

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

Meeting Item No.	Meeting & Date	Description of Item	Council Resolution	Councillors supporting	Councillors opposing
1	Council Committee 1 February 2011 Ordinary Council meeting 8 February 2011	Development Application for driveway associated retaining walls and stormwater drainage at No. 40 Tingara Road, Nelson Bay	<p>Council Committee recommendation:</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Defer the report to allow for a site inspection by Councillors. 2. Further information be provided by Sustainable Planning Group Manager with respect to the potential for future subdivision. <p>Resolved:</p> <p>It was resolved that the Council Committee Recommendation be adopted.</p>	<p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Ken Jordan.</p> <p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Ken Jordan.</p>	<p>Nil.</p> <p>Nil.</p>
2	Council Committee 1 February 2011	Development application for Urban Housing (9 Dwellings) and 9 lot subdivision at No. 2 and 2a Tanilba Road Mallabula	<p>Council Committee recommendation:</p> <p>That Item 2 be deferred to allow for a site inspection by Councillors.</p>	<p>Crs Peter Kafer, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Ken Jordan.</p>	<p>Cr Glenys Francis abstained from voting.</p>

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	Ordinary Council meeting 8 February 2011		Resolved: It was resolved that the Council Committee recommendation be adopted.	Crs Glenys Francis, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Ken Jordan.	Nil.
3	Council Committee 1 February 2011 Ordinary Council meeting 8 February 2011	Development application for change of use – Restaurant to hotel and associated alterations and additions at Motto Farm Motel (No.2283 & 2285 Pacific Hwy and 1,3, & 5 Rainbird Cl, Heatherbrae).	Council Committee recommendation: That Council defer the report to allow for the following information to be provided and assessments to be undertaken: <ul style="list-style-type: none"> a) Refer to the Local Traffic Committee for assessment; b) A copy of the NSW Office of Liquor, Gaming & Racing (OLGR) Social Profile report for Port Stephens from the OLGR website be provided to Councillors; c) Further formal consultation with the NSW Police Service be undertaken and; d) Information be provided to Councillors with regard to strategies that will be introduced regarding the Tomago sand beds. 	Crs Ken Jordan, Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.	Cr Bruce MacKenzie.

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			<p>Resolved:</p> <p>It was resolved that Council refuse the development application for the change use – Restaurant to Hotel and associated alterations and additions at Motto Farm Motel (NO. 2283 & 2285 Pacific Hwy and 1, 3, 5 Rainbird Cl, Heatherbrae for the following reasons:</p> <ol style="list-style-type: none"> 1. Pursuant to Section 79 1(b) of the Environmental Planning and Assessment Act the proposal is considered to present unreasonable environmental impacts because it results in an unreasonable loss of amenity of a small isolated community. 2. Pursuant to Section 79 1(e) of the Environmental Planning and Assessment Act the proposal is not considered to be in the public interest because it would affect police resources , potential for increase of alcohol related crimes and affect the amenity of neighbourhood businesses. 3. Pursuant to Section 79 1(b) of the Environmental Planning and Assessment Act the proposal is considered to present unreasonable environmental impacts because it results in an unreasonable potential for traffic conflict due to past head on MVA and access to the Pacific Hwy. 4. Pursuant to Section 79 1(e) of the 	<p>Crs Ken Jordan, Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.</p>	<p>Nil.</p>

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			<p>Environmental Planning and Assessment Act the proposal is not considered to be in the public interest because there are already a high number of gaming and liquor outlets in Raymond Terrace area. The local liquor accord of which the applicant does not take part in, have discussed concern about this at their meetings.</p> <p>5. Pursuant to Section 79 1(b) of the Environmental Planning and Assessment Act the proposal is considered to present unreasonable environmental impacts because there is inadequate information in the management plan to control antisocial behaviour.</p> <p>6. Pursuant to Section 79 1(e) of the Environmental Planning and Assessment Act the proposal is not considered to be in the public interest on the grounds of impact on policing resources.</p> <p>7. Pursuant to Section 79 1(c) of the Environmental Planning and Assessment Act the proposal is not considered to be compatible with the site development constraints because there inadequate access to public transport. The closest taxi station is at Raymond Terrace and no bus service regularly services the area. This has potential to cause conflict with vehicles travelling along the Pacific Hwy.</p>		

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			<p>8. Pursuant to Section 79 1(e) of the Environmental Planning and Assessment Act the proposal is not considered to be in the public interest because of inconsistency of advice in that the applicant has indicated to police that they did not intend to install and operate an approved gaming room.</p> <p>9. Pursuant to Section 79 1(e) of the Environmental Planning and Assessment Act the proposal is not considered to be in the public interest because Council's community planning team have expressed concern about the vulnerability of the local community due to the general indicators of the community such as proximity to two (2) caravan parks with long term accommodation and motels that provide crisis accommodation in very close proximity. Advice form research suggests that vulnerable communities are likely to be disproportionately affected by the problems associated with drug, alcohol and gaming.</p>		
4	Council Committee 1 February 2011	Section 96 Application 16-2010-327-2 for Reduction of Developer Contributions at 52 Dean Parade, Lemon Tree Passage.	<p>Council Committee Recommendation:</p> <p>That Item 4 be deferred for the Development Assessment and Environmental Health Manager to bring forward a report regarding options to amend the Section 94 Plan on Affordable Housing.</p>	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward Sally Dover and Ken	Nil.

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	Ordinary Council meeting 8 February 2011		<p>Resolved: It was resolved that the Council Committee recommendation be adopted.</p>	<p>Jordan.</p> <p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward Sally Dover and Ken Jordan.</p>	Nil.
5	<p>Council Committee 1 February 2011</p> <p>Ordinary Council meeting 8 February 2011</p>	<p>Planning Proposal – part Lot 99 DP 1092660, Masonite Road, Heatherbrae</p>	<p>Council Committee Recommendation: That Council prepare a planning proposal under Part 3 of the Environmental Planning and Assessment Act 1979 with respect to part Lot 99 DP 1092660, Masonite Road Heatherbrae to amend Port Stephens Local Environmental Plan 2000 to rezone the land from 7(a) Environment Protection "A" to 4(a) Industrial General "A".</p> <p>Resolved: It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Ken Jordan.</p> <p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, John Nell, Geoff Dingle, Frank Ward, Sally Dover and Ken Jordan.</p>	<p>Nil.</p> <p>Nil.</p>

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				being put was carried. The Mayor exercised his casting vote.	
1	Council Committee 15 February 2011 Ordinary Council meeting 22 February 2011	Draft Amendment to Port Stephens Development Control plan 2007 Chapter C10 – Medowie Town Centre	<p>Council Committee Recommendation: That Council:</p> <ol style="list-style-type: none"> 1) Not proceed with the exhibited draft Amendment to Port Stephens Development Control Plan 2007 Chapter C10 – Medowie Town Centre (ATTACHMENT 1). 2) Continue to use the existing provisions of the Port Stephens Development Control Plan 2007 as a sound policy basis when assessing Development Applications in Medowie Town Centre and any departures considered on their individual merits. <p>Resolved: It was resolved that the Council Committee recommendation be adopted.</p>	Crs John Nell, Frank Ward, Peter Kafer, Geoff Dingle and Glenys Francis. Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle and Frank Ward.	Crs Steve Tucker, Bob Westbury, Shirley O'Brien, Sally Dover and Bruce MacKenzie. Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Sally Dover.
2	Council Committee 15 February 2011	Review (2010) of Port Stephens Local Environmental Plan 2000	<p>Council Committee Recommendation: That Council:</p> <ol style="list-style-type: none"> 1) Adopt the Planning Proposal to amend Port Stephens Local Environmental Plan 2000 (Amendment No 34) to: 	Crs John Nell, Frank Ward, Peter Kafer, Geoff Dingle, Glenys Francis, Steve Tucker, Bob Westbury, Shirley O'Brien, Sally Dover,	Nil.

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				and Sally Dover	
Rescission Motion NO. 1	Ordinary Council meeting 22 February 2011	Rescission Motion - Planning proposal – Pacific Dunes	<p>Resolved: It was resolved that Council rescind its decision of 8 February 2011 on Item 6 of the Ordinary Council Report, namely Planning Proposal – Pacific Dunes.</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Reject the current Pacific Dunes rezoning application as an over development of the site with potential to reduce the premium quality and value of the site; 2. The developer be advised they should carry out comprehensive public consultation with the residents of the Pacific Dunes Estate to prepare a development plan including the provision of a golf club with a completed club house supporting the viability of the Pacific Dunes golf course and housing estate mirroring the Master Plan. 	<p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle, Frank Ward, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Ken Jordan and Sally Dover.</p> <p>Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward and Sally Dover.</p>	<p>Nil.</p> <p>Crs Bruce MacKenzie and Ken Jordan.</p>

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	meeting 22 February 2011		<p>adopted.</p> <p>Matter Arising:</p> <p>It was resolved that Council reaffirm its support for the draft environmental plan (LEP) – noting the acoustic reports and for this draft LEP to be submitted to the Department of Planning and the Minister of Planning for approval.</p>	<p>O'Brien, John Nell, Frank Ward, Sally Dover and Bob Westbury.</p> <p>Crs Ken Jordan, Bruce MacKenzie, Shirley O'Brien, John Nell, Frank Ward, Sally Dover and Bob Westbury.</p>	<p>Steve Tucker and Geoff Dingle.</p> <p>Crs Peter Kafer, Caroline De Lyall, Steve Tucker and Geoff Dingle.</p>
1	<p>Council Committee 15 March 2011</p> <p>Ordinary Council meeting 22 March 2011</p>	Development application for additions to hotel at No;. 37 Ferodale Road, Medowie	<p>Council Committee recommendation:</p> <p>That Item 1 be deferred to the Ordinary Council meeting.</p> <p>Resolved:</p> <p>It was resolved that Council refuses the development application 16-2003-557-2 for additions to Bull and Bush hotel at No 37 Ferodale Rd for the following reasons:</p> <p>1. Pursuant to section 79 1(b) of the Environment Planning and Assessment Act the proposal is consider to present unreasonable environmental impacts because it results in an unreasonable loss of amenity of an isolated</p>	<p>Crs Bob Westbury, Glenys Francis, Steve Tucker, Peter Kafer, Frank Ward, Geoff Dingle, John Nell and Shirley O'Brien.</p> <p>Crs Peter Kafer, Caroline De Lyall, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.</p>	<p>Cr Sally Dover.</p> <p>Nil.</p>

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			<p>community from a permanent police presence.</p> <p>2. Pursuant to section 79 1(e) of the Environment Planning and Assessment Act the proposal is not considered to be in public interest as it would affect police resources, with a potential for increases in alcohol related crimes and affect the amenity of the neighbourhood residents and business community.</p> <p>3. Pursuant to section 79 1(e) of the Environment Planning and Assessment Act the proposal is not considered to be in the public interest on the grounds of impact on policing resources.</p> <p>4. Pursuant to section 79 1(c) of the Environment Planning and Assessment Act the proposal is not considered to be compatible with site development constraints because there is inadequate access to public transport across the extended hours of operation with bus servicing ceasing at 8.00PM weekdays and 6.00pm Saturdays and 5.00pm on Sundays. There is no taxi service operating out of Meadowie the nearest locations are Williamtown airport and Raymond Terrace.</p> <p>5. That no evidence has been provided of a thorough twelve month trial of the extended opening hours since development consent was granted by the Land and Environment Court</p>		

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			<p>increasing opening hours from 91 hours to 151 hours per week as part of the conditions of consent.</p> <p>6. No detailed statistics have been provided for Alcohol related crime and incidents related the trial extended opening period covering extended opening hours over this period.</p>		
2	<p>Council Committee 15 March 2011</p> <p>Ordinary Council meeting 22 March 2011</p>	Development application for driveway, associated retaining walls and stormwater drainage at No. 40 Tingara Road, Nelson Bay	<p>Council Committee:</p> <p>That Item 2 be deferred to the Ordinary meeting of Council with conditions of consent to approve the development application to be provided.</p> <p>Resolved:</p> <p>It was resolved that Council indicate its support for the development application for driveway, associated retaining walls and stormwater drainage at No. 40 Tingara Road, Nelson Bay and request the Sustainable Planning Group Manager to bring forward draft conditions in the event that Council resolve to give consent.</p>	<p>Crs Bob Westbury, Glenys Francis, Steve Tucker, Peter Kafer, Frank Ward, Geoff Dingle, John Nell, Sally Dover and Shirley O'Brien.</p> <p>Crs Peter Kafer, Caroline De Lyall, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.</p>	<p>Nil.</p> <p>Nil.</p>
3	<p>Council Committee 15 March 2011</p>	Development application for supermarket (Woolworths) at No. 39, 41, 43, 45 and 47 Ferodale Road, Medowie	<p>Council Committee:</p> <p>That Item 3 be deferred to allow for a 2 way conversation with Councillors on 22 March 2011.</p>	<p>Crs Bob Westbury, Steve Tucker, John Nell, Bob Westbury, Sally Dover and Glenys</p>	<p>Crs Frank Ward, Geoff Dingle and Peter Kafer.</p>

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	Ordinary Council meeting 22 March 2011		<p>Council meeting: That Council:</p> <p>1) Refuse Development Application 16-2010-291-1 for the following reasons;</p> <p style="padding-left: 40px;">a) Non-compliance with Development Control Plan 2007</p> <p>The proposed development fails to comply with the provisions and general objectives of the Port Stephens Development Control Plan 2007.</p> <p>Particulars</p> <p>The proposed development has been assessed against the provisions of Development Control Plan 2007, Chapter 4 – Commercial and Mixed Use Development, and was found to be unsatisfactory. In particular, the proposed development fails to a) adequately address the street frontage, b) provide adequate setbacks to adjoining properties, c) provide appropriate articulation and finishes within the design and d) exceeds the maximum height limitation.</p> <p style="padding-left: 40px;">b) Failure to satisfy the objectives of the Medowie Strategy</p>	Francis. Crs Peter Kafer, Caroline De Lyall, John Nell, Geoff Dingle Frank Ward.	Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury. Motion was lost.

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			<p>The proposed development is unsatisfactory when tested against the objectives and provisions of the Medowie Strategy.</p> <p>Particulars</p> <p>By virtue of its site planning and design the proposed development fails to establish the desired future character planned for the Medowie Town Centre from that which exists and as such fails to satisfy the objectives of the Medowie Strategy. Rather than contributing to substantially improving the urban design of the town centre by fronting the street and providing strong pedestrian connectivity, the applicant has presented a site layout that results in the shopping centre building, which ignores Council's desired future character for the Medowie Town Centre, and a development isolated from the township.</p> <p style="padding-left: 40px;">c) Failure to satisfy the objectives Clause 21 – Business Zone of <i>Port Stephens Local Environmental Plan 2000</i></p> <p>The proposed development fails to satisfy the general objectives of Clause 21 – Business Zone, under <i>Port Stephens Local Environmental Plan 2000</i></p> <p>Particulars</p> <p>The proposed development has been</p>		

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			<p>considered against the objective of Clause 21 and is found to be unsatisfactory with regards to Clause 21(b) and Clause 21(d). The proposed development is inconsistent with the desired character of the locality, and by virtue of its design enhances reliance upon private motor vehicles.</p> <ul style="list-style-type: none"> • Failure to satisfy the objectives Clause 44 – Appearance of land and buildings of <i>Port Stephens Local Environmental Plan 2000</i> <p>The proposed development fails to satisfy the general objectives of Clause 44- Appearance of land and buildings, under <i>Port Stephens Local Environmental Plan 2000</i></p> <p>Particulars</p> <p>Clause 44 of LEP 2000 stipulates that the consent authority may consent to the development of land within view of any main or arterial road, only if it takes into consideration the probable aesthetic appearance of the proposed building or work on that land when used for the proposed purpose and viewed from that main or arterial road, The proposed car parking area fronting Ferodale Road (main road) and Peppertree Road (future main road) combined with the building's setbacks creates undesirable streetscape presentation, heavily dominated</p>		

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			<p>by car parking and loading facilities, rather than activated street fronts. In this regard, the proposed building does not respect the prevailing streetscape and townscape, nor does it set new precedent in terms of its alignment in responding to the street edge and building envelope of future neighbouring existing buildings. In this regard, the proposed development is unsatisfactory with regards to Clause 44 of Port Stephens Local Environmental Plan 2000.</p> <p>Due to the reasons outlined above the proposed development is found to be unacceptable and as such should be refused by Council.</p> <p>Resolved:</p> <p>It was resolved that Council:</p> <p>1) Indicate it support for the development application for a supermarket (Woolworths) at No 39, 41, 43, 45 and 47 Ferodale Road, Medowie and request the Sustainable Planning Group Manager to bring forward draft conditions in the event that Council resolve to give consent.</p> <p>2) Foreshadow the intention to include a condition to require the provision of public toilets.</p>	<p>Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.</p> <p>The motion was carried.</p>	<p>Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.</p>

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3	Council Committee 15 March 2011 Ordinary Council meeting 25 March 2011	Raymond Terrace flood study	<p>Council Committee: That Council place the draft Raymond Terrace Flood Study (BMT WBM 2010) on public exhibition for a period of a minimum 35 days and accept public submissions on the document.</p> <p>Resolved: It was resolved that the Council Committee recommendation be adopted.</p>	<p>Crs Glenys Francis, Bob Westbury, Geoff Dingle, Frank Ward, Peter Kafer, John Nell, Shirley O'Brien and Sally Dover.</p> <p>Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien John Nell, Sally Dover and Bob Westbury.</p>	<p>Nil.</p> <p>Nil.</p>
GM 1	Ordinary Council meeting 25 March 2011	Development application for Urban Housing (9 Dwellings) and 9 lot subdivision at No. 2 and 2a Tanilba Road Mallabula.	<p>Resolved: It was resolved that Council:</p> <p>1) Request the applicant to provide an amended plan allowing 7 dwellings on the subject land.</p> <p>2) That a report be provided on the rationale for the unavailability of the existing APZ on public land.</p>	Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien John Nell, Sally Dover and Bob Westbury.	Nil.
1	Council Committee 5 April 2011	Development application for two storey dwelling at No. 227 Foreshore Dr, Corlette	<p>Council Committee Recommendation: That Item 1 be deferred to allow for a 2 way conversation with Councillors.</p>	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Steve Tucker, Geoff Dingle, John Nell, Frank Ward, Bruce MacKenzie, Shirley O'Brien, Sally Dover and Bob Westbury.	Nil.

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	Ordinary Council meeting 12 April 2011		Resolved: It was resolved that the Council Committee recommendation be adopted.	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Steve Tucker, Geoff Dingle, John Nell, Frank Ward, Ken Jordan, Bruce MacKenzie, Shirley O'Brien, Sally Dover and Bob Westbury.	Nil.
2	Council Committee 5 April 2011 Ordinary Council meeting 12 April 2011	Development application for demolition of existing units and construction of urban housing (4 units) at No. 64 Sandy Point Road, Corlette	Council Committee: That the recommendation be adopted. Resolved: It was resolved that Council refuse the development application for demolition of the exiting units and construction of urban housing (4 units) at No. 64 Sandy Point Road, Corlette for the following reasons: 1. Pursuant to Section 79C 1(a)(i) of the Environmental Planning and Assessment Act the proposed development is not supported with the well founded State Environmental Planning Policy (SEPP) No.1 – Objection to Development Standard because the underlying objectives of the development standards contained within Clause 19 of Port Stephens Local Environmental Plan 2000 have	Crs Bruce MacKenzie, Bob Westbury, Steve Tucker, Sally Dover, Shirley O'Brien and Glenys Francis. Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Steve Tucker, Geoff Dingle, John Nell and Frank Ward.	Crs John Nell, Peter Kafer, Caroline De Lyall, Frank Ward and Geoff Dingle. Crs Ken Jordan, Bruce MacKenzie, Shirley O'Brien, Sally Dover and Bob Westbury.

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			<p>not been identified, and therefore whether or not the intentions of the development standard are being met by the proposal has not been adequately addressed.</p> <ol style="list-style-type: none"> 2. Pursuant to Section 79C 1(a)(i) of the Environmental Planning and Assessment Act the proposed development does not comply with the Minimum Site Area of 300 m² per dwelling contained within Clause 19 of Port Stephens Local Environmental Plan 2000, whereas only 152 m² per unit is proposed. 3. Pursuant to Section 79C 1(a)(i) of the Environmental Planning and Assessment Act the proposed development does not comply with the Floor Space Ratio (FSR) of 0.5: 1.0 contained within Clause 19 of Port Stephens Local Environmental Plan 2000, whereas the development proposes an FSR of 0.55: 1.0. 4. Pursuant to Section 79C 1(a)(iii) of the Environmental Planning and Assessment Act the proposal is not considered to comply with Development Control Plan 2007 – Control B7.C33 due to the proposed site coverage is greater than the allowable 60%. 5. Pursuant to Section 79C 1(a)(iii) of the Environmental Planning and Assessment Act the proposal is not considered to comply with Development Control Plan 2007 – Control B7.C47, B7.C49, B7.C52 as the proposed side setbacks and waterfront Reserve setbacks are not met. 6. Pursuant to Section 79C 1(b) of the 		

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			<p>Environmental Planning and Assessment Act the proposal is considered to present an unreasonable environmental impact because it results in development that is out of character with the existing seaside village due to there being larger homes on the waterfront.</p> <p>7. Pursuant to Section 79C 1(e) of the Environmental Planning and Assessment Act the proposal is not considered to be in the public interest because the proposed density is double that allowable in a residential area. This is an undesirable precedent in a seaside village remote from most services.</p>		
	Ordinary Council meeting 12 April 2011	Development application for supermarket (Woolworths) at No. 39,41,43,45 and 47 Ferodale Road, Medowie	<p>Resolved: It was resolved that Item 1 be deferred to the next Council Ordinary meeting to allow Council staff to assess the amendments tabled by Cr Steve Tucker.</p>	Crs Bob Westbury, Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.	Nil.
1	Council Committee 19 April 2011	Development application for McDonalds Family restaurant and Tourist Facility (Recreation) at no. 4 Lavis Lane Williamtown	<p>Council Committee:</p> <p>That Council:</p> <p>1) Indicate its support for the development application for McDonalds Family Restaurant and Tourist Facility (Recreation) at No. 4 Lavis Lane, Williamtown and request the Sustainable Planning</p>	Crs Peter Kafer, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Ken Jordan.	Crs Glenys Francis, John Nell and Frank Ward.

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	Ordinary Council meeting 19 April 2011		<p>Group Manager to bring forward draft conditions in the event that Council resolve to give consent.</p> <p>2) That applicant be advised that Council requires a drainage study to be completed.</p> <p>Resolved: It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Defer the application to allow the applicant to submit a revised plan to include an indoor play area. 2) The applicant be advised that Council requires a drainage study to be completed. 	Crs Peter Kafer, Glenys Francis, Steve Tucker, Geoff Dingle, John Nell and Frank Ward.	Crs Ken Jordan, Bruce MacKenzie, Shirley O'Brien, Sally Dover and Bob Westbury.
GM 1	Ordinary Council meeting 19 April 2011	Development application for supermarket (Woolworths) at No. 39,41,43,45 and 47 Ferodale Road, Medowie	<p>Resolved: It was resolved that Council approve the development application for a supermarket (Woolworths) at No.39,41,43,45 and 47 Ferodale Road, Medowie in accordance with the amended conditions of consent as detailed in the supplementary information on page 14 and with the following amendments to conditions of consent No's. 19 and 33:-</p> <ol style="list-style-type: none"> 19. A public art feature shall be designed for the elevation of the building along Peppertree Road. This feature shall provide visual interest for pedestrians and interpret or reflect the 	Crs Glenys Francis, Ken Jordan, Bruce MacKenzie, Steve Tucker, John Nell, Shirley O'Brien, Sally Dover and Bob Westbury.	Crs Peter Kafer, Geoff Dingle and Frank Ward.

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			<p>local setting and/or landscape character and/or the cultural setting of the Medowie area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved by Council prior to issue of Occupation Certificate, and the applicant is advised to liaise with Council's Social Planning Team during design stages.</p> <p>33. The stormwater detention system shall be constructed and made operational prior to completion of any parking and manoeuvring areas within the site. No Construction Certificate(s) can be issued until a construction staging plan has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. A construction staging plan shall include measures necessary to capture and convey stormwater to the system during construction stages, as well as any measures required to provide compliance with this condition at each stage of construction.</p>		
1	Council Committee 10 May 2011	Development application for driveway, associated retaining walls and stormwater drainage at No. 40 Tingara Road, Nelson Bay	<p>Council Committee Recommendation:</p> <p>That Council grant consent to the development application for driveway, associated retaining walls and stormwater drainage at No. 40 Tingara Road, Nelson Bay in accordance with the conditions in Attachment 1.</p>	Crs Ken Jordan, John Nell, Caroline De Lyall, Peter Kafer, Glenys Francis, Geoff Dingle, Frank Ward, Sally Dover and Bob Westbury.	Crs Bruce MacKenzie and Shirley O'Brien.

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	Ordinary Council meeting 10 May 2011		<p>Resolved: It was resolved that Council grant consent to the development application for driveway, associated retaining walls and stormwater drainage at No. 40 Tingara Road, Nelson Bay in accordance with the conditions contained in the Supplementary Information dated 6 May 2011 with amendments to Condition 6 as follows – "That construction workers be permitted to use the existing toilet facilities contained on the property."</p>	Crs Ken Jordan, John Nell, Caroline De Lyall, Peter Kafer, Glenys Francis, Geoff Dingle, Frank Ward, Sally Dover, Bruce MacKenzie, Shirley O'Brien and Bob Westbury.	Nil.
1	Council Committee 17 May 2011		<p>Council Committee Recommendation: That Council direct the Group Manager Sustainable Planning to resubmit the Draft Nelson Bay 2030 Strategy with the following amendments:</p> <ol style="list-style-type: none"> 1) A provision that Council will explore variations to controls for height and density that seek to provide incentives to amalgamate sites in certain sectors in Nelson Bay – particularly where property sizes are relatively small and/or frontage widths are relatively small; 2) Amend figure (page 45) to show a critical view between the Visitor Information Centre looking north-east to Town Beach; 3) Include a provision to the effect that development on the foreshore should be limited to three levels and/or 13 metres only and that there should be no development on the eastern carpark; 4) Incorporate into Strategic Planning Principle No. 	Crs Ken Jordan, Bruce MacKenzie, John Nell, Bob Westbury, Caroline De Lyall, Shirley O'Brien, Frank Ward and Sally Dover.	Crs Peter Kafer and Geoff Dingle.

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			<p>10 (page 34) that Council will support up to 8-10 storeys at the western end of the foreshore on the basis that the building height will not intrude upon views from existing residential properties above, on the escarpment;</p> <p>5) Amend the diagrams on site coverage on page 53 to ensure that there is no depiction of any development on Apex Park;</p> <p>6) Provide confirmation and clarification on pages 15 and 16 – figures 3 and 4 that the extension of Stockton Street to the foreshore is for pedestrian use only and not for any vehicular traffic;</p> <p>7) Note the information contained in this report, particularly the findings of the Nelson Bay Town Centre; Modelling the Development Capacity of the Town Centre Report (Attachment 2);</p> <p>8) Prepare a revised draft Development Control Plan C4 and Traffic Management Study to support the revised Nelson Bay 2030 Strategy;</p> <p>9) Council accept the attachments 1 and 2 as replacement pages for pages 42 and 48 respectively in the Draft Nelson Bay 2030 Strategy as provided in the Supplementary Information;</p> <p>10) Inclusion of planning controls such as setbacks and podiums to prevent canyoning effect of buildings in the business sector of Nelson Bay;</p> <p>11) That the revised Strategy be placed on public exhibition for a period of five weeks.</p>		

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	Ordinary Council meeting 24 May 2011		<p>Resolved: It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Withdraw the draft Nelson Bay Strategy 2030. 2. The adjustments and recommendations made by Councillors be included and the Strategy be returned for consideration of Council. 3. That a table be prepared with responses to submissions received and; 4. Prepare a cost of the draft Nelson Bay Strategy 2030. 	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.	Nil.
	Council Committee 17 May 2011 Ordinary Council meeting 24 May 2011	Draft Amendment No. 35 to the Port Stephens Local Environmental Plan 200 – Anna Bay Town Centre	<p>Council Committee Recommendation: That Council resolve to proceed with draft <i>Port Stephens Local Environmental Plan 2000 (Amendment No. 35)</i> to rezone Lots 478-482 and Lots 567-569 in DP 17775 from 2(a) Residential to 3(a) General Business and request that the Minister for Planning make the plan under <i>Section 59 of the Environmental Planning and Assessment Act 1979.</i></p> <p>Resolved: It was resolved that the recommendation be adopted.</p>	Crs Ken Jordan, Bruce MacKenzie, John Nell, Bob Westbury, Caroline De Lyall, Shirley O'Brien, Frank Ward Peter Kafer, Geoff Dingle and Sally Dover. Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.	Nil. Nil.
1	Council Committee 7 June 2011	Development application for two storey dwelling at No. 227 Foreshore Drive, Corlette	<p>Council Committee Recommendation: That Council:</p>	Crs Ken Jordan, Bob Westbury, Caroline De Lyall, Glenys Francis,	Nil.

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	Ordinary Council meeting 14 June 2011		<ol style="list-style-type: none"> 1. Indicate its support for the proposal, subject to the minimum floor level being 2.8m AHD and request that the Group Manager of Sustainable Planning provide draft conditions of consent back to Council. 2. Although the proposal still has several areas of non-compliance with the Council's Development Control Plan 2007, it is arguable, given the unique nature and small size of the site, achieving full compliance with the DCP provision is immensely difficult. <p>Resolved: It was resolved that the recommendation be adopted.</p>	Frank Ward, Geoff Dingle, John Nell, Sally Dover, Shirley O'Brien and Steve Tucker. Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward, John Nell and Bob Westbury.	Nil.
2	Council Committee 7 June 2011	Development application for the removal of 10 hectares of vegetation at 711 Seaham Road, Nelsons Plains	<p>Council Committee Recommendation:</p> <p>That Item 2 be deferred to allow for a site inspection subject to the General Manager seeking the property owners consent.</p>	Crs Ken Jordan, Bob Westbury, Caroline De Lyall, Glenys Francis, Frank Ward, Geoff Dingle, John Nell, Sally Dover, Shirley O'Brien and Steve Tucker.	Nil.

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	Ordinary Council meeting 14 June 2011		Resolved: It was resolved that the recommendation be adopted.	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward, John Nell and Bob Westbury.	Nil.
3	Council Committee 7 June 2011 Ordinary Council meeting 14 June 2011	Section 96 application to modify the design of a dual occupancy dwelling at No. 9 Wahgunyah Rd, Nelson Bay.	Council Committee Recommendation: That Council approve Section 96 Modification Application 16-2004-618-3, which seeks to amend the design of the dual occupancy dwelling at 9 Wahgunyah Road, Nelson Bay, subject to the conditions contained in Attachment 3. Resolved: It was resolved that the recommendation be adopted.	Crs Ken Jordan, Bob Westbury, Caroline De Lyall, Glenys Francis, Frank Ward, Geoff Dingle, John Nell, Sally Dover and Shirley O'Brien. Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward, John Nell and Bob Westbury.	Cr Steve Tucker. Nil.
5	Council Committee 7 June 2011	Medowie Strategy Review	Council Committee Recommendation: That Council: a. Place the draft amendments to the Medowie Strategy on public exhibition for a 6 week period.	Crs Ken Jordan, Bob Westbury, Caroline De Lyall, Glenys Francis, Frank Ward, Geoff Dingle, John Nell, Sally Dover, Shirley O'Brien and Steve Tucker.	Nil.

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	Ordinary Council meeting 14 June 2011		<p>b. Make a specific submission to the NSW Minister for Planning and Infrastructure and the Director of the Department of Planning and Infrastructure to advocate inclusion of the Boundary Road site in the Lower Hunter Regional Strategy.</p> <p>Resolved: It was resolved that Item 5 be deferred to the next Ordinary Council meeting.</p>	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Geoff Dingle, John Nell and Bob Westbury.	Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien and Frank Ward.
GM 1	Ordinary Council meeting 14 June 2011	Draft Amendment to Council's Development Control Plan to include Licensed Premises Management Plan	<p>Resolved: It was resolved that Council places on public exhibition for 28 days the draft amendment to Port Stephens Development Control Plan 2007 requiring Licensed Premises Management Plans, in accordance with Attachment 1 of this report, for relevant development applications.</p>	Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, Frank Ward, John Nell and Bob Westbury.	Nil.
1	Council Committee 21 June 2011	Port Stephens Planning Strategy	<p>Council Committee Recommendation: That Council place the Port Stephens Planning Strategy on public exhibition for a period of 28 days.</p>	Crs Glenys Francis, Steve Tucker, Peter Kafer, Caroline De Lyall, John Nell, Geoff Dingle, Shirley O'Brien and Sally Dover.	Nil.

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	Ordinary Council meeting 28 June 2011		<p>Resolved: It was resolved that Council defer the Port Stephens Planning Strategy for a period of one month and Councillors be provided with a 2 way conversation on the Strategy.</p>	Crs Bob Westbury, Peter Kafer, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle and Sally Dover.	Cr John Nell.
	Ordinary Council meeting 28 June 2011	Medowie Strategy	<p>It was resolved that Council:</p> <p>1) Amend the Medowie Strategy in relation to the sites as shown in Attachment 1 to:</p> <p style="margin-left: 40px;">a. Refer to Rural Small Holdings and Environmental Living as Large Lot Residential;</p> <p style="margin-left: 40px;">b. Identify Site 1 Boundary Road (Lots 93, 94, 95 & 96 in DP 753194) to part Large Lot Residential and part Environmental Management and support this inclusion with the following statement of strategic support: <i>"The Boundary Road neighbourhood will be a cohesively-designed large-lot residential estate able to be completed in stages. Where possible, lot design will be integrated with the adjoining land identified for Environmental Management in order to retain the natural character and amenity values of the site for future</i></p>	Crs Bob Westbury, Peter Kafer, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover.	Nil.

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			<p><i>residents.</i></p> <p><i>Lot sizes will vary throughout the site, but will generally be 1000-1500m². Acreage allotments will front Boundary Road to provide a transition to existing acreage development on the southern side of Boundary Road. Larger allotments may also be provided at locations throughout the site to encourage retention of vegetation.</i></p> <p><i>A Voluntary Planning Agreement will be sought that will require the preparation of a site-specific development control plan - incorporating a staged master plan - for the developable land. The development control plan will seek to maximise retention of vegetation and ecological outcomes and minimise ecological impact, and enforce a high level of development design.</i></p> <p><i>The land identified as Environmental Management will be retained, enhanced and placed into a conservation zone in recognition of the ecological values of the site. The intent is to transfer this land into public ownership as part of the Voluntary Planning Agreement."</i></p> <p>2) Make a specific submission to the NSW Minister</p>		

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			for Planning and Infrastructure and the Director of the Department of Planning and Infrastructure to advocate inclusion of the Boundary Road site in the Lower Hunter Regional Strategy. 3) That all other sites be deferred pending a further report.		
1	Council Committee 5 July 2011 Ordinary Council meeting 12 July 2011	Amendment to Council's Development Control Plan 2007 to include Independent access audits for relevant development proposals.	Council Committee Recommendation: That the recommendation be adopted with an amendment to include "shopping centres" in Access Table in Attachment 1. Resolved: It was resolved that the recommendation be adopted including the Supplementary Information.	Crs Bruce MacKenzie, Sally Dover, Ken Jordan, Peter Kafer, John Nell, Bob Westbury, Frank Ward, Glenys Francis, Geoff Dingle Steve Tucker and Shirley O'Brien. Crs Peter Kafer, Glenys Francis, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.	Nil. Nil.
1	Council Committee 19 July 2011	Development application for two storey dwelling at No. 227 Foreshore Drive, Corlette	Council Committee Recommendation: That Council indicate its support for the proposal as submitted and request the Sustainable Planning Group Manager to bring back draft condition of	Crs Ken Jordan, Bruce MacKenzie, Geoff Dingle, Bob Westbury, John Nell, Shirley	Cr Frank Ward

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	Ordinary Council meeting 26 July 2011		consent to Council. Resolved: It was resolved that Council grant approval for the development application for a two storey dwelling at No. 227 Foreshore Drive, Corlette in accordance with the condition of consent contained in the Supplementary Information dated 21 July 2011.	O'Brien and Sally Dover. Crs Peter Kafer, Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Bob Westbury, Sally Dover and Frank Ward.	Cr Bruce MacKenzie
2	Council Committee 19 July 2011 Ordinary Council meeting 26 July 2011	Development Application for McDonalds Family Restaurant and Tourist Facility (Recreation) at No. 4 Lavis Lane, Williamstown.	Council Committee Recommendation: That Council approve the development application for the McDonald's Restaurant and Tourist Facility (Recreation) at No. 4 Lavis Lane, Williamstown, in accordance with the conditions contained in ATTACHMENT 3, with an additional condition of consent to be included requiring a litter management plan. Resolved: It was resolved that Council: 1. Approve the development application for the McDonald's Restaurant and Tourist Facility (Recreation) at No. 4 Lavis Lane, Williamstown in accordance with the conditions contained in ATTACHMENT 3, with an additional condition of consent to be included requiring a litter management plan.	Cr Steve Tucker, Bruce MacKenzie, Ken Jordan, Geoff Dingle, Bob Westbury, Peter Kafer, John Nell, Shirley O'Brien and Sally Dover. Crs Peter Kafer, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover and Bob Westbury.	Cr Frank Ward. Cr Frank Ward.

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			<p>2. Amendment condition 25 to read:</p> <ul style="list-style-type: none"> • Monday to Friday, 7am to 6pm; • Saturday 7am to 4pm; • No construction work to take place on Sunday or Public Holidays. <p>3. Delete condition 65.</p>		
4	Council Committee 19 July 2011	Port Stephens Planning Strategy	<p>Council Committee Recommendation: That Council:</p> <p>1) Adopt the draft Port Stephens Planning Strategy 2011 (as amended) at Attachment 2 – provided under separate cover – for a period of 28 days with the following changes:</p> <ul style="list-style-type: none"> • Describe Wallalong as “Potential Urban Release Area subject to resolution of infrastructure delivery”; • Enlarge circle on Planning Strategy Map for Tomago to include area zoned industrial under State Environmental Planning Policy (Major Development) 2006; • Reference the need for the Fingal Bay Link Road in Section 6; • Delete from Appendix 1 Nelson Bay reference to Polyclinic and replace with “Tomaree Community Hospital”; • The addition of the following wording in Appendix 1 for Hinton: “the Hinton Heritage Conservation Area extends over the main residential area. To ensure the continued 	Crs Steve Tucker, Bruce MacKenzie, Ken Jordan, Bob Westbury, Peter Kafer, Sally Dover and Shirley O'Brien.	Crs Geoff Dingle, Frank Ward and John Nell.

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			<p>protection of the village and rural residential character a sub-strategy may be an option as it would consider mechanisms such as the identification of additional potential rural residential land which acts as a barrier to residential growth";</p> <ul style="list-style-type: none"> • Additional wording in Section 6 identifying the need for a rail connection between the airport and Newcastle. • Describes the currently proposed primary growth corridor as the 'Western Growth Corridor'; and • Includes in the Port Stephens Planning Strategy the proposal for an 'Eastern Growth Corridor' encompassing Medowie, Williamtown, Newcastle Airport and Fullerton Cove/Fern Bay – recognising the growth potential and retail, commercial and infrastructure needs and opportunities within that corridor. • Remove the wording "stand alone shopping centre" under section 6.3.2 with regard to Salamander. <p>2) Review the Anna Bay and Medowie Planning Strategies at the earliest opportunity – particularly in terms of land available for potential development.</p> <p>3) Write to the Department of Housing requesting a presentation on the growth and management</p>		

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	Ordinary Council meeting 26 July 2011		<p>approach for the provision of housing in Port Stephens.</p> <p>4) Replace the Proposed Centres Hierarchy Map in the draft Port Stephens Planning Strategy 2011 with a new Centres Hierarchy Map correctly reflecting the role Boat Harbour and One Mile have in the local government area, and not specifically identify Boat Harbour and One Mile as a "significant village" as all communities are significant.</p> <p>5) Acknowledge in the draft Port Stephens Planning Strategy 2011 the significant role all communities, including Boat Harbour and One Mile Play in how Port Stephens functions as an area.</p> <p>Resolved: It was resolved that Council:</p> <p>1) Endorse the public exhibition of the draft Port Stephens Planning Strategy 2011 (as amended) at Attachment 2 – provided under separate cover – for a period of 28 days with the following changes:</p> <ul style="list-style-type: none"> • Describe Wallalong as "Potential Urban Release Area". • Enlarge circle on Planning Strategy Map for Tomago to include area zoned industrial under State Environmental Planning Policy (Major Development) 2006; • Reference the need for the Fingal Bay Link 	Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.	Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

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			<p>Road in Section 6;</p> <ul style="list-style-type: none"> • Delete from Appendix 1 Nelson Bay reference to Polyclinic and replace with "Tomaree Community Hospital"; • The addition of the following wording in Appendix 1 for Hinton: "the Hinton Heritage Conservation Area extends over the main residential area. To ensure the continued protection of the village and rural residential character a sub-strategy may be an option as it would consider mechanisms such as the identification of additional potential rural residential land which acts as a barrier to residential growth"; • Additional wording in Section 6 identifying the need for a rail connection between the airport and Newcastle. • Describes the currently proposed primary growth corridor as the 'Western Growth Corridor'; and • Includes in the Port Stephens Planning Strategy the proposal for an 'Eastern Growth Corridor' encompassing Medowie, Williamstown, Newcastle Airport and Fullerton Cove/Fern Bay – recognising the growth potential and retail, commercial and infrastructure needs and opportunities within that corridor. • Remove the wording "stand alone 		

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			<p style="text-align: center;">shopping centre" under section 6.3.2 with regard to Salamander.</p> <p>2) Review the Anna Bay and Medowie Planning Strategies at the earliest opportunity – particularly in terms of land available for potential development.</p> <p>3) Write to the Department of Housing requesting a presentation on the growth and management approach for the provision of housing in Port Stephens.</p> <p>4) Replace the Proposed Centres Hierarchy Map in the draft Port Stephens Planning Strategy 2011 with a new Centres Hierarchy Map correctly reflecting the role Boat Harbour and One Mile have in the local government area, and not specifically identify Boat Harbour and One Mile as a "significant village" as all communities are significant.</p> <p>5) Acknowledge in the draft Port Stephens Planning Strategy 2011 the significant role all communities, including Boat Harbour and One Mile Play in how Port Stephens functions as an area.</p> <p>6) Identify land on the corner of Nelson Bay Road and Gan Gan Road as a potential site for a Health Precinct (including private hospital and seniors living) and Tourism (including tourism attractions and ecotourism accommodation)</p> <p>7) That the Radiata plantations on Masonite Road, Heatherbrae, be identified as future light</p>		

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			industrial development.		