

Attachment Three:

Section 54 Report to Council dated 3 May 2005

ITEM NO. 1

FILE NO: 9750- 009 & 9750 - 010

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – TO FACILITATE SUBDIVISION AND RESIDENTIAL DEVELOPMENT OF 75 HOLDOM ROAD AND WILLIAM / WATTLE STREET KARUAH

AUTHOR: PAUL MAHER – LAND USE PLANNER

RECOMMENDATION IS THAT COUNCIL:

1. Pursuant to section 54 of the Environmental Planning and Assessment Act 1979 to prepare and exhibit an amendment to Port Stephens Local Environmental Plan 2000 to facilitate subdivision and residential development of;
 - a. Lot 271 DP 876238, Part Lot 2 DP 105735 and Lots 302 & 303 DP 1004596, William / Wattle Streets Karuah NSW.
 - b. Lot 1 DP 436702, 75 Holdom Road Karuah NSW.
2. Manage population growth and build communities within the Karuah – Swan Bay Planning District by creating a Development Control Plan to identify opportunities for the creation of new neighbourhoods in the district.
3. Require the proponents to prepare and pay for a Drainage plan within the catchment to establish a coordinated approach to detention on the subject lands.

PROPOSAL – WILLIAM / WATTLE STREET

Amend Port Stephens Local environmental Plan 2000 (LEP) to allow residential development (109 allotments) and zone remaining land for environmental protection.

Owners	Mr M J Gray (Lot 271 & Part Lot 2) Mr D K & Mrs R J & Mr K H & Ms Hasler (Lot 302) Mr W B & Ms C M & Mr W B & Ms Roome (Lot 303)
Proponent	Mr G K Lindsay
Date of submission	January 2005
Subject land	Lot 271 DP; 876236, Part Lot 2 DP 105735, Lots 302 & 303 DP: 1004596
Existing zoning	All lots zoned 1 (a) Rural Agriculture except Lot 302 which is part zoned 2(a) Residential zone.
Proposed zoning	2(a) Residential zone (12.5 ha) and part 7(a) Environmental Protection (2.5 ha)

PROPOSAL - HOLDOM ROAD

Amend Port Stephens Local environmental Plan 2000 (LEP) to allow residential development (56 allotments) and zone land for environmental protection.

Owners	Mr P G & Mrs L M Butler & Mr P M Myles
Proponent	Mr P M Myles
Date of submission	November 2004
Subject land	Lot 1 DP: 436702
Existing zoning	1 (a) Rural Agriculture zone
Proposed zoning	2(a) Residential zone

BACKGROUND

The purpose of this report is to:

- 1) Present a rezoning request to Council for consideration
- 2) Recommends the Council resolve to prepare a draft LEP to rezone the subject lands
- 3) Recommends that Council place on exhibition a draft Development Control Plan (draft DCP) that will support the plan and provide further detail for the assessment of future development applications.

Council is in receipt of two rezoning proposals; Holdom Road and William / Wattle Street. Council should consider these two proposals within the context of the approved River Glades Estate under construction. These sites are identified on the locality plan is shown in Attachment 1.

The key issues associated with the proposed rezoning are flora and fauna, bushfire protection, social and economic impacts, flooding, drainage and traffic management.

The William / Wattle Street site is identified as an area representing an opportunity for future growth in the Port Stephens Urban Settlement Strategy (2002) and the Karuah Local Area Plan (LAP) 2003. The Holdom Street site is not identified in the Karuah Local Area Plan but is adjoining the identified area for Potential Residential Development and connected by the existing street network.

The locality plans and indicative subdivision plans are shown in the attachments.

A copy of the Planning Reports submitted with each proposal may be viewed in the Councillors room. Internal referrals to Environmental Services, Subdivision Engineering, Drainage and Flooding, Traffic, Community Services and Land Use Planning prompted various specific concerns. However, rezoning of some portion of these lands to residential was supported in principle. It is proposed that an overall Drainage plan be required for all land to be rezoned within this catchment to establish a coordinated approach to detention rather than piecemeal solutions for each individual site. The cost of the proposed Drainage Masterplan to be paid for by the developers.

These initial concerns can be adequately addressed prior to exhibition of the draft Environmental Plan.

LINKS TO CORPORATE PLANS

The following goals, objectives and strategies in Council's Management Plan relate to the Community Planning Program:

- | | |
|------------|--|
| Goal: | Ecologically sustainable development and enhanced community lifestyle |
| Objective: | To promote, explore and develop sustainability in Port Stephens. Link residential growth and increased density with existing neighbourhoods and town centres to enable the economic use of land. |
| Objective: | Develop integrated policies on social, environmental and economic development within the LGA that incorporate landuse and settlement pattern issues. The proposed rezoning of the subject land. |

The rezoning request is consistent with these goals.

FINANCIAL/RESOURCE IMPLICATIONS

Each rezoning request attracted a fee of \$10,420 in order to cover the assessment and processing of the proposal.

LEGAL AND POLICY IMPLICATIONS

The Draft Amendment, when completed and placed in the Government gazette, will amend Port Stephens Local Environmental Plan 2000.

The Development Control Plan, once exhibited and adopted by Council will become a policy of Council.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

William / Wattle Street site - is identified in the Karuah LAP as a potential residential development site. The LAP states that future development should encourage increased residential density to support the town centre and that the existing urban character, street network and topography be maintained. The proposal establishes links with the existing street network and does not require excessive excavation to existing topography. The site adjoins the existing residential land and consequently does not fragment the residential precinct of Karuah.

The Holdom Road site - is a logical extension of the existing and proposed Karuah residential area. The proposal should be supported on the basis that it is an efficient and appropriate use of the land considering the principles of the PS Settlement Strategy and Karuah LAP.

The rezoning proposals are likely to strengthen the social and economic viability of Karuah through increasing housing choice and the overall population of Karuah. The site is 600m from the town centre and therefore will provide economic and social support for the town centre.

ECONOMIC IMPLICATIONS

The economic implications of the rezoning would be the overall increase in housing stock and the generation of revenue from Section 94 contributions. Additionally, indirect economic implications would be an efficient use of existing road infrastructure given that the multiple number of street connections with the existing network. The economic benefits of these connections are passed onto the potential land buyers of the future subdivision.

ENVIRONMENTAL IMPLICATIONS

William / Wattle Street site - western portion of the site is proposed to be retained through rezoning to 7(a) Environmental Protection. An assessment under SEPP 44 and CKPoM Koala Habitat Protection found that parts of the site support potential koala habitat. Future residential subdivision shall not discharge untreated stormwater into the PKH or change the hydrological regime.

Holdom Road site - The majority of the mature endemic trees in the eastern portion of the site are scattered around the existing poultry sheds. The remnant vegetation is degraded due to agricultural use in the eastern portion towards Holdom Road. The future conservation

of the three Endangered Ecological Communities and the Preferred Koala Feed Trees can be facilitated by controlled development on site.

Council's prime concern at this rezoning stage is that connectivity in regard to the street and footpath layout be provided across all the proposed rezoned sites. To achieve this connectivity some additional battle-axe handles on Lot 2 DP 74834 and Lot 21 DP 579653 will be required to be rezoned to 2 (a) Residential zone.

CONSULTATION

Preliminary internal consultation on the rezoning request has been carried out and inter-departmental comments have been considered in this report. Consultation with public authorities will be undertaken should Council resolve to prepare a draft LEP. (See Attachment 1). Note intention to rezone to 2 (a) Residential access handle of Lot 2 DP 748343. Owner has been notified of this intention.

OPTIONS

- 1) Adopt the recommendations.
- 2) Reject or amend the recommendations.

ATTACHMENTS

- 1) Locality Plan
- 2) Strategic Planning Assessment

COUNCILLORS ROOM

- 1) Planning report submitted as part of the rezoning request for the William / Wattle Street site.
- 2) Planning report submitted as part of the rezoning request for the Holdom Road site.

TABLED DOCUMENTS

- 1) Nil

Attachment Four:

Council Resolution dated 24 May 2005

ORDINARY MEETING – 24 MAY 2005

ITEM NO. 1

FILE NO: 9750-009 & 9750-010

**PROPOSED AMENDMENT TO PORT STEPHENS LOCAL
ENVIRONMENTAL PLAN 2000 – TO FACILITATE SUBDIVISION AND
RESIDENTIAL DEVELOPMENT OF 75 HOLDOM ROAD AND
WILLIAM / WATTLE STREET KARUAH**

AUTHOR: PAUL MAHER – LAND USE PLANNER

RECOMMENDATION IS THAT COUNCIL:

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3. Require the proponents to prepare and pay for a Drainage plan within the catchment to establish a coordinated approach to detention on the subject lands.

STRATEGIC COMMITTEE MEETING – 3 May 2005

RECOMMENDATION: That the recommendation be adopted

Attachment Five:

Report to Council dated 2 December 2008

ITEM NO. 2

FILE NO: PSC2006-1202

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – IN RESPECT OF CERTAIN LANDS AT KARUAH – DRAFT PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT NO. 24).

REPORT OF: TREVOR ALLEN –INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Submit the exhibited draft Local Environmental Plan (draft Port Stephens LEP 2000 amendment No. 24) to the Department of Planning requesting that the draft plan (**Attachment 1**) be made by the Minister.
- 2) Prior to the draft Plan being forwarded to the Minister, agreement be reached between the Department of Environment and Climate Change (DECC) and landowners to satisfy concerns raised by DECC in relation to bio-banking.

BACKGROUND

The purpose of this report is for Council to consider the results of the exhibition of the draft Port Stephens Local Environmental Plan 2000 (Amendment No.24).

PROPOSAL DETAILS

Owners	Mr M J Gray, Mr W Roome (Snr), Mrs C Roome (Jr) and Ms K Roome, Mr J Hart, Mrs V Hart, Mr J Leith, Mrs J Leith, Mr P Myles, Mr P Butler, Mrs L Butler, Mr D Hasler, Mrs R Hasler, Mr K Hasler, Ms J Hasler.
Proponent	Mr K Lindsay
Date of Submission	January 2005
Subject Land	Lot 271 DP 876238, 31 Johnson Avenue; Part Lot 2 DP 1057535, 22 William Street; Lot 302 DP 1004596, 15 Gray Street; part Lot 303 DP 1004596, 24 William Street; Part Lot 1 DP 436702, 75 Holdom Road, part lot 1 DP 749565 81 Holdom Road and part Lot2 DP 748343, 314 Tarean Road, Karuah.
Current Zone	1(a) - Rural Agriculture
Proposed Zone	Part 2(a) – Residential Part 7(a) – Environmental Protection

In May 2005, Council resolved to prepare a draft LEP. In November 2005, Council requested the Director General of the Department of Planning to issue a Section 65 Certificate to place the draft LEP on exhibition. In March 2006, the Department of Planning (DoP) advised Council to amend the draft LEP No. 24 and incorporate the DoP's requested changes.

To advance the matter, Council in April 2006, and under delegation of the General Manager, resolved to alter the draft Plan to reflect the required changes by Department of Planning including the addition of Lot 1 DP 749565.

In June 2007, the DoP issued a Section 65 Certificate to enable the draft Plan to be placed on public exhibition. In doing so, Department of Planning requested Council to address the objections of the Department of Environment and Climate Change (DECC) and Hunter-Central Rivers Catchment Management Authority (CMA) before forwarding the draft Plan to the DoP for further consideration.

Throughout 2008, Council Officers met with these authorities and landowners and sought to resolve the objections. These discussions sought to clarify the issues of concern and a means by which they could be resolved. DECC indicated that a Voluntary Planning Agreement (VPA) requiring landowners to utilise bio-banking at development stage as an appropriate means of ensuring biodiversity offsets.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY –	<i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>
CULTURAL SUSTAINABILITY –	<i>Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.</i>
ECONOMIC SUSTAINABILITY –	<i>Council will support the economic sustainability of its communities while not compromising its environmental and social well being.</i>
ENVIRONMENTAL SUSTAINABILITY –	<i>Council will protect and enhance the environment while considering the social and economic ramifications of decisions.</i>
BUSINESS EXCELLENCE –	<i>Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey</i>

FINANCIAL/RESOURCE IMPLICATIONS

Should Council resolve to support the recommendations of this report, staff time and resources will be required to prepare the draft Plan and relevant information to be forwarded to the Department of Planning.

LEGAL AND POLICY IMPLICATIONS

Legal – There are no legal or policy implications should Council reject the recommendations of this report. Should Council support the recommendations of this report, it is open to the landowners to enter into a VPA to ensure bio-banking is utilised at Development Application stage.

Policy – The area has been identified in DoP's *Lower Hunter Regional Strategy 2006 (LHRS)* and Council's *Community Settlement and Infrastructure Strategy 2007 (CSIS)* as an area suitable for future urban growth. The proposal is generally consistent with Part F Sustainability Principles Criteria. The criteria are addressed as follows:

F1 Settlement Structure and Movement Network – The draft LEP is consistent with the settlement structure and will result in an extension of the existing neighbourhood. Additional information will be required at development stage to address traffic implications on the surrounding movement networks.

F2 Infrastructure Services and Facilities – Additional infrastructure services and facilities would be provided via Section 94 contributions. Greater demand will be placed on the existing facilities in the area. However; the increase in population could make the existing facilities more viable and increase usage.

F3 Quality Places to Live – The draft LEP will result in an extension of the existing residential land in close proximity to the town centre. An increase in population would attract additional services and facilities to locate within the existing town centre resulting in improvements to the town centre and main street.

F4 Natural Areas and Resources – The draft Plan includes an area identified suitable as 7(a) Environmental Protection which reflects the existing environment (SEPP 14 wetlands and an appropriate buffer). Future development will be required to consider potential impacts on the proposed 7(a) Environmental Land. Development will not be permissible in the proposed 7(a) Environmental Land.

F5 Economics and Employment – The draft Plan will not undermine any existing areas of Karuah. Development consistent with the recommendations of this report will compliment the existing residential areas of Karuah and provide additional support for the town centre.

F6 Sustainability Criteria – This is a matter for consideration by the Department of Planning

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a culture of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Since the Pacific Highway bypass of Karuah, the town centre has struggled and viability of the services for the town has declined. Development in this location will provide positive social outcomes for Karuah due to its close proximity to the town centre. Aliceton Reserve is located within walking distance and will enable new residents easy pedestrian access to existing community facilities. The site is continuous with the existing residential land and approximately 300m to the town centre.

Future development will be required to reflect the existing street network and existing urban character. The draft Plan has the potential to strengthen the social and economic viability of Karuah through increasing housing choice and the overall population of Karuah.

ECONOMIC IMPLICATIONS

Rezoning to allow residential use on the subject site will support the re-vitalisation of the Karuah Town Centre which has been subject to significant loss of trade since the opening of the bypass.

The draft Plan will provide additional residential land in Karuah that will lead to a levy for developer contributions to fund additional infrastructure as well as additional use of existing infrastructure and services. Through the development process Council would obtain Section 94 contributions.

The development process could result in increased short term economic activity through the construction phase. Long term economic benefits would occur as new residents locate to the area creating demand and use of facilities and services and increased spending in the area.

ENVIRONMENTAL IMPLICATIONS

The site adjoins a State Environmental Planning Policy – Coastal Wetlands (SEPP 14). The protection of Wetland is proposed under the draft LEP within a 7(a) Environmental Protection zone. The land is currently zoned 1(a) Rural Agriculture but SEPP 14 Wetlands restricts use of the land and the buffers surrounding.

The site proposed 2(a) Residential land under the draft Plan has limited environmental qualities and consists of scattered remnant vegetation and is degraded due to previous agricultural use.

The site has been identified under the LHRS and CSIS as an area suitable for future residential development. Throughout the preparation of the draft Plan, the DoP required that the issues raised by DECC and CMA regarding biodiversity offsets must be resolved before Council request the Minister make the Plan. DECC have indicated a suitable means of ensuring appropriate biodiversity is through the bio-banking tool at Development Application stage.

Prior to forwarding the draft Plan to the Minister for Planning, a Voluntary Planning Agreement (VPA) will be required to ensure the biodiversity offsets are considered and the requirements of DECC are met.

CONSULTATION

The appropriate Government authorities were consulted under Section 62 of the Environmental Planning and Assessment Act 1979. Objections were received from DECC and CMA concerning loss of vegetation and biodiversity offsets required under legislation. Both DECC and CMA considered the loss of vegetation that may occur through the draft Plan as not implementing the "Improve and Maintain Principles". DECC, CMA and DoP were consulted further to address the concerns raised. DoP indicated that it would not support the Plan unless the outstanding objections by these agencies were addressed. It has been indicated by DECC that establishing a Voluntary Planning Agreement to ensure the bio-banking tool is utilised would address their objection.

Should satisfactory resolution of this matter not be reached between the landowners and DECC, the draft Plan cannot be progressed. The draft Plan requires that landowners enter into a Voluntary Planning Agreement addressing the DECC objections prior to being sent to the Minister for Planning. As this is a matter determined to be between the landowner and DECC, it is now appropriate for Council to consider the results of the exhibition of the draft LEP.

The CMA do not have a role in advising on draft LEP matters relating to urban development.

The draft Plan was exhibited for a total of approximately eight (8) weeks from July through to early September 2007. Ten (10) submissions were received. Issues raised referred mainly to the environmental impacts of future development and existing infrastructure. These submissions have been addressed in the table at Attachment 3. There was some concern that the proposed 7(a) Environmental Protection land was being used as a biodiversity offset for the proposed 2(a) Residential land. DECC has

STRATEGIC COMMITTEE – 2 DECEMBER 2008

confirmed this is not the case and requires offsets to be obtained through the means of bio-banking.

OPTIONS

- 1) Support the recommendations.
- 2) Reject the recommendations.
- 3) Make amendments to the recommendations.

ATTACHMENTS

- 1) Draft LEP 24 Instrument
- 2) Map
- 3) Summary of Submissions

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

Attachment Six:

Council Resolution dated 16 December 2008

ITEM NO. 2

FILE NO: PSC2006-1202

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – IN RESPECT OF CERTAIN LANDS AT KARUAH – DRAFT PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT NO. 24).

REPORT OF: TREVOR ALLEN –INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Submit the exhibited draft Local Environmental Plan (draft Port Stephens LEP 2000 amendment No. 24) to the Department of Planning requesting that the draft plan (**Attachment 1**) be made by the Minister;
- 2) Prior to the draft Plan being forwarded to the Minister, agreement be reached between the Department of Environment and Climate Change (DECC) and landowners to satisfy concerns raised by DECC in relation to bio-banking.

STRATEGIC COMMITTEE MEETING – 2ND DECEMBER 2008

RECOMMENDATION:

Councillor Bruce MacKenzie Councillor John Nell	That the recommendation be adopted.
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In accordance with the Local Government Act, a division is required.

Those for the motion: Councillors B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; B Westbury; F Ward; J. Nell; S. O'Brien & S. Tucker.

Those against the motion: Nil.

ORDINARY MEETING – 16 DECEMBER 2008

RESOLUTION:

393	Councillor Glenys Francis Councillor Shirley O'Brien	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act, a division is required.

Those for the motion: Crs B. MacKenzie, G. Dingle; S. Dover, G. Francis; K. Jordan; F Ward; J. Nell; S. O'Brien, D. Maher, P. Kafer & S. Tucker.

Those against the motion: Nil.

Attachment Seven:

Council Report dated 28th July 2009

INFORMATION ITEM NO. 2

**COUNCIL RESOLUTION OF 16 DECEMBER 2008 – PROPOSED DRAFT
LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT NO. 24 IN
RESPECT OF CERTAIN LANDS AT KARUAH**

**REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING
FILE: PSC2006-1202**

BACKGROUND

The purpose of this report is to provide Councillors with an update on progress of the draft Port Stephens Local Environmental Plan Amendment No. 24.

In December 2008, Council considered draft LEP Amendment No. 24 and resolved to:

- 1) *Submit the exhibited draft Local Environmental Plan (draft Port Stephens LEP 2000 Amendment No. 24) to the Department of Planning requesting that the draft be made by the Minister;*
- 2) *Prior to the draft Plan being forwarded to the Minister, agreement be reached between the Department of Environment and Climate Change (DECC) and landowners to satisfy concerns raised by DECC in relation to bio-banking.*

The draft LEP has undergone the required legislative process including public exhibition that led to Council's adoption of the draft LEP.

Since December 2008 Council, the proponents and State Government agencies have discussed this matter on numerous occasions to progress the draft LEP consistent with Council's Resolution. Representation has also been made by the landowners to Council indicating that achieving DECC's requirements is problematic.

Council supports the NSW government's policy on "improve and maintain" for native vegetation across the State, as well as the use of "biodiversity offsets" when proposed development requires the removal of native vegetation. However, the implementation of these State government policies by Council through the rezoning process, in this instance, does not acknowledge:

- the difficulties of achieving consensus between multiple landowners who have differing biodiversity issues;
- the financial difficulties and uncertainties that biodiversity offsets impose upon individual land owners; and,

- that small landowners/developers do not necessarily have the financial capacity to absorb the short and long term costs of preparing and implementing a biodiversity offset package.

Furthermore, there is concern that State government policy is unintentionally distorting the development industry where biodiversity conservation issues become onerous such that only large developers have the financial capacity to absorb the costs and delays through the rezoning process.

The draft LEP is consistent with the Lower Hunter Regional Strategy and the Regional Conservation Plan. The draft LEP proposes to rezone land containing a State significant wetland under State Environmental Planning Policy No. 14 Coastal Wetland from Rural 1(a) that permits vegetation clearing to an Environmental Protection Zone.

Council's adoption of the draft LEP in December 2008 reflects its commitment and intention to zone the subject land appropriately to reflect the intent and desired outcomes of Council and State government policies guiding the rezoning process for urban development and biodiversity conservation.

Council does not have the legal capacity or responsibility to resolve the biodiversity issues raised by DECC. Technically, this is a matter best resolved directly between DECC and the land owners. It is a matter for the Department of Planning to clarify and determine how State government policy for urban development and biodiversity conservation should be resolved for this draft LEP. There is scope for this matter to be addressed at the Development Application stage under Part 4 of the Environmental Planning and Assessment Act.

ATTACHMENTS

- 1) Draft LEP Amendment No. 24 – Map

Attachment Eight:

Council Resolution 28th July 2009

ORDINARY COUNCIL – 28TH July 2009

246	Councillor Bruce MacKenzie Councillor Bob Westbury	It was resolved that the recommendation be adopted and that Council write to the NSW Minister for Planning and the NSW Minister for the Environment, seeking for high priority to be given to resolve the issues that are impeding progress with this rezoning in Item 2.
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In accordance with the Local Government Act 1993, a division is required for Item 2.

Those for the Motion: Cr Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the Motion: Nil.

247	Councillor John Nell	It was resolved that Council write to the NSW
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PORT STEPHENS COUNCIL**118**

MINUTES FOR ORDINARY MEETING – 28TH JULY 2009

	Councillor Glenys Francis	State Government concerning the discharging into waterways
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