



KEMPSEY
Shire Council

PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12th May 2009 commencing at 10.35 a.m

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

**DSDS1 PROPOSED AMENDMENT TO KEMPSEY LOCAL
ENVIRONMENTAL PLAN 1987 (AMENDMENT NO. 109) FOR
SLIM DUSTY FOUNDATION
FILE: T5-109 KJA {Folio No. 398186}**

SUMMARY:

Reporting that no submissions have been received in response to the public exhibition of amendment No. 109 to the Kempsey Local Environmental Plan 1987 to rezone Lot 299 DP729768 and Lot 7 DP737376, Pacific Highway, South Kempsey to facilitate developments associated with the Slim Dusty Centre.

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 320 RESOLVED:

*Moved: Cl. Hayes
Seconded: Cl. Green*

That Council exercise its delegation granted by the Director General under Section 69 of Environmental Planning and Assessment Act 1979 to forward Kempsey Local Environmental Plan 1987 (Amendment No. 94) to the Minister to make the plan.

A Division on this decision resulted in the following votes.

**F = Voted For
A = Voted Against**

Bowell	F	Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F
Snowsill	F	Sproule	F	Walker	F						

**DSDS3 EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLAN (LEP
AMENDMENT NO. 111) FOR REZONING OF LAND AT 37 BELLE
O'CONNOR STREET SOUTH WEST ROCKS
FILE: T5-111 PK {Folio No. 398192}**

SUMMARY:

Reporting that Written Authorisation to Exercise Delegation under Section 65(1) and 69 (1) of the Environmental Planning and Assessment Act 1979 has been

issued by the Department of Planning for the rezoning of land at 37 Belle O'Connor Street, South West Rocks for which Council's endorsement is sought for the purposes of public exhibition.

SECTION 375A OF LOCAL GOVERNMENT ACT 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 322 RESOLVED: *Moved: Cl. Walker*
Seconded: Cl. Gribbin

That Council endorse the draft LEP for the purposes of public exhibition.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

Bowell	F	Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F
Snowsill	F	Sproule	F	Walker	F						

DSDS5	KEMPSEY LOCAL GROWTH MANAGEMENT STRATEGY – RESIDENTIAL COMPONENT
File: 879 RBP	{Folio No. 398198}

SUMMARY:

Reporting that the Kempsey Local Growth Management Strategy – Residential Component has been prepared and is referred to Council to endorse for the purposes of public exhibition

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2009. 323 RESOLVED: *Moved: Cl. Sproule*
Seconded: Cl. Walker

That Council endorse the Draft Residential Settlement Strategy for the purposes of public exhibition.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Bowell	F	Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F
Snowsill	F	Sproule	F	Walker	F						

The following items DSDS6 and DCCS6 were dealt with in conjunction.

DSDS6	INSTALLATION OF RELOCATABLE HOMES & ASSOCIATED STRUCTURES
FILE: LA11308 CC: 120 KJW	{Folio No. 398199}

SUMMARY:

Reporting that an application to install moveable dwellings and associated structures at Stuarts Point Caravan Park has been received that requires a variation to Council's Flood Risk Management Policy.

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2009. 324 **RESOLVED:**

*Moved: Cl. Walker
Seconded: Cl. Hayes*

That Council agree to vary the provision of the Flood Risk Management Policy for Stuarts Point Caravan Park and approve the relocatable homes subject to the following conditions:-

- a) **Update the existing flood emergency response plan for this park;**
- b) **The floor level of the proposed relocatable homes is to be a minimum of 2.5 m AHD (1 in 100 Flood Level);**
- c) **The applicants Structural Engineer is to certify that the proposed relocatable homes have been designed to withstand the forces created by floodwaters, debris loadings, buoyancy and that there is no unacceptable hazard from floodwaters passing between buildings;**
- d) **The relocatable homes are to be designed, constructed and installed in accordance with the relevant requirements of Division 4 Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;**
- e) **Prior to the placement of the new units the applicant is to submit an amended community map indicating the alteration to the six (6) park sites;**
- f) **The applicant is to obtain an approval under section 68 of the local Government Act for the onsite sewerage system (septic). The applicant is to provide detail of the existing system and the proposed increase in loading with the application.**

A Division resulted in the following votes.

**F = Voted For
A = Voted Against**

Bowell	F	Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F
Snowsill	F	Sproule	F	Walker	F						

DSS12 SUPP	REVIEW OF CONTRIBUTIONS – PROPOSED NURSING HOME AT FREDERICKTON FILE: T6-06-313 BJM	{Folio No. 398554}
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This matter was reported to the Council meeting of 7th April 2009 and deferred to allow any impact of changes to Council policy to be reported to Council.

SUMMARY:

Reporting on the potential impact of changes to Council policy in relation to developer contributions for water and sewerage infrastructure in relation to the development of Nursing Homes

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Director Shire Services Recommendation:

That the original report which is attached be considered.

MOVED:

*Moved: Cl. Hayes
Seconded: Cl. Green*

That the relevant plans be reviewed with a view to building into the plans economic flexibility.

An Amendment was MOVED:

*Moved: Cl. Saul
Seconded: Cl. Walker*

That the applicant be advised that Council is prepared to modify the consent and will agree to issue a Certificate of Compliance pursuant to the Water Management Act 2000, subject to the following preconditions:-

1. **Payment of a Sewerage developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$6,704 per equivalent tenement, i.e. \$6,704 x 42.9 E.T = \$287,602 total for 2008 / 2009 (Indexed).**
2. **Payment of a Water Supply developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$7,947 per equivalent tenement, i.e. \$7,947 x 42.9 E.T = \$340,926 total for 2008 / 2009 (Indexed).**
3. **Lodgement of a Bank Guarantee in favour of Kempsey Shire Council for the amount of \$658,687 prior to occupation of the premises in lieu of an additional upfront cash contribution towards the provision of water and sewerage. Upon receipt of a written request Council will consider relinquishing the Bank Guarantee, provided it can be demonstrated that actual flow rates do not exceed those specified in the Water Directorate Guidelines on which Council's Developer Servicing Plan is based.**

2009. 338 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Councillor Hayes recorded her vote against the foregoing Resolution.

A Division resulted in the following votes.

**F = Voted For
A = Voted Against**

Bowell	F	Campbell	F	Green	A	Gribbin	A	Hayes	A	Saul	F
Snowsill	F	Sproule	F	Walker	F						

2009. 339 RESOLVED:

Moved: Cl. Green

Seconded: Cl. Hayes

1. That Council review the relevant plans in regard to its Development Servicing plans
2. That Council be provided with the information from Councils on the Mid North Coast on their Development Servicing plans.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT

DSDS1	UNAUTHORISED USE	
CONF	FILE: LA19004 SRR	{Folio No. 398307}

Section 10A(2)(g) – Legal Proceedings

This report is submitted on a confidential basis as it involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (Local Government Act 1993, section 10A(2)(g))

On balance, the public interest in preserving the confidentiality of the advice, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

SUMMARY:

Reporting on the status of compliance actions for an authorised land use at South Kempsey

SECTION 375A OF LOCAL GOVERNMENT ACT REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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Director Sustainable Services Department Recommended:

For Council's information

2009. 368 RECOMMENDED:

*Moved: Cl. Hayes
Seconded: Cl. Green*

That the information be noted and Council endorse the actions of the Director Sustainable Development Services.

A Division on this decision resulted in the following votes.

**F = Voted For
A = Voted Against**

Bowell	F	Campbell	F	Green	F	Hayes	F	Saul	F	Snowsill	F
Sproule	F	Walker	F								