

**ORDINARY COUNCIL MEETING – 28 FEBRUARY 2023**

**ITEM NO. 1**

**FILE NO: 23/15834  
EDRMS NO: 16-2019-598-2**

**DEVELOPMENT APPLICATION 16-2019-598-2 FOR A S4.55(1A) MODIFICATION  
TO APPROVED CAMPING GROUND AT 47 THE BUCKETTS WAY, TWELVE  
MILE CREEK**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2019-598-2 for a s4.55(1A) modification to the approved camping ground at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP 243144) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

<b>001</b>	<p><b>Councillor Steve Tucker Councillor Jason Wells</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2019-598-2 for a s4.55(1A) modification to the approved camping ground at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP 243144) 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 Leah Anderson, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 22/272043  
EDRMS NO: 16-2021-703-1**

**DEVELOPMENT APPLICATION (DA) 16-2021-703-1 FOR A RESIDENTIAL FLAT BUILDING AT 11 TO 15 CHURCH STREET, NELSON BAY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No. 16-2021-703-1 for a Residential Flat Building comprising 81 units, neighbourhood shop, basement parking and strata subdivision at 11 to 15 Church Street, Nelson Bay (Lot 156 DP 1094233 and Lot 178 DP1235236) subject to the conditions contained in (**ATTACHMENT 1**).
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

<b>002</b>	<p><b>Councillor Steve Tucker Councillor Matthew Bailey</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Approve Development Application (DA) No. 16-2021-703-1 for a Residential Flat Building comprising 81 units, neighbourhood shop, basement parking and strata subdivision at 11 to 15 Church Street, Nelson Bay (Lot 156 DP 1094233 and Lot 178 DP1235236) subject to the conditions contained in (<b>ATTACHMENT 1</b>).</li><li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</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.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**  
Section 375A, Local Government Act 1993  
(DLG Circular 08-45)

Those for the Motion: Mayor Ryan Palmer, Crs Matthew Bailey and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Peter Kafer and Jason Wells.

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

**ITEM NO. 3**

**FILE NO: 23/12673  
EDRMS NO: 16-2022-223-1**

**DEVELOPMENT APPLICATION (DA) 16-2022-223-1 FOR A RESIDENTIAL FLAT BUILDING AT 18 TO 20 SOLDIERS POINT ROAD, SOLDIERS POINT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

	<p><b>Councillor Leah Anderson Councillor Jason Wells</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</li><li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li></ol>
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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
AMENDMENT**

<b>003</b>	<p><b>Councillor Leah Anderson Councillor Jason Wells</b></p> <p>It was resolved that Council defer Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), to allow for conversations between Council staff and the proponent, with the aim of reducing the building height to comply with the 15m height limit.</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 Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 5**

**FILE NO: 22/333955  
EDRMS NO: 58-2022-5-1**

**PLANNING PROPOSAL FOR SUNRISE LIFESTYLE VILLAGE, 4011, 4029 AND  
4045 NELSON BAY ROAD, BOBS FARM**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to:
  - a. Regularise the existing approved use of a caravan park at Lot 51 DP 1175028, 4011 Nelson Bay Road, Bobs Farm.
  - b. Enable the extension of the use to adjoining land (subject to development consent) at Lot 3622 DP 622485, 4029 Nelson Bay Road, Bobs Farm and Lot 2 DP 622229, 4045 Nelson Bay Road, Bobs Farm.
  - c. Rezone part of the site from RU2 Rural Landscape to C2 Environmental Conservation.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.

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**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2023  
MOTION**

<b>004</b>	<p><b>Councillor Leah Anderson Councillor Steve Tucker</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 Port Stephens Local Environmental Plan 2013 to:           <ol style="list-style-type: none"> <li>a. Regularise the existing approved use of a caravan park at Lot 51 DP 1175028, 4011 Nelson Bay Road, Bobs Farm.</li> <li>b. Enable the extension of the use to adjoining land (subject to development consent) at Lot 3622 DP 622485, 4029 Nelson Bay Road, Bobs Farm and Lot 2 DP 622229, 4045 Nelson Bay Road, Bobs Farm.</li> </ol> </li> </ol>
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	<p>c. Rezone part of the site from RU2 Rural Landscape to C2 Environmental Conservation.</p> <p>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request 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 Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 14 MARCH 2023**

**ITEM NO. 1**

**FILE NO: 22/288658  
EDRMS NO: 16-2022-566-1**

**DEVELOPMENT APPLICATION 16-2022-566-1 FOR 2 X SEMI-DETACHED DWELLINGS, RETAINING WALLS, SITE WORKS AND A 1 INTO 2 LOT TORRENS TITLE SUBDIVISION AT 23 TAREEBIN ROAD, NELSON BAY**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No: 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision at 23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399) subject to the recommended conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

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**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>005</b>	<p><b>Councillor Chris Doohan Councillor Peter Kafer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Approve Development Application (DA) No: 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision at 23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399) subject to the recommended conditions contained in <b>(ATTACHMENT 1)</b>.</li><li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</li></ol>
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Cr Giacomo Arnott gave notice of a foreshadowed Matter Arising as follows:

“Requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.”

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

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MATTER ARISING**

006	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Peter Kafer</b></p> <p>It was resolved that Council requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.</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 Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 23/7847  
EDRMS NO: 58-2017-10-1**

**DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN  
(2014) CHAPTER D17: STOCKTON RIFLE RANGE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Exhibit the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (**ATTACHMENT 1**) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).
  - 2) If no submissions are received, approve the plan as exhibited, without a further report to Council, and provide public notice in accordance with the Environmental Planning and Assessment Regulation 2000.
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**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>007</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Exhibit the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (<b>ATTACHMENT 1</b>) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).</li> <li>2) That a report be provided to Council following public exhibition.</li> </ol>
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Cr Peter Kafer moved the following amendment to amend item 2 of the motion, which was accepted by the mover and seconder and merged into the original motion.

“That a report be provided to Council following public exhibition.”

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

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 22/307845  
EDRMS NO: PSC2022-01211**

**DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 1)**.
- 2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping **(ATTACHMENT 2)**.
- 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>008</b>	<p><b>Councillor Giacomo Arnott Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submissions received during the exhibition period <b>(ATTACHMENT 1)</b>.</li> <li>2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping <b>(ATTACHMENT 2)</b>.</li> <li>3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.</li> <li>4) Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area.</li> </ol>
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Cr Giacomo Arnott moved the following amendment to add an item 4, which was accepted by the seconder and merged into the original motion.

“Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area.”

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

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 28 MARCH 2023**

**ITEM NO. 1**

**FILE NO: 23/14017  
EDRMS NO: PSC2022-01759**

**REVOKING CONTRIBUTION DISCOUNTS FOR CARAVAN PARKS AND  
INCREASING HAULAGE LEVIES**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the report on revoking contribution discounts for caravan parks and increasing haulage levies (**ATTACHMENT 1**).
- 2) Amend the Local Infrastructure Contributions Plan to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply.
- 3) Amend the Local Infrastructure Contributions Plan to implement all of the options listed to increase levies for extractive industries.

**ORDINARY COUNCIL MEETING - 28 MARCH 2023  
MOTION**

<b>009</b>	<p><b>Councillor Giacomo Arnott Councillor Leah Anderson</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Note the report on revoking contribution discounts for caravan parks and increasing haulage levies (<b>ATTACHMENT 1</b>).</li> <li>2) Amend the Local Infrastructure Contributions Plan to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply.</li> </ol>
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	3) Amend the Local Infrastructure Contributions Plan to implement all of the options listed to increase levies for extractive industries.
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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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried

**ORDINARY COUNCIL MEETING – 11 APRIL 2023**

**NOTICE OF MOTION**

**ITEM NO. 5**

**FILE NO: 23/82315**

**EDRMS NO: PSC2021-04195**

**22 HOMESTEAD STREET, SALAMANDER BAY**

**COUNCILLOR: LEAH ANDERSON**

**THAT COUNCIL:**

- 1) Requests the General Manager provide a report that investigates the following:
  - a) Preparation of a planning proposal to rezone land at 22 Homestead Street, Salamander Bay (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP: 658257) from RE1 - Public Recreation to C2 Environmental Conservation.
  - b) Preparation of an Environmental Management Plan for those lots (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP: 658257) to facilitate koala feed tree planting and the relocation of rehabilitated koalas from the Port Stephens Koala Hospital.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

<b>010</b>	<p><b>Councillor Leah Anderson Councillor Glen Dunkley</b></p> <p>It was resolved that Council requests the General Manager provide a report that investigates the following:</p> <ol style="list-style-type: none"> <li>a) Preparation of a planning proposal to rezone land at 22 Homestead Street, Salamander Bay (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP: 658257) from RE1 - Public Recreation to C2 Environmental Conservation.</li> <li>b) Preparation of an Environmental Management Plan for those lots (Part of Lot: 51 DP: 803471, Lot: 598 DP: 27382 and Lot: 599 DP:</li> </ol>
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	658257) to facilitate koala feed tree planting and the relocation of rehabilitated koalas from the Port Stephens Koala Hospital.
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Councillor Peter Kafer left the meeting at 7:30pm.  
Councillor Peter Francis left the meeting at 7:30pm.  
Councillor Peter Francis returned to the meeting at 7:32pm.  
Councillor Peter Kafer returned to the meeting at 7:34pm.

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

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 1**

**FILE NO: 23/51900  
EDRMS NO: 16-2022-839-1**

**DEVELOPMENT APPLICATION 16-2022-839-1 (GROUP HOME - TRANSITIONAL)  
AT 1-11, 15, 17-23, 26-27, 29-38, 42-43 & 45 OLD PUNT ROAD, SWAN BAY AND  
1 & 40 TRAWLER LANE, SWAN BAY**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application DA No. 16-2022-839-1 for the reasons contained in Recommended Reasons for Refusal (**ATTACHMENT 1**).

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**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

<b>011</b>	<b>Councillor Giacomo Arnott Councillor Jason Wells</b>  It was resolved that Council refuse Development Application DA No. 16-2022-839-1 for the reasons contained in Recommended Reasons for Refusal ( <b>ATTACHMENT 1</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: Crs Leah Anderson, Giacomo Arnott, Peter Francis and Jason Wells.

Those against the Motion: Crs Glen Dunkley and Steve Tucker.

The motion was carried.

Cr Arnott foreshadowed the following matter arising:

“That Council write to Federal Member for Paterson, Meryl Swanson and State Member for Port Stephens, Kate Washington seeking their collaborative support to find a suitable location for a rehabilitation centre to operate in Port Stephens.”

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
AMENDMENT**

	<p><b>Councillor Glen Dunkley Councillor Steve Tucker</b></p> <p>That Council defer Development Application DA No. 16-2022-839-1 to allow for an investigation for a limited time consent.</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 Glen Dunkley and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis and Jason Wells.

The motion was lost.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MATTER ARISING**

<p><b>012</b></p>	<p><b>Councillor Giacomo Arnott Councillor Peter Francis</b></p> <p>It was resolved that Council write to Federal Member for Paterson, Meryl Swanson and State Member for Port Stephens, Kate Washington seeking their collaborative support to find a suitable location for a rehabilitation centre to operate in Port Stephens.</p>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.



**PORT STEPHENS COUNCIL  
PLANNING DECISION REGISTER  
2023**

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 23 MAY 2023**

**ITEM NO. 1**

**FILE NO: 23/44584  
EDRMS NO: 16-2022-855-1**

**DEVELOPMENT APPLICATION 16-2022-855-1 FOR CARPARK EXTENSION - CONSTRUCTION OF 314 NEW PARKING SPACES INCLUDING STORM WATER DRAINAGE, SECURITY BOOM GATES, PEDESTRIAN PATHWAYS, FENCING AND LIGHTING AT 38 CABBAGE TREE ROAD, WILLIAMTOWN**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-855-1 for a carpark extension consisting of the construction of 314 new parking spaces and conversion of 756 airport parking spaces for use as part of the Astra Aerolab Business Park, associated stormwater drainage, security boom gates, pedestrian pathways, fencing and lighting at 38 Cabbage Tree Road, Williamtown (Lot 11 DP 1036501) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>013</b>	<p><b>Councillor Glen Dunkley Councillor Peter Francis</b></p> <p>It was resolved that Council approve Development Application DA No. 16-2022-855-1 for a carpark extension consisting of the construction of 314 new parking spaces and conversion of 756 airport parking spaces for use as part of the Astra Aerolab Business Park, associated stormwater drainage, security boom gates, pedestrian pathways, fencing and lighting at 38 Cabbage Tree Road, Williamtown (Lot 11 DP 1036501) 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: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 22/241877  
EDRMS NO: 16-2022-626-1**

**DEVELOPMENT APPLICATION (DA) 16-2022-626-1 - SOLAR ENERGY SYSTEM  
AT 8 LEISURE WAY, RAYMOND TERRACE**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves Development Application DA No. 16-2022-626-1 for a solar energy system at 8 Leisure Way, Raymond Terrace (Lot 2 DP 1006266) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>014</b>	<p><b>Councillor Giacomo Arnott Councillor Peter Kafer</b></p> <p>It was resolved that Council defer Development Application DA No. 16-2022-626-1 for a solar energy system at 8 Leisure Way, Raymond Terrace (Lot 2 DP 1006266) until the Masterplan for Lakeside Sports Complex is completed.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 23/96900  
EDRMS NO: 16-2022-223-1**

**DEVELOPMENT APPLICATION (DA) 16-2022-223-1 FOR A RESIDENTIAL FLAT BUILDING AT 18 TO 20 SOLDIERS POINT ROAD, SOLDIERS POINT**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in **(ATTACHMENT 1)**.
  - 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.
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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>015</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) Approve Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</li> <li>2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.</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 Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Crs Leah Anderson and Giacomo Arnott.

The motion was carried.

Councillor Peter Kafer left the meeting at 6:29pm and did not return to the meeting.

**ITEM NO. 4**

**FILE NO: 23/88622  
EDRMS NO: 58-2017-10-1**

**DRAFT AMENDMENT TO DEVELOPMENT CONTROL PLAN (2014) CHAPTER  
D17: STOCKTON RIFLE RANGE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission received during the public exhibition period **(ATTACHMENT 1)**.
  - 2) Endorse the Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range **(ATTACHMENT 2)**.
  - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
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**ORDINARY COUNCIL MEETING - 23 MAY 2023  
MOTION**

<b>016</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Receive and note the submission received during the public exhibition period <b>(ATTACHMENT 1)</b>.</li> <li>2) Endorse the Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range <b>(ATTACHMENT 2)</b>.</li> <li>3) Provide public notice that the amendment to the Port Stephens Development Control Plan has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.</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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.