Rezoning 0.11ha of land from E2 Environmental Conservation to SP2 Infrastructure: School/Child Care Centre; and
  - b. Rezoning 0.15ha of land from SP2 Infrastructure: School/Child Care Centre to E2 Environmental Conservation.
- 2) Approve the public exhibition of the Planning Proposal in accordance with the gateway determination issued under the *Environmental Planning and Assessment Act 1979* (EP&A Act) (s56) (**ATTACHMENT 2**).
- 3) Waive Stage 2 and Stage 3 fees for the Planning Proposal, given the amendment corrects a mapping anomaly and is of a minor nature.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
MOTION**

<b>004</b>	<p><b>Mayor Ryan Palmer</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Chris Doohan</b></p>
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	That the recommendation be adopted.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
MOTION**

<b>005</b>	<p><b>Mayor Ryan Palmer Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the Planning Proposal (<b>ATTACHMENT 1</b>) to amend the <i>Port Stephens Local Environmental Plan 2013</i> (LEP) which seeks to rectify minor mapping inconsistencies at 100 Salamander Way, Salamander Bay by:             <ol style="list-style-type: none"> <li>a. Rezoning 0.11ha of land from E2 Environmental Conservation to SP2 Infrastructure: School/Child Care Centre; and</li> <li>b. Rezoning 0.15ha of land from SP2 Infrastructure: School/Child Care Centre to E2 Environmental Conservation.</li> </ol> </li> <li>2) Approve the public exhibition of the Planning Proposal in accordance with the gateway determination issued under the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) (s56) (<b>ATTACHMENT 2</b>).</li> <li>3) Waive Stage 2 and Stage 3 fees for the Planning Proposal, given the amendment corrects a mapping anomaly and is of a minor nature.</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Dooan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 2**

**FILE NO: 17/224060  
EDRMS NO: PSC2017-01980**

**PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO. 4)  
- MINOR AMENDMENTS AND CORRECTIONS**

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the submissions received during the exhibition period of the Draft Port Stephens Development Control Plan 2014 (Amendment No.4).
- 2) Adopt the Port Stephens Development Control Plan (Amendment No. 4) – Minor Amendments and Corrections (**TABLED DOCUMENT 1**).
- 3) Provide 14 days public notice of the intention to replace the Port Stephens Development Control Plan (Amendment No. 2) with Port Stephens Development Control Plan (Amendment No. 4) in accordance with the *Environmental Planning and Assessment Regulation 2000* (s23).

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**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee Councillor Giacomo Arnott</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
MOTION**

<b>006</b>	<p><b>Mayor Ryan Palmer Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Note the submissions received during the exhibition period of the Draft Port Stephens Development Control Plan 2014 (Amendment No.4).</li> <li>2) Adopt the Port Stephens Development Control Plan (Amendment No. 4) – Minor Amendments and Corrections (<b>TABLED DOCUMENT 1</b>).</li> <li>3) Provide 14 days public notice of the intention to replace the Port Stephens Development Control Plan (Amendment No. 2) with Port Stephens Development Control Plan (Amendment No. 4) in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (s23).</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 3**

**FILE NO: 18/649  
EDRMS NO: PSC2016-01959**

**UPDATE TO DEVELOPMENT CONTROL PLAN CHAPTER D9 NORTH MEDOWIE,  
MEDOWIE (THE BOWER ESTATE)**

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve to prepare a draft update to chapter D9 North Medowie (The Bower Estate) (**ATTACHMENT 1**) of the Port Stephens Development Control Plan 2014 in accordance with the provisions of section 74C of the *Environmental Planning and Assessment Act 1979* (NSW).
- 2) Place the draft update to chapter D9 North Medowie (The Bower Estate) on exhibition for 28 days.
- 3) If no submissions are received, adopt the draft update without a post-exhibition report to Council.

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**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Ken Jordan.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
MOTION**

<b>007</b>	<p><b>Mayor Ryan Palmer Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Prepare a draft update to chapter D9 North Medowie (The Bower Estate) (<b>ATTACHMENT 1</b>) of the Port Stephens Development Control Plan 2014 in accordance with the provisions of section 74C of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li> <li>2) Place the draft update to chapter D9 North Medowie (The Bower Estate) on exhibition for 28 days.</li> <li>3) If no submissions are received, adopt the draft update without a post-exhibition report to Council.</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Ken Jordan.



**ITEM NO. 4**

**FILE NO: 17/236963  
EDRMS NO: PSC2015-00487**

**PROPOSED AMENDMENT TO THE PORT STEPHENS RURAL RESIDENTIAL  
POLICY**

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Rural Residential policy and Appendix 1 – Rural residential Policy Assessment Criteria at **(ATTACHMENTS 1 and 2)** in order to place on exhibition for a period of 28 days.

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**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Jaimie Abbott Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, and Sarah Smith.

Those against the Motion: Crs Giacomo Arnott, John Nell and Steve Tucker.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018  
MOTION**

<b>008</b>	<p><b>Councillor Paul Le Mottee Councillor Chris Doohan</b></p> <p>It was resolved that Council endorse the draft Rural Residential policy and</p>
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	Appendix 1 – Rural residential Policy Assessment Criteria at <b>(ATTACHMENTS 1 and 2)</b> in order to place on exhibition for a period of 28 days.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, and Sarah Smith.

Those against the Motion: Crs Giacomo Arnott, John Nell and Steve Tucker.

**ORDINARY COUNCIL MEETING 27 FEBRUARY 2018**

**ITEM NO. 1**

**FILE NO: 18/18974  
EDRMS NO: 16-2015-852-4**

**SECTION 96 APPLICATION TO MODIFY DETERMINATION NO. 16-2015-852-1  
FOR A COMMUNITY FACILITY, RECREATIONAL FACILITY (OUTDOOR),  
ASSOCIATED EARTHWORKS, SIGNAGE AND CAR PARKING AT 36 AND 36A  
FERODALE ROAD, MEDOWIE**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the Section 96 application for Development Application 16-2015-852-4 subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2018  
MOTION**

<b>001</b>	<p><b>Mayor Ryan Palmer Councillor Paul Le Mottee</b></p> <p>It was resolved that Council that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2018  
MOTION**

<b>002</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council approve the Section 96 application for Development Application 16-2015-852-4 subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 27 MARCH 2018**

**ITEM NO. 1**

**FILE NO: 18/22200  
EDRMS NO: 16-2016-631-2**

**SECTION 4.55 MODIFICATION OF CONSENT - APPLICATION TO MODIFY  
DETERMINATION NO. 16-2016-631-1 FOR A RESIDENTIAL FLAT BUILDING  
(INCORPORATING 8 STOREY APARTMENT COMPLEX WITH UNDERGROUND  
CAR PARKING) AT 11-13 CHURCH STREET, NELSON BAY**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Section 4.55(1A) (formerly Section 96(1A)) Modification No.16-2016-631-2 for a Residential Flat Building (Incorporating 8 Storey Apartment Complex with Underground Car Parking) at 11-13 Church Street, Nelson Bay (Lots 17 & 18 Section 7 DP8611), subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 27 MARCH 2018  
MOTION**

<b>053</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Steve Tucker Councillor Paul Le Mottee</b></p> <p>That the recommendation be adopted.</p>
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The Development Services Group Manager advised the Chair that the oversupply of parking spaces listed on page 21 of the agenda should read 10 spaces, not 29 space.

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 MARCH 2018  
MOTION**

<b>054</b>	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>It was resolved that Council approve Section 4.55(1A) (formerly Section 96(1A)) Modification No.16-2016-631-2 for a Residential Flat Building (Incorporating 8 Storey Apartment Complex with Underground Car Parking) at 11-13 Church Street, Nelson Bay (Lots 17 &amp; 18 Section 7 DP8611), subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 2**

**FILE NO: 18/20414  
EDRMS NO: PSC2017-03039**

**PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013 - MINOR  
AMENDMENTS**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the proposed amendments to the *Port Stephens Local Environmental Plan 2013 (ATTACHMENT 1)* which rectify drafting errors by:
    - a. Rezoning privately owned land at Lot 1 DP 1186184 from NP1 National Parks and Reserves to RU2 Rural Landscape with a minimum lot size of 20ha.
    - b. Replacing the reference to "DP79221" in clause 5 of Schedule 1 to the *Port Stephens Local Environmental Plan 2013* with "DP792211".
  - 2) Authorise the exercise of delegations to make the plan under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
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**ORDINARY COUNCIL MEETING - 27 MARCH 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee left the meeting at 7:08pm in Open Council, and did not return to the meeting, as this item was dealt with last.

**ORDINARY COUNCIL MEETING - 27 MARCH 2018  
MOTION**

<b>055</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the proposed amendments to the <i>Port Stephens Local Environmental Plan 2013</i> (<b>ATTACHMENT 1</b>) which rectify drafting errors by:             <ol style="list-style-type: none"> <li>a. Rezoning privately owned land at Lot 1 DP 1186184 from NP1 National Parks and Reserves to RU2 Rural Landscape with a minimum lot size of 20ha.</li> <li>b. Replacing the reference to "DP79221" in clause 5 of Schedule 1 to the <i>Port Stephens Local Environmental Plan 2013</i> with "DP792211".</li> </ol> </li> <li>2) Authorise the exercise of delegations to make the plan under Section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i>.</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



**ITEM NO. 3**

**FILE NO: 17/85029  
EDRMS NO: PSC2013-05184**

**PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO. 3)  
- PART B5 FLOODING**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Draft Development Control Plan 2014 (Amendment No.3) Chapter B5 – Flooding (**ATTACHMENT 1**) for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979 (NSW) (s3.45)*.
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**ORDINARY COUNCIL MEETING - 27 MARCH 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Glen Dunkley Councillor Steve Tucker</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 MARCH 2018  
MOTION**

<b>056</b>	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p>
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	It was resolved that Council endorse the Draft Development Control Plan 2014 (Amendment No.3) Chapter B5 – Flooding ( <b>ATTACHMENT 1</b> ) for public exhibition in accordance with the <i>Environmental Planning and Assessment Act 1979 (NSW) (s3.45)</i> .
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 10 APRIL 2018**

**ITEM NO. 1**

**FILE NO: 18/59846  
EDRMS NO: 16-2016-679-2**

**MODIFICATION OF CONSENT - APPLICATION TO MODIFY DETERMINATION  
NO. DA 16-2016-679-1 FOR MULTI-DWELLING HOUSING (8 TWO STOREY  
UNITS) AND ASSOCIATED STRATA TITLE SUBDIVISION AT 2 BAGNALL  
AVENUE, SOLDIERS POINT**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Section 4.55 (1A) Modification No. 16-2016-679-2 for Multi-Dwelling Housing (8 Two Storey Dwellings) and Associated Strata Title Subdivision at 2 Bagnall Avenue. Soldiers Point, subject to the conditions contained in **(ATTACHMENT 3)**.

Councillor Jaimie Abbott returned to the meeting at 5:50pm in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
MOTION**

<b>003</b>	<p><b>Councillor Giacomo Arnott Councillor Sarah Smith</b></p> <p>It was resolved that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
MATTER ARISING**

	<p><b>Councillor John Nell Councillor Giacomo Arnott</b></p> <p>It was resolved that Council refer to intersection concerns in the vicinity of 2 Bagnall Avenue, Soldiers Point to the Local Traffic Committee.</p>
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**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
MOTION**

<p><b>004</b></p>	<p><b>Councillor Jaimie Abbott Councillor Paul Le Mottee</b></p> <p>It was resolved that Council approve Section 4.55 (1A) Modification No. 16-2016-679-2 for Multi-Dwelling Housing (8 Two Storey Dwellings) and Associated Strata Title Subdivision at 2 Bagnall Avenue, Soldiers Point, subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
MATTER ARISING**

	<p><b>Councillor Jaimie Abbott Councillor Paul Le Mottee</b></p> <p>It was resolved that Council refer to intersection concerns in the vicinity of 2 Bagnall Avenue, Soldiers Point to the Local Traffic Committee.</p>
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**ITEM NO. 2**

**FILE NO: 18/29615  
EDRMS NO: PSC2017-02843**

**MINOR ZONE BOUNDARY ADJUSTMENT AT 100 SALAMANDER WAY,  
SALAMANDER BAY**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the making of an amendment to the Port Stephens Local Environmental Plan 2013 (**ATTACHMENT 1**) which seeks to rectify minor mapping inconsistencies at 100 Salamander Way, Salamander Bay by:
  - a. Rezoning 0.11ha of land from E2 Environmental Conservation to SP2 Infrastructure: School/Child Care Centre; and
  - b. Rezoning 0.15ha of land from SP2 Infrastructure: School/Child Care Centre to E2 Environmental Conservation.
- 2) Authorise the exercise of delegations to make the plan under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
MOTION**

<b>005</b>	<p><b>Councillor Jaimie Abbott Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Endorse the making of an amendment to the Port Stephens Local Environmental Plan 2013 (<b>ATTACHMENT 1</b>) which seeks to rectify minor mapping inconsistencies at 100 Salamander Way, Salamander Bay by:             <ol style="list-style-type: none"> <li>a. Rezoning 0.11ha of land from E2 Environmental Conservation to SP2 Infrastructure: School/Child Care Centre; and</li> <li>b. Rezoning 0.15ha of land from SP2 Infrastructure: School/Child Care Centre to E2 Environmental Conservation.</li> </ol> </li> <li>2) Authorise the exercise of delegations to make the plan under Section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i>.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Nil.

**ITEM NO. 3**

**FILE NO: 18/45988  
EDRMS NO: PSC2006-2237**

**DRAFT DEVELOPMENT CONTROL PLAN CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E)**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Prepare the Draft Port Stephens Development Control Plan 2014 Chapter D16 Medowie Planning Strategy (Precinct E) (**ATTACHMENT 1**) in accordance with the provisions of section 3.43 of the *Environmental Planning and Assessment Act 1979* (NSW).
- 2) Place the Draft Port Stephens Development Control Plan 2014 Chapter D16 Medowie Planning Strategy (Precinct E) on exhibition for a period of 28 days.
- 3) If no submissions are received during the exhibition period, adopt the Draft DCP without a post-exhibition report to Council.

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**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee Councillor Jaimie Abbott</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.



**ORDINARY COUNCIL MEETING - 10 APRIL 2018  
MOTION**

<b>006</b>	<p><b>Councillor Jaimie Abbott Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Prepare the Draft Port Stephens Development Control Plan 2014 Chapter D16 Medowie Planning Strategy (Precinct E) (<b>ATTACHMENT 1</b>) in accordance with the provisions of section 3.43 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li> <li>2) Place the Draft Port Stephens Development Control Plan 2014 Chapter D16 Medowie Planning Strategy (Precinct E) on exhibition for a period of 28 days.</li> <li>3) If no submissions are received during the exhibition period, adopt the Draft DCP without a post-exhibition report to Council.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 8 MAY 2018**

**ITEM NO. 1**

**FILE NO: 18/67379  
EDRMS NO: 16-2018-171-1**

**DEVELOPMENT APPLICATION NO. 16-2018-171-1 FOR A ONE INTO TWO LOT  
TORRENS TITLE SUBDIVISION AT 1 SKETCHLEY STREET, RAYMOND  
TERRACE (LOT 2 DP31847)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No. 16-2018-171-1 for one lot into two lot Torrens title subdivision at 1 Sketchley Street, Raymond Terrace subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 8 MAY 2018  
MOTION**

<b>007</b>	<p><b>Councillor Chris Doohan Councillor Glen Dunkley</b></p> <p>It was resolved that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee Councillor Chris Doohan</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 8 MAY 2018  
MOTION**

<b>008</b>	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council approve Development Application (DA) No. 16-2018-171-1 for one lot into two lot Torrens title subdivision at 1 Sketchley Street, Raymond Terrace subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 2**

**FILE NO: 18/73292  
EDRMS NO: 16-2017-324-1**

**DEVELOPMENT APPLICATION NO. 16-2017-324-1 FOR DEMOLITION (EXISTING DUAL OCCUPANCY), CONSTRUCT RESIDENTIAL FLAT BUILDING (12 UNITS), SUBFLOOR CAR PARK, EARTHWORKS AND LANDSCAPING AT 16 CHURCH STREET NELSON BAY (LOT: 0 SP: 12075)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens LEP 2013 – Height of Building standard for the proposed development at 16 Church Street, Nelson Bay for the following reasons:
    - a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances, as required under the Five Part Test (*Webhe v Pittwater Council*);
    - b) There are sufficient environmental planning grounds to justify the contravention;
    - c) The proposed development represents an increase in residential housing in Nelson Bay;
    - d) The development achieves and is consistent with the objectives of the R3 zone, notwithstanding the variation;
    - e) The proposed development is an appropriate response to the context of the site;
    - f) The proposed development will not have a significant environmental impact, is in the public interest and better achieves the development standard's objectives;
    - g) The proposed variation will not hinder the attainment of the object specified in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979); and
    - h) The contravention does not raise any matter of State or Regional Significance.
  - 2) Approve Development Application DA No. 16-2017-324-1 subject to the conditions contained in **(ATTACHMENT 1)**.
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**ORDINARY COUNCIL MEETING - 8 MAY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 8 MAY 2018  
MOTION**

<b>009</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens LEP 2013 – Height of Building standard for the proposed development at 16 Church Street, Nelson Bay for the following reasons:             <ol style="list-style-type: none"> <li>a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances, as required under the Five Part Test (<i>Webhe v Pittwater Council</i>);</li> <li>b) There are sufficient environmental planning grounds to justify the contravention;</li> <li>c) The proposed development represents an increase in residential housing in Nelson Bay;</li> <li>d) The development achieves and is consistent with the objectives of the R3 zone, notwithstanding the variation;</li> <li>e) The proposed development is an appropriate response to</li> </ol> </li> </ol>
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	<p>the context of the site;</p> <ul style="list-style-type: none"> <li>f) The proposed development will not have a significant environmental impact, is in the public interest and better achieves the development standard's objectives;</li> <li>g) The proposed variation will not hinder the attainment of the object specified in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&amp;A Act 1979); and</li> <li>h) The contravention does not raise any matter of State or Regional Significance.</li> </ul> <p>2) Approve Development Application DA No. 16-2017-324-1 subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 3**

**FILE NO: 18/68215  
EDRMS NO: 16-2017-716-2**

**MODIFICATION APPLICATION NO. 16-2017-716-2 TO WAIVE THE  
DEVELOPMENT CONTRIBUTIONS APPLICABLE TO AN APPROVED DUAL  
OCCUPANCY AT 15 SOPHIA JANE DRIVE, NELSONS PLAINS (LOT 5  
DP881861)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse the modification application No. 16-2017-716-2 which seeks to waive the development contributions applicable to an approved dual occupancy at 15 Sophia Jane Drive, Nelsons Plains (Lot 5 DP 881861) for the reasons contained in **(ATTACHMENT 2)** of this report.

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**ORDINARY COUNCIL MEETING - 8 MAY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Cr Steve Tucker.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee and John Nell.

The motion on being put was lost.

**ORDINARY COUNCIL MEETING - 8 MAY 2018  
MOTION**

	<p><b>Councillor Paul Le Mottee Councillor Chris Doohan</b></p> <p>That Council waive the development contribution applicable for modification application No. 16-2017-716-2 for the approved dual occupancy at 15 Sophia Jane Drive, Nelsons Plains (Lot 5 DP 881861), based on the reasons outlined in the report which support the variation.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 8 MAY 2018  
MOTION**

<b>010</b>	<p><b>Councillor Chris Doohan Councillor John Nell</b></p> <p>It was resolved that Council waive the development contribution applicable for modification application No. 16-2017-716-2 for the approved dual occupancy at 15 Sophia Jane Drive, Nelsons Plains (Lot 5 DP 881861), based on the reasons outlined in the report which support the variation.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.



**ORDINARY COUNCIL MEETING 22 MAY 2018**

**ITEM NO. 1**

**FILE NO: 18/94478  
EDRMS NO: 16-2017-936-1**

**DEVELOPMENT APPLICATION NO.16-2017-936-1 FOR A DWELLING AT 182  
PORT STEPHENS DRIVE, SALAMANDER BAY (LOT: 566 DP:27353)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application DA No. 16-2017-936-1 for a Dwelling at 182 Port Stephens Drive, Salamander Bay (LOT: 566 DP27353) for the reasons contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 22 MAY 2018  
MOTION**

<b>011</b>	<p><b>Councillor Paul Le Mottee Councillor Steve Tucker</b></p> <p>It was resolved that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 22 MAY 2018  
MOTION**

<b>012</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council refuse Development Application DA No. 16-2017-936-1 for a Dwelling at 182 Port Stephens Drive, Salamander Bay (LOT: 566 DP27353) for the reasons contained in <b>(ATTACHMENT 3)</b> .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 12 JUNE 2018**

**ITEM NO. 1**

**FILE NO: 18/113174  
EDRMS NO: PSC2006-2237**

**DRAFT DEVELOPMENT CONTROL PLAN CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E)**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the Development Control Plan Chapter D16 Medowie Planning Strategy (Precinct E) in accordance with the *Environmental Planning and Assessment Regulation 2000 (NSW)* (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 12 JUNE 2018  
MOTION**

<b>013</b>	<p><b>Councillor Chris Doohan Councillor Jaimie Abbott</b></p> <p>It was resolved that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018  
MOTION**

<b>014</b>	<p><b>Councillor Chris Doohan Councillor Jaimie Abbott</b></p> <p>It was resolved that Council approve the Development Control Plan Chapter D16 Medowie Planning Strategy (Precinct E) in accordance with the <i>Environmental Planning and Assessment Regulation 2000 (NSW)</i> <b>(ATTACHMENT 1)</b>.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 2**

**FILE NO: 18/58062  
EDRMS NO: PSC2015-00487**

**PROPOSED AMENDMENT TO THE PORT STEPHENS RURAL RESIDENTIAL  
POLICY**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the amendment (**ATTACHMENT 1**) as exhibited, with the addition of the following note to the relevant assessment criteria:

**Note:** Any planning proposal, including for land outside of the 500m buffer, may be required to provide additional expert reports to justify setbacks from existing agricultural industries.

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**ORDINARY COUNCIL MEETING - 12 JUNE 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Chris Doohan and Ken Jordan.

Those against the Motion: Crs Giacomo Arnott, Glen Dunkley, John Nell, Ryan Palmer, Sarah Smith and Steve Tucker.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018  
MOTION**

	<p><b>Councillor John Nell Councillor Giacomo Arnott</b></p>
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	That Council take no action on the proposed amendments to the Port Stephens Rural Residential Policy.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Chris Doohan and Ken Jordan.

Councillor Jaimie Abbott left the meeting at 07:03pm in Open Council.  
Councillor Paul Le Mottee left the meeting at 07:03pm in Open Council.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018  
MOTION**

<b>015</b>	<p><b>Councillor John Nell</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council take no action on the proposed amendments to the Port Stephens Rural Residential Policy.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Chris Doohan and Ken Jordan.

Councillor Jaimie Abbott returned to the meeting at 7:03pm in Open Council.

Councillor Paul Le Mottee returned to the meeting at 7:04pm in Open Council.

**ORDINARY COUNCIL MEETING 10 JULY 2018**

**ITEM NO. 1**

**FILE NO: 18/110961  
EDRMS NO: PSC2018-02031**

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 7) - ADMINISTRATIVE AMENDMENT**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve to prepare the draft Port Stephens Development Control Plan (Amendment No. 7) (the Amendment) (**ATTACHMENT 1**) in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979* (NSW).
- 2) Exhibit the Amendment for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW).
- 3) If no submissions are received, approve the Amendment as exhibited.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>016</b>	<p><b>Councillor Giacomo Arnott Councillor Steve Tucker</b></p> <p>It was resolved that Council that Council move into Committee of the Whole.</p>
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Steve Tucker Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>017</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Resolve to prepare the draft Port Stephens Development Control Plan (Amendment No. 7) (the Amendment) (<b>ATTACHMENT 1</b>) in accordance with Section 3.43 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li> <li>2) Exhibit the Amendment for 28 days in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW).</li> <li>3) If no submissions are received, approve the Amendment as exhibited.</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.



**ORDINARY COUNCIL MEETING 24 JULY 2018**

**ITEM NO. 1**

**FILE NO: 18/110734  
EDRMS NO: PSC2017-01798**

**PLANNING PROPOSAL - 436 TAREAN ROAD KARUAH (KARUAH RSL CLUB)**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal to amend Schedule 1 of the *Port Stephens Local Environmental Plan 2013* to permit development for the purposes of a registered club and outdoor recreational facility on land known as 434-436 Tarean Road, Karuah (**ATTACHMENT 1**).
- 2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.

**ORDINARY COUNCIL MEETING - 24 JULY 2018  
MOTION**

<b>018</b>	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the Planning Proposal to amend Schedule 1 of the <i>Port Stephens Local Environmental Plan 2013</i> to permit development for the purposes of a registered club and outdoor recreational facility on land known as 434-436 Tarean Road, Karuah (<b>ATTACHMENT 1</b>).</li> <li>2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 14 AUGUST 2018**

**ITEM NO. 1**

**FILE NO: 18/97363  
EDRMS NO: 16-2017-921-1**

**DEVELOPMENT APPLICATION NO. 16-2017-921-1 FOR DUAL OCCUPANCY  
AND ONE INTO TWO LOT TORRENS TITLE SUBDIVISION AT 124  
GOVERNMENT ROAD NELSON BAY (LOT: 20 DP: 113409)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2017-921-1 for dual occupancy and one into two lot Torrens title subdivision at 124 Government Road Nelson Bay (Lot: 20 DP: 113409) subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 14 AUGUST 2018  
MOTION**

<b>019</b>	<p><b>Councillor Giacomo Arnott Councillor Ken Jordan</b></p> <p>It was resolved that Council defer Development Application 16-2017-921-1 for dual occupancy and one into two lot Torrens title subdivision at 124 Government Road Nelson Bay (Lot: 20 DP: 113409), and await consideration by the Local Traffic Committee.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 2**

**FILE NO: 18/136164  
EDRMS NO: 16-2017-273-1**

**DEVELOPMENT APPLICATION NO.16-2017-273-1 COMMERCIAL PREMISES (TWO STOREY COMPRISING FOUR TENANCIES) AND ASSOCIATED CAR PARKING AND LANDSCAPING AT LOT: 2 DP: 1239352 - 4 CENTRAL AVENUE, SALAMANDER BAY (PREVIOUSLY 155 SALAMANDER WAY, SALAMANDER BAY)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2017-273-1 for a Commercial Premises (two storey comprising four tenancies) and associated car parking and landscaping at LOT: 2 DP: 1239352 – 4 Central Avenue, Salamander Bay (previously 155 Salamander Way, Salamander Bay) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 AUGUST 2018  
MOTION**

<b>020</b>	<p><b>Councillor Sarah Smith Councillor Glen Dunkley</b></p> <p>It was resolved that Council approve Development Application 16-2017-273-1 for a Commercial Premises (two storey comprising four tenancies) and associated car parking and landscaping at LOT: 2 DP: 1239352 – 4 Central Avenue, Salamander Bay (previously 155 Salamander Way, Salamander Bay) subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 24 JULY 2018**

**ITEM NO. 1**

**FILE NO: 18/110734  
EDRMS NO: PSC2017-01798**

**PLANNING PROPOSAL - 436 TAREAN ROAD KARUAH (KARUAH RSL CLUB)**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal to amend Schedule 1 of the *Port Stephens Local Environmental Plan 2013* to permit development for the purposes of a registered club and outdoor recreational facility on land known as 434-436 Tarean Road, Karuah (**ATTACHMENT 1**).
- 2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.

**ORDINARY COUNCIL MEETING - 24 JULY 2018  
MOTION**

<b>021</b>	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the Planning Proposal to amend Schedule 1 of the <i>Port Stephens Local Environmental Plan 2013</i> to permit development for the purposes of a registered club and outdoor recreational facility on land known as 434-436 Tarean Road, Karuah (<b>ATTACHMENT 1</b>).</li> <li>2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 14 AUGUST 2018**

**ITEM NO. 1**

**FILE NO: 18/97363  
EDRMS NO: 16-2017-921-1**

**DEVELOPMENT APPLICATION NO. 16-2017-921-1 FOR DUAL OCCUPANCY  
AND ONE INTO TWO LOT TORRENS TITLE SUBDIVISION AT 124  
GOVERNMENT ROAD NELSON BAY (LOT: 20 DP: 113409)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2017-921-1 for dual occupancy and one into two lot Torrens title subdivision at 124 Government Road Nelson Bay (Lot: 20 DP: 113409) subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 14 AUGUST 2018  
MOTION**

<b>022</b>	<p><b>Councillor Giacomo Arnott Councillor Ken Jordan</b></p> <p>It was resolved that Council defer Development Application 16-2017-921-1 for dual occupancy and one into two lot Torrens title subdivision at 124 Government Road Nelson Bay (Lot: 20 DP: 113409), and await consideration by the Local Traffic Committee.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.



**ITEM NO. 2**

**FILE NO: 18/136164  
EDRMS NO: 16-2017-273-1**

**DEVELOPMENT APPLICATION NO.16-2017-273-1 COMMERCIAL PREMISES  
(TWO STOREY COMPRISING FOUR TENANCIES) AND ASSOCIATED CAR  
PARKING AND LANDSCAPING AT LOT: 2 DP: 1239352 - 4 CENTRAL AVENUE,  
SALAMANDER BAY (PREVIOUSLY 155 SALAMANDER WAY, SALAMANDER  
BAY)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2017-273-1 for a Commercial Premises (two storey comprising four tenancies) and associated car parking and landscaping at LOT: 2 DP: 1239352 – 4 Central Avenue, Salamander Bay (previously 155 Salamander Way, Salamander Bay) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 AUGUST 2018  
MOTION**

<b>023</b>	<p><b>Councillor Sarah Smith Councillor Glen Dunkley</b></p> <p>It was resolved that Council approve Development Application 16-2017-273-1 for a Commercial Premises (two storey comprising four tenancies) and associated car parking and landscaping at LOT: 2 DP: 1239352 – 4 Central Avenue, Salamander Bay (previously 155 Salamander Way, Salamander Bay) subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 28 AUGUST 2018**

**ITEM NO. 1**

**FILE NO: 18/158167  
EDRMS NO: 58-2017-12-1**

**PLANNING PROPOSAL 95A AND 97 STOCKTON STREET, NELSON BAY**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal (dated 29 May 2018) (**TABLED DOCUMENT**) to amend Schedule 1 of the *Port Stephens Local Environmental Plan 2013* to permit with consent development for the purposes of:
  - Storage premises on Lot 1, DP 200208 (97 Stockton Street, Nelson Bay); and
  - A recreation facility (indoor) on Lot 2, DP 200208 (95A Stockton Street, Nelson Bay).
- 2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018**

**MOTION**

<b>024</b>	<p><b>Councillor John Nell Councillor Giacomo Arnott</b></p> <p>It was resolved that Council take no action on the planning proposal at 95A and 97 Stockton Street, Nelson Bay.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott and John Nell.

Those against the Motion: Crs Ken Jordan, Sarah Smith and Steve Tucker.

The Motion was carried.

**ITEM NO. 2**

**FILE NO: 18/159927  
EDRMS NO: PSC2017-00019**

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN (AMENDMENT NO.8) - AMENDED AIRCRAFT NOISE PLANNING MAP**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Exhibit a draft amendment to the Aircraft Noise Planning Map in the Port Stephens Development Control Plan 2014 to reflect Australian Noise Exposure Forecast 2025 (only) **(ATTACHMENT 1)**.
- 2) Exhibit the Amendment for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW).

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018  
MOTION**

<b>025</b>	<p><b>Councillor Steve Tucker Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Exhibit a draft amendment to the Aircraft Noise Planning Map in the Port Stephens Development Control Plan 2014 to reflect Australian Noise Exposure Forecast 2025 (only) <b>(ATTACHMENT 1)</b>.</li> <li>2) Exhibit the Amendment for 28 days in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW).</li> </ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 11**

**FILE NO: 18/178664  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Ward Funds to the following:
  - a. Croquet and Petanque Club Raymond Terrace – Ward Funds Cr Ken Jordan - \$500 donation towards operational costs.

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018  
MOTION**

<b>026</b>	<p><b>Councillor Ken Jordan Councillor Steve Tucker</b></p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Ward Funds to the following:</p> <ol style="list-style-type: none"> <li>a. Croquet and Petanque Club Raymond Terrace – Ward Funds Cr Ken Jordan - \$500 donation towards operational costs.</li> </ol>
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Cr Ken Jordan and Cr Steve Tucker called for a division.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.



**ORDINARY COUNCIL MEETING 11 SEPTEMBER 2018**

Councillor Chris Doohan left the meeting at 6:13pm.  
Councillor Jaimie Abbott left the meeting at 6:14pm.

**ITEM NO. 1**

**FILE NO: 18/172131  
EDRMS NO: 16-2017-524-1**

**DEVELOPMENT APPLICATION 16-2017-524-1 (EARTHWORKS - FILL) AT 52, 52A AND 40 CABBAGE TREE ROAD WILLIAMTOWN (LOT: 7 DP: 1059398, LOT: 7 DP: 4831, LOT: 3 DP: 1106651)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse the development application 16-2017-524-1 for Earthworks - fill at 52, 52A and 40 Cabbage Tree Road, Williamtown (LOT: 7 DP: 1059398, LOT: 7 DP: 4831 and LOT: 3 DP: 1106651) for the reasons contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 11 SEPTEMBER 2018  
MOTION**

<b>027</b>	<p><b>Councillor Steve Tucker Councillor Giacomo Arnott</b></p> <p>It was resolved that Council defer item 1 for site inspection of development application 16-2017-524-1 for Earthworks - fill at 52, 52A and 40 Cabbage Tree Road, Williamtown (LOT: 7 DP: 1059398, LOT: 7 DP: 4831 and LOT: 3 DP: 1106651).</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Ryan, Sarah Smith and Steve Tucker.



Those against the Motion: Nil.

Councillor Glen Dunkley left the meeting at 6:46pm.  
Councillor Paul Le Mottee left the meeting at 6:46pm.

**NOTICE OF RESCISSION**

**ITEM NO. 1**

**FILE NO: 18/190377  
EDRMS NO: PSC2017-00020**

**PLANNING PROPOSAL 95A AND 97 STOCKTON STREET, NELSON BAY**

**COUNCILLOR: RYAN PALMER  
STEVE TUCKER  
KEN JORDAN**

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**THAT COUNCIL:**

- 1) Rescind its decision of 28 August 2018 to take no further action on Item No. 1 Planning Proposal 95A and 97 Stockton Street, Nelson Bay.

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**ORDINARY COUNCIL MEETING - 11 SEPTEMBER 2018  
MOTION**

<b>028</b>	<b>Councillor Chris Doohan Councillor Steve Tucker</b>  It was resolved that Council rescind its decision of 28 August 2018 to take no further action on Item No. 1 Planning Proposal 95A and 97 Stockton Street, Nelson Bay.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

**ORDINARY COUNCIL MEETING - 11 SEPTEMBER 2018**

**MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council defer the planning proposal for 95A and 97 Stockton Street, Nelson Bay for a site inspection.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Ken Jordan, Sarah Smith and Steve Tucker.

The motion was lost.

**ORDINARY COUNCIL MEETING - 11 SEPTEMBER 2018**  
**MOTION**

	<p><b>Councillor John Nell</b> <b>Councillor Giacomo Arnott</b></p> <p>That Council defer the planning proposal for 95A and 97 Stockton Street, Nelson Bay for alternative options to be provided to Council for the site.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Ken Jordan, Sarah Smith and Steve Tucker.

The motion was lost.

**ORDINARY COUNCIL MEETING - 11 SEPTEMBER 2018**  
**MOTION**

<b>029</b>	<p><b>Mayor Ryan Palmer Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the Planning Proposal (dated 29 May 2018) (<b>TABLED DOCUMENT</b>) to amend Schedule 1 of the <i>Port Stephens Local Environmental Plan 2013</i> to permit with consent development for the purposes of: <ul style="list-style-type: none"> <li><input type="checkbox"/> Storage premises on Lot 1, DP 200208 (97 Stockton Street, Nelson Bay); and</li> <li><input type="checkbox"/> A recreation facility (indoor) on Lot 2, DP 200208 (95A Stockton Street, Nelson Bay).</li> </ul> </li> <li>2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.</li> <li>3) The Planning Proposal be adopted subject to a request that the Department of Planning and Environment consider further restricting the proposed additional use by reference to matters such as operating hours car parking requirements and site usage that can address potential impacts on neighbours.</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Jaimie Abbott.

The motion was carried.

**ORDINARY COUNCIL MEETING 25 SEPTEMBER 2018**

Councillor Paul Le Mottee left the meeting at 6:18pm in Open Council.

**CONFIDENTIAL**

**ITEM NO. 3**

**FILE NO: 18/156791  
EDRMS NO: PSC2009-09539**

**IMPLEMENTATION PANELS - RAYMOND TERRACE AND HEATHERBRAE STRATEGY, MEDOWIE PLANNING STRATEGY AND NELSON BAY TOWN CENTRE AND FORESHORE STRATEGY**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint two (2) business and two (2) community members from the list of nominations provided in **(ATTACHMENT 1)**.
- 2) Establish the Medowie Planning Strategy Implementation Panel and appoint two (2) business and two (2) community members from the list of nominations provided in **(ATTACHMENT 1)**.
- 3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint two (2) business and two (2) community members from the list of nominations provided in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
MOTION**

<b>030</b>	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>It was resolved that Council establish selection committees for each of the Raymond Terrace and Heatherbrae Strategy Implementation Panel, the Medowie Planning Strategy Implementation Panel and the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel comprising</p>
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	the Mayor and respective Ward Councillors to review nominations and recommend two (2) business and two (2) community members for each panel in accordance with the Terms of Reference ( <b>ATTACHMENT 1</b> ) of the Supplementary Information.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Ryan Palmer, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Mayor Ryan Palmer left the meeting at 6:32pm, in Committee of the Whole. The Deputy Mayor, Cr Sarah Smith Chaired the meeting during the absence of the Mayor.

**ITEM NO. 4**

**FILE NO: 18/109715  
EDRMS NO: PSC2007-1204V3**

**NELSON BAY TOWN CENTRE & FORESHORE STRATEGY IMPLEMENTATION  
AND DELIVERY PROGRAM**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the outcomes of the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards summarised in the Community and Stakeholder Consultation Report (**TABLED DOCUMENT 1**).
- 2) Adopt the Delivery Program which recommends raising the height limit in Nelson Bay Town Centre to 10 storeys and other actions to increase investment feasibility, whilst maintaining a high quality public domain and improved design outcomes (**TABLED DOCUMENT 2**).
- 3) Endorse the Clause 4.6 Policy - Exceptions to Development Standards (**ATTACHMENT 1**).
- 4) Endorse the preparation and submission of a planning proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the *Port Stephens Local Environmental Plan 2013* and implement the relevant actions in the adopted Delivery Program.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Glen Dunkley</b></p> <p>That Council:</p> <p>1) Note the outcomes of the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised</p>
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	<p>implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards summarised in the Community and Stakeholder Consultation Report <b>(TABLED DOCUMENT 1)</b>.</p> <p>2) Adopt a revised version of Tabled Document 3, to retain a height limit of 5 storeys in the core of the town centre, and reduce the height limit of the area proposed at 10 storeys along the edges of the town centre to 8 storeys (28 metres). Make all necessary changes to the Delivery Program to give effect to these height limits.</p> <p>3) Endorse the Clause 4.6 Policy - Exceptions to Development Standards <b>(ATTACHMENT 1)</b>.</p> <p>4) Endorse the preparation and submission of a planning proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> and implement the relevant actions in the adopted Delivery Program.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and Ken Jordan.

The motion was carried.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
PROCEDURAL MOTION**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council allow Nigel Waters from the Tomaree Ratepayers and Residents Association to speak on this item prior to a decision for five minutes and allow questions from Councillors, in accordance with the normal public access process.</p>
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The motion lapsed without a seconder.



**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
PROCEDURAL MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council suspend the Council meeting to allow Nigel Waters from the Tomaree Ratepayers and Residents Association to speak for five minutes, in accordance with the normal public access process.</p>
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**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That a division be recorded.</p>
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Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell and Steve Tucker.

Those against the Motion: Crs Ken Jordan, Paul Le Mottee and Sarah Smith.

The motion was put and carried in Committee of the Whole. The Council meeting was suspended and Mr Waters presented to Council.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Jaimie Abbott</b></p> <p>That the item be deferred until the next Council meeting to be held on 9 October 2018.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

Those against the Motion: Crs Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

The motion on being put was lost.

Mayor Ryan Palmer left the meeting at 8:42pm in Open Council. The Deputy Mayor, Cr Sarah Smith Chaired the meeting during the absence of the Mayor.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
MOTION**

<b>031</b>	<p><b>Councillor John Nell Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Note the outcomes of the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards summarised in the Community and Stakeholder Consultation Report <b>(TABLED DOCUMENT 1)</b>.</li> <li>2) Adopt a revised version of Tabled Document 3, to retain a height limit of 5 storeys in the core of the town centre, and reduce the height limit of the area proposed at 10 storeys along the edges of the town centre to 8 storeys (28 metres). Make all necessary changes to the Delivery Program to give effect to these height limits.</li> <li>3) Endorse the Clause 4.6 Policy - Exceptions to Development Standards <b>(ATTACHMENT 1)</b>.</li> <li>4) Endorse the preparation and submission of a planning proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> and implement the relevant actions in the adopted Delivery Program.</li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan and Ken Jordan.

Mayor Ryan Palmer returned to the meeting at 8:46pm in Open Council and resumed the Chair.

Mayor Ryan Palmer returned to the meeting at 7:32pm in Committee of the Whole and resumed the Chair.

**ITEM NO. 2**

**FILE NO: 18/172134  
EDRMS NO: 16-2018-187-1**

**DA 16-2018-187-1 (EARTHWORKS - LANDFILL) AT 67A ABUNDANCE ROAD  
MEDOWIE (LOT: 11 DP: 848329)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application 16-2018-187-1 for Earthworks – fill at 67A Abundance Road, Medowie (LOT: 11 DP: 848329) for the reasons contained in **(ATTACHMENT 5)**.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>That Council defer item 2, Development Application 16-2018-187-1 for Earthworks – fill at 67A Abundance Road, Medowie for a period of four weeks for notification to the neighbours.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018**

**MOTION**

<b>032</b>	<b>Councillor Jaimie Abbott Councillor Glen Dunkley</b>  It was resolved that Council defer item 2, Development Application 16-2018-187-1 for Earthworks – fill at 67A Abundance Road, Medowie for a period of four weeks for notification to the neighbours.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Jaimie Abbott left the meeting at 7:42pm in Committee of the Whole.  
Councillor Paul Le Mottee left the meeting at 7:42pm in Committee of the Whole.

**ITEM NO. 3**

**FILE NO: 18/174894**  
**EDRMS NO: 58-2017-2-1**

**PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE WILLIAMTOWN**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal to amend Schedule 1 Additional permitted uses of the *Port Stephens Local Environmental Plan 2013* to permit development for the purpose of a 'service station' at 2A and 2B Lavis Lane, Williamtown (Lot 1 and Lot 2 DP 1237147) (**TABLED DOCUMENT**).
- 2) Forward the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination including a request for delegated authority to make the plan.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Steve Tucker</b> <b>Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Jaimie Abbott left the meeting at 8:41pm in Open Council.

Councillor Paul Le Mottee left the meeting at 8:41pm in Open Council.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018**  
**MOTION**

<b>033</b>	<p><b>Mayor Ryan Palmer</b> <b>Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopt the Planning Proposal to amend Schedule 1 Additional permitted uses of the <i>Port Stephens Local Environmental Plan 2013</i> to permit development for the purpose of a 'service station' at 2A and 2B Lavis Lane, Williamtown (Lot 1 and Lot 2 DP 1237147) (<b>TABLED DOCUMENT</b>).</li><li>2) Forward the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination including a request for delegated authority to make the plan.</li></ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 7:44pm in Committee of the Whole.

Councillor Jaimie Abbott returned to the meeting at 7:44pm in Committee of the Whole.

Councillor Jaimie Abbott returned to the meeting at 8:41pm in Open Council.

Councillor Paul Le Mottee returned to the meeting at 8:41pm in Open Council.

**ITEM NO. 5**

**FILE NO: 18/189548  
EDRMS NO: PSC2016-03371**

**POLICY REVIEW: DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission.
  - 2) Revoke the Access to Information Policy dated 10 November 2015 (Minute Number 339).
  - 3) Adopt the Development Applications to be reported to Council Policy shown at **(ATTACHMENT 1)**.
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**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submission.</li> <li>2) Revoke the Access to Information Policy dated 10 November 2015 (Minute Number 339).</li> <li>3) Amend section 3.3 of the policy requiring one other supporting councillor signature.</li> <li>4) Adopt the Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>.</li> </ol>
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**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
MOTION**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That a division be recorded.</p>
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Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Ken Jordan and Paul Le Mottee.

The motion calling for a division was lost on the casting vote of the Mayor.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
MOTION**

	<p><b>Councillor Ken Jordan Councillor Paul Le Mottee</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submission.</li> <li>2) Revoke the Access to Information Policy dated 10 November 2015 (Minute Number 339).</li> <li>3) Adopt the Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>.</li> </ol>
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The motion on being put was carried.

The Mayor adjourned the meeting in Committee of the Whole at 7.57pm for 15 minutes due to disorder from the public gallery.

On resuming the Council meeting all present at the adjournment were in attendance.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018  
AMENDMENT**

	<p><b>Councillor Paul Le Mottee</b> <b>Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submission.</li> <li>2) Revoke the Access to Information Policy dated 10 November 2015 (Minute Number 339).</li> <li>3) Retain the requirement of one councillor signature to call a development application to Council.</li> <li>4) Adopt the Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>, subject to the amendment in accordance with item 3 of this motion.</li> </ol>
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The amendment on being put was lost.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018**  
**MOTION**

<b>034</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submission.</li> <li>2) Revoke the Access to Information Policy dated 10 November 2015 (Minute Number 339).</li> <li>3) Adopt the Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>.</li> </ol>
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Cr Giacomo Arnott and Cr John Nell recorded their vote against the motion.

**ORDINARY COUNCIL MEETING 9 OCTOBER 2018**

Councillor Paul Le Mottee left the meeting at 6:41pm in Open Council.

**ITEM NO. 1**

**FILE NO: 18/64823  
EDRMS NO: 16-2017-337-1**

**DEVELOPMENT APPLICATION NO.16-2017-337-1 FOR RESIDENTIAL FLAT BUILDING (17 UNITS), EARTHWORKS AND LANDSCAPING AT 20 GOVERNMENT ROAD, NELSON BAY (LOT 2 SEC 2 DP 8391)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens Local Environmental Plan 2013 (PS LEP) – Height of Building standard for the reasons outlined within this report including **(ATTACHMENT 3)**.
- 2) Approve Development Application DA No. 16-2017-337-1 for a residential flat building (17 units), earthworks and landscaping at 20 Government Road, Nelson Bay (Lot 2 Sec 2 DP8391) subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 9 OCTOBER 2018  
MOTION**

<b>035</b>	<p><b>Councillor Sarah Smith Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of Port Stephens Local Environmental Plan 2013 (PS LEP) – Height of Building standard for the reasons outlined within this report including <b>(ATTACHMENT 3)</b>.</li> <li>2) Approve Development Application DA No. 16-2017-337-1 for a residential flat building (17 units), earthworks and landscaping at 20 Government Road, Nelson Bay (Lot 2 Sec 2 DP8391) subject to the</li> </ol>
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	conditions contained in <b>(ATTACHMENT 4)</b> .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Giacomo Arnott and John Nell.

Councillor Paul Le Mottee returned to the meeting at 6:53pm in Open Council.

**ITEM NO. 2**

**FILE NO: 18/143159  
EDRMS NO: 16-2018-121-1**

**DEVELOPMENT APPLICATION NO.16-2018-121-1 FOR SENIORS HOUSING (15 DWELLINGS), CARETAKERS RESIDENCE, ASSOCIATED WORKS AND TERMINATION OF NEIGHBOURHOOD SCHEME AT LAND KNOWN AS 4 FLEET STREET SALAMANDER BAY (LOTS: 1-11, 16-20 AND 27-42 OF DP2855191, LOT:20 OF DP791551 AND PLT: 25-34 OF DP285191).**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application No.16-2018-121-1 for seniors housing (15 dwellings), caretakers residence, associated works (including demolition, vegetation clearing, access, landscaping) and termination of existing neighbourhood scheme, at land known as 4 Fleet Street, Salamander Bay (LOTS: 1-11, 16-20 and 27-42 DP:2855191, LOT: 20 DP:791551 and PLT: 25-34 DP: 285191), subject to the conditions contained in **(ATTACHMENT 4)**.
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**ORDINARY COUNCIL MEETING - 9 OCTOBER 2018  
MOTION**

<b>036</b>	<p><b>Councillor John Nell Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Approve Development Application No.16-2018-121-1 for seniors housing (15 dwellings), caretakers residence, associated works (including demolition, vegetation clearing, access, landscaping) and termination of existing neighbourhood scheme, at land known as 4 Fleet Street, Salamander Bay (LOTS: 1-11, 16-20 and 27-42 DP:2855191, LOT: 20 DP:791551 and PLT: 25-34 DP: 285191), subject to the conditions contained in <b>(ATTACHMENT 4)</b> of the original report within the Council Agenda for 9 October 2018).</li> </ol>
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	<p>2) Add the following condition to the Notice of Determination:</p> <p><input type="checkbox"/> <b>Prior to issue of the Occupation Certificate</b>, a restriction as to user must be registered against the title of the property in accordance with section 88E of the <i>Conveyancing Act 1919</i> limiting the use of any accommodation on the property to Seniors Housing as defined under <i>Port Stephens Local Environmental Plan 2013</i>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

**ITEM NO. 3**

**FILE NO: 18/201987  
EDRMS NO: 16-2017-921-1**

**DEVELOPMENT APPLICATION NO. 16-2017-921-1 FOR DUAL OCCUPANCY  
AND ONE INTO TWO LOT TORRENS TITLE SUBDIVISION AT 124  
GOVERNMENT ROAD NELSON BAY (LOT: 20 DP: 113409)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2017-921-1 for dual occupancy and one into two lot Torrens title subdivision at 124 Government Road Nelson Bay (Lot: 20 DP: 113409) subject to the conditions contained in **(ATTACHMENT 4)**.
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**ORDINARY COUNCIL MEETING - 9 OCTOBER 2018  
MOTION**

<b>037</b>	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council approve Development Application 16-2017-921-1 for dual occupancy and one into two lot Torrens title subdivision at 124 Government Road, Nelson Bay (Lot: 20 DP: 113409) subject to the conditions contained in <b>(ATTACHMENT 4)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

**ORDINARY COUNCIL MEETING - 9 OCTOBER 2018  
MATTER ARISING**

<b>038</b>	<p><b>Councillor John Nell Councillor Chris Doohan</b></p>
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	<p>It was resolved that Council request the Local Traffic Committee to consider the installation of no standing signs 20 metres on both sides of the intersection near 124 Government Road, Nelson Bay.</p>
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Councillor Paul Le Mottee left the meeting at 7:07pm in Open Council.

**ITEM NO. 4**

**FILE NO: 18/140315**  
**EDRMS NO: 58-2018-16-1**

**PLANNING PROPOSAL - 5 SPEEDY LOCK LANE HEATHERBRAE**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal (**TABLED DOCUMENT**) to amend the *Port Stephens Local Environmental Plan 2013* for land at 5 Speedy Lock Lane, Heatherbrae to:
  - a) Rezone part of the land from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential.
  - b) Amend the minimum lot size from 20ha to 500m<sup>2</sup> for all land proposed to be rezoned to R2 Low Density Residential.
  - c) Specify a maximum height of buildings of 9 metres for all land proposed to be rezoned to R2 Low Density Residential.
  - d) Amend the minimum lot size from 20ha to 2000m<sup>2</sup> for all land proposed to be rezoned R5 Large Lot Residential.
- 2) Submit the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination and request delegated authority to make the plan.

**ORDINARY COUNCIL MEETING - 9 OCTOBER 2018**  
**MOTION**

<b>039</b>	<p><b>Councillor Glen Dunkley</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the Planning Proposal (<b>TABLED DOCUMENT</b>) to amend the <i>Port Stephens Local Environmental Plan 2013</i> for land at 5 Speedy Lock Lane, Heatherbrae to:           <ol style="list-style-type: none"> <li>a) Rezone part of the land from RU2 Rural Landscape to R2</li> </ol> </li> </ol>
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	<p>Low Density Residential and R5 Large Lot Residential.</p> <p>b) Amend the minimum lot size from 20ha to 500m<sup>2</sup> for all land proposed to be rezoned to R2 Low Density Residential.</p> <p>c) Specify a maximum height of buildings of 9 metres for all land proposed to be rezoned to R2 Low Density Residential.</p> <p>d) Amend the minimum lot size from 20ha to 2000m<sup>2</sup> for all land proposed to be rezoned R5 Large Lot Residential.</p> <p>2) Submit the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination and request delegated authority to make the plan.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 13 NOVEMBER 2018**

Councillor Paul Le Mottee left the meeting at 7:10pm.

**ITEM NO. 1**

**FILE NO: 18/245104  
EDRMS NO: 16-2014-168-4**

**SECTION 4.55(1A) MODIFICATION APPLICATION TO APPROVED RURAL  
LANDSHARING COMMUNITY (CONDITION 12 - GREEN WATTLE ROAD  
CONSTRUCTION REQUIREMENTS) AT 15 GREEN WATTLE CREEK ROAD,  
BUTTWERWICK (LOT:1 DP999947)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND  
COMPLIANCE SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Section 4.55(1A) Modification Application No.16-2014-168-4 for a Rural Landsharing Community (Condition 12 – Green Wattle Road Construction Requirements) at 15 Green Wattle Creek Road, Butterwick (LOT:1 DP999947) for the reasons contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 13 NOVEMBER 2018  
MOTION**

<b>040</b>	<p><b>Councillor John Nell Councillor Giacomo Arnott</b></p> <p>It was resolved that Council defer the determination of the modification application to enable:</p> <ol style="list-style-type: none"> <li>1) The drafting of an alternative condition which gives the following effect:           <ol style="list-style-type: none"> <li>a. That Council builds the road and accepts the \$200,000 contribution for road construction.</li> <li>b. That the cost above \$200,000, up to \$400,000, incurred by Council becomes payable in stages (and apportioned according to dwelling numbers) prior to the issue of the occupation certificates for Stages 1, 2 and 3.</li> </ol> </li> </ol>
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	2) Report back to Council regarding the funding for the completion of the capital works.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 27 NOVEMBER 2018**

Mayor Ryan Palmer left the meeting at 5:38pm in Open Council and Deputy Mayor, Cr Sarah Smith chaired the meeting in the absence of the Mayor.

**ITEM NO. 1**

**FILE NO: 18/255127**  
**EDRMS NO: PSC2009-09539**

**IMPLEMENTATION PANELS - MEDOWIE PLANNING STRATEGY, NELSON BAY TOWN CENTRE AND FORESHORE STRATEGY AND RAYMOND TERRACE AND HEATHERBRAE STRATEGY**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Amend the Terms of Reference for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel to enable up to three (3) resident representatives to be appointed to each of these panels (**ATTACHMENT 1**).
  - 2) Establish the Medowie Planning Strategy Implementation Panel and appoint the recommended community representatives as panel members:
    - Robert Dein (Business)
    - Ben Niland (Business)
    - Heather Sharp (Resident)
    - Geoffrey Voigt (Resident)
  - 3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint the recommended community representatives as panel members:
    - Nicholas Diemar (Business)
    - Robert Taylor (Business)
    - Richard Casey (Resident)
    - Greg Smith (Resident)
    - Richard Ware (Resident)
  - 4) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint the recommended community representatives as panel members:
    - Kristine Brown (Business)
    - Jake Bush (Business)
    - David Davies (Resident)
    - Ken Buckingham (Resident)
    - Jeffrey Bretag (Resident)
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**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018  
MOTION**

<b>041</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Amend the Terms of Reference for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel to enable up to three (3) resident representatives to be appointed to each of these panels <b>(ATTACHMENT 1)</b>.</li> <li>2) Establish the Medowie Planning Strategy Implementation Panel and appoint the recommended community representatives as panel members:             <ul style="list-style-type: none"> <li><input type="checkbox"/> Robert Dein (Business)</li> <li><input type="checkbox"/> Ben Niland (Business)</li> <li><input type="checkbox"/> Heather Sharp (Resident)</li> <li><input type="checkbox"/> Geoffrey Voigt (Resident)</li> </ul> </li> <li>3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint the recommended community representatives as panel members:             <ul style="list-style-type: none"> <li><input type="checkbox"/> Nicholas Diemar (Business)</li> <li><input type="checkbox"/> Robert Taylor (Business)</li> <li><input type="checkbox"/> Richard Casey (Resident)</li> <li><input type="checkbox"/> Greg Smith (Resident)</li> <li><input type="checkbox"/> Richard Ware (Resident)</li> </ul> </li> <li>4) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint the recommended community representatives as panel members:             <ul style="list-style-type: none"> <li><input type="checkbox"/> Kristine Brown (Business)</li> <li><input type="checkbox"/> Jake Bush (Business)</li> <li><input type="checkbox"/> David Davies (Resident)</li> <li><input type="checkbox"/> Ken Buckingham (Resident)</li> <li><input type="checkbox"/> Jeffrey Bretag (Resident)</li> </ul> </li> </ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING 11 DECEMBER 2018**

**ITEM NO. 1**

**FILE NO: 18/236100  
EDRMS NO: 16-2018-417-1**

**DEVELOPMENT APPLICATION 16-2018-417-1 - SINGLE STOREY DWELLING,  
SHED AND FLOOD MOUND AT 251 CLARENCE TOWN ROAD, WOODVILLE  
(LOT 3 DP1154596)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application 16-2018-417-1 for a single dwelling, shed and flood mound at 251 Clarence Town Road, Woodville (LOT: 3 DP: 1154596) for reasons contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

<b>042</b>	<p><b>Mayor Ryan Palmer Councillor Glen Dunkley</b></p> <p>It was resolved that Council approve, in principle, Development Application 16-2018-417-1 for a single dwelling, shed and flood mound at 251 Clarence Town Road, Woodville (LOT: 3 DP: 1154596) subject to conditions to be reported to the next extraordinary meeting on 29 January 2019.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Giacomo Arnott and John Nell.

**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MATTER ARISING**

<b>043</b>	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That Council seek independent legal advice on Council and individual Councillors liability, and the proposed liability generally be provided to Council at the same time the conditions of consent are brought back to Council.</p>
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The motion on being put was lost on the casting vote of the Mayor.

Cr Giacomo Arnott and Cr John Nell called for a division.

Those for the Motion: Crs Giacomo Arnott, Glen Dunkley and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Sarah Smith and Steve Tucker.



Cr Paul Le Mottee entered the meeting at 6.43pm.

**ITEM NO. 2**

**FILE NO: 18/305759  
EDRMS NO: 16-2018-233-1**

**DEVELOPMENT APPLICATION 16-2018-233-1 - SINGLE STOREY DWELLING  
AND SHED WITH MEZZANINE AT 232 SEAHAM ROAD, NELSONS PLAINS (LOT  
1 DP:707147)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse development application 16-2018-233-1 for a single dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (LOT: 1 DP: 707147) for reasons contained in **(ATTACHMENT 4)**.
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**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That the Motion be put.</p>
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The motion on being put was lost.

**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

<b>044</b>	<p><b>Mayor Ryan Palmer Councillor Sarah Smith</b></p> <p>It was resolved that Council approve, in principle, Development Application 16-2018-233-1 for a single dwelling and shed with mezzanine at 232 Seaham Road, Nelsons Plains (LOT: 1 DP: 707147) subject to conditions to be reported to the next extraordinary meeting on 29 January 2019.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Paul Le Mottee, and Sarah Smith.

Those against the Motion: Crs Giacomo Arnott, John Nell and Steve Tucker.

**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That Council request a full brief of legal advice from Council's internal legal team on Council's liability in approving items on the matter, and the proposals legality be provided to Council when this item comes back to Council with conditions of consent.</p>
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The motion on being put was lost.

Cr Giacomo Arnott and Cr John Nell called for a division.

Those for the Motion: Crs Giacomo Arnott, John Nell and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Paul Le Mottee and Sarah Smith.

Councillor Paul Le Mottee left the meeting at 6:58pm.

**ITEM NO. 3**

**FILE NO: 18/363664  
EDRMS NO: 16-2014-168-4**

**SECTION 4.55(1A) MODIFICATION APPLICATION TO APPROVED RURAL  
LANDSHARING COMMUNITY (CONDITION 12 - GREEN WATTLE ROAD  
CONSTRUCTION REQUIREMENTS) AT 15 GREEN WATTLE CREEK ROAD,  
BUTTWERWICK (LOT:1 DP999947)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Section 4.55(1A) Modification Application No.16-2014-168-4 for a Rural Landsharing Community (Condition 12 – Green Wattle Road Construction Requirements) at 15 Green Wattle Creek Road, Butterwick (LOT:1 DP999947) for the reasons contained in **(ATTACHMENT 4)**.
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**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

<b>045</b>	<p><b>Councillor John Nell Mayor Ryan Palmer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Approve Section 4.55(1A) Modification Application No.16-2014-168-4 for a Rural Landsharing Community (Condition 12 – Green Wattle Road Construction Requirements) at 15 Green Wattle Creek Road, Butterwick (LOT:1 DP999947) subject to the conditions contained in (ATTACHMENT 5).</li> <li>2) Subject to the provisions of section 356 of the Local Government Act 1993, Council approve the financial assistance provided under (ATTACHMENT 5).</li> <li>3) That the financial assistance be public exhibited as required by section 356 of the Local Government Act 1993.</li> <li>4) That the funding (until such time as the funds are repaid) of the financial assistance be considered as part of the December 2018 quarterly review.</li> </ol>
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	5) That Council commence the road works once an agreement is formalised in accordance with condition 12.1 as contained in (ATTACHMENT 5).
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 7:05pm.

**ITEM NO. 4**

**FILE NO: 18/187271  
EDRMS NO: 58-2015-3-1**

**PLANNING PROPOSAL FOR 4874 NELSON BAY ROAD NELSON BAY  
(FORMER GAN GAN ARMY CAMP)**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Does not support the Planning Proposal (**ATTACHMENT 2**) for part of 4874 Nelson Bay Road, Nelson Bay (Lot 11 DP 8414401) from E2 Environmental Conservation to SP3 Tourist Zoning proceeding for Gateway Determination.
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**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

<b>046</b>	<p><b>Mayor Ryan Palmer Councillor Sarah Smith</b></p> <p>It was resolved that Council defer consideration of the planning proposal for 4874 Nelson Bay Road, Nelson Bay (Former Gan Gan Army Camp) for further investigation.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Cr John Nell.

**ITEM NO. 5**

**FILE NO: 18/276563  
EDRMS NO: PSC 58-2018-22-1**

**PLANNING PROPOSAL - 25 CASTAWAY CLOSE BOAT HARBOUR (LOT 6 DP 1015409)**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Does not support the Planning Proposal (**ATTACHMENT 2**) for 25 Castaway Close, Boat Harbour (Lot 6 DP 1015409) proceeding for Gateway Determination.
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**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

<b>047</b>	<p><b>Mayor Ryan Palmer Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Supports a Planning Proposal for 25 Castaway Close, Boat Harbour (Lot 6 DP 1015409) proceeding for Gateway Determination.</li> <li>2) Forward a Planning Proposal to the NSW Department of Planning and Environment to seek a Gateway Determination.</li> </ol>
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Mayor adjourned the meeting at 7.27pm for five minutes due to a disruption from the public gallery. The meeting resumed at 7.36pm with all those present at the adjournment in attendance.

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

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Giacomo Arnott and John Nell.

Councillor Paul Le Mottee left the meeting at 7:40pm.

**ITEM NO. 6**

**FILE NO: 18/354254  
EDRMS NO: 58-2016-2-1**

**PLANNING PROPOSAL FOR ADDITIONAL PERMITTED USE RECREATION  
FACILITY (OUTDOOR) AT 775, 777 & 781 MARSH RD, BOBS FARM**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note submissions received during public exhibition of a Planning Proposal for an additional permitted use, 'recreation facility (outdoor)' at 775, 777 and 781 Marsh Rd, Bobs Farm (**TABLED DOCUMENT 1**).
- 2) Adopt the amended Planning Proposal (**TABLED DOCUMENT 2**) including the application of the E2 Environmental Conservation Zone to an area of high value vegetation at the northern boundary of the site.
- 3) Forward the Planning Proposal (**TABLED DOCUMENT 2**) to the NSW Department of Planning and Environment with a request that the NSW Minister for Planning make the necessary amendments to the *Port Stephens Local Environmental Plan 2013*.

**ORDINARY COUNCIL MEETING - 11 DECEMBER 2018  
MOTION**

<b>048</b>	<p><b>Councillor Glen Dunkley Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note submissions received during public exhibition of a Planning Proposal for an additional permitted use, 'recreation facility (outdoor)' at 775, 777 and 781 Marsh Rd, Bobs Farm (<b>TABLED DOCUMENT 1</b>).</li> <li>2) Adopt the amended Planning Proposal (<b>TABLED DOCUMENT 2</b>) including the application of the E2 Environmental Conservation Zone to an area of high value vegetation at the northern boundary of the site.</li> <li>3) Forward the Planning Proposal (<b>TABLED DOCUMENT 2</b>) to the NSW</li> </ol>
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	Department of Planning and Environment with a request that the NSW Minister for Planning make the necessary amendments to the <i>Port Stephens Local Environmental Plan 2013</i> .
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.