



**MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL**

15 December 2009 commencing at 9.00am.

**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

<b>DSDS3</b>	<b>WATER AND SEWERAGE CONTRIBUTIONS – SOUTH WEST ROCKS AGED CARE FACILITY</b>
	<b>FILE: T6-07-318 RBP {Folio No. 416425}</b>

**SUMMARY:**

Reporting that an agreement has been reached with a developer in respect to the payment of water and sewerage contributions which is at variance to a previous resolution of Council.

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

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**2009. 926 RESOLVED:**

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

**That the applicant be advised that further to Council’s resolution of 9 June 2009, should the option of submitting a Deed of Agreement in respect to water and sewerage contributions be exercised, Council will agree to inclusion of a provision to give effect to the following:-**

- **That in the event monitoring of water usage and sewer outflows indicates flows are less than predicted, Council agrees to provide a credit towards any access/usage water and sewerage charges applying to the land. Such credit shall be equivalent to the amount of the headworks charges otherwise payable as determined under amount of Council’s Developer Servicing Plans.**

**A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;**

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

Bowell	<b>F</b>	Campbell	<b>F</b>	Green	<b>F</b>	Gribbin	<b>F</b>	Hayes	<b>F</b>	Saul	<b>F</b>	Snowsill	<b>F</b>
Sproule	<b>F</b>	Walker	<b>F</b>										

<b>DSDS4</b>	<b>TELECOMMUNICATIONS TOWER</b>
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**SUMMARY:**

Reporting that Council has received an application to erect a telecommunications tower and equipment shed.

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

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**2009. 927    RESOLVED:**

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

**That this matter be listed for a Works inspection.**

**A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;**

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

Bowell	<b>F</b>	Campbell	<b>F</b>	Green	<b>F</b>	Gribbin	<b>F</b>	Hayes	<b>F</b>	Saul	<b>F</b>	Snowsill	<b>F</b>
Sproule	<b>F</b>	Walker	<b>F</b>										

**DSDS6                    "OLD SCHOOL HOUSE" REZONING SOUTH WEST  
ROCKS  
FILE: T5-100    KJH                    {Folio No. 416430}**

**SUMMARY:**

Reporting that submissions have been received in response to the public exhibition of the draft Local Environmental Plan and Development Control Plan for the "Old School House" rezoning documentation which Council is required to consider in determining whether to proceed with the rezoning.

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

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**MOVED:**

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

- 1.    That Council adopt draft LEP Amendment No.100 including amendments as described in this report and forward it to the Department of Planning to make the plan.**
  
- 2.    That Council adopt the draft Old School Site DCP including amendments as described in this report.**

3. That all persons and agencies that made a submission be advised of Council's decision.
4. That in consultation with the Rural Fire Service (RFS) Council amend the certified Bushfire Prone Land mapping to exclude the site and the surrounding area.

An Amendment was MOVED:

*Moved: Cl. Gribbin  
Seconded: Cl. Saul*

That a concept drawing on what is to be built and showing the parking arrangements be provided to council before further consideration.

The AMENDMENT was PUT to the Meeting and was LOST.

A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;

F = Voted For  
A = Voted Against

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

2009. 929 The MOTION was PUT to the MEETING and was CARRIED.

A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;

F = Voted For  
A = Voted Against

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

**DSDS7                      DRAFT      LOCAL      ROADS      AND      TRAFFIC**  
**INFRASTRUCTURE      DEVELOPER      CONTRIBUTION**  
**PLAN 2009**  
**FILE: 556 BP/RPB      CC: MRB      {Folio No. 416434}**

**SUMMARY:**

This Report provides details of the outcomes of the public exhibition of the Draft Local Roads and Traffic Infrastructure Section 94 Developer Contribution Plan 2009 and recommends that the contribution plan be adopted without further amendment.

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2009. 930 RESOLVED:

*Moved: Cl. Walker  
Seconded: Cl. Sproule*

That Council adopt the Local Roads and Traffic Infrastructure Developer Contribution Plan 2009 and advertise details of the commencement date for the contribution plan.

**A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;**

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

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

**DSDS8                    BUILDING AND DEVELOPMENT**  
**FILE: 329 RBP**

**SUMMARY:**

Reporting that the following applications have been approved.

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**2009. 931    RESOLVED:**

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

That the information be noted.

**A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;**

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

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

**RESCISSION MOTION**

**RM1                    SECTION 64 CHARGES – PROPOSED DWELLING, FREDERICKTON**  
**FILE: T6-09-204 COPY LA18560 RBP {Folio No. 416285}**

**2009. 950    RESOLVED:**

*Moved: Cl. Gribbin*  
*Seconded: Cl. Walker*

That resolution number 2009.766 from the Ordinary Meeting held 13 October 2009, as printed below:

- "1. That the applicant pay the rate that was on the block when it was given to council by the developers.
2. That a report be provided to council in respect to consideration of adopting a policy to clarify the method for the implementing council's

development servicing plans for water supply and sewerage services for different types of development.”

be rescinded.

**MOVED:**

***Cl. J Gribbin***  
***Seconded: Cl. Snowsill***

1. That Kempsey Shire Council accept from Mr & Mrs McCabe the sum of \$2,000 being the total price for the installation of sewer and water connections to the block of land purchased by them from Council at 148 Macleay Street, Frederickton.
2. That a report be provided to council in respect to consideration of adopting a policy to clarify the method for the implementing council’s development servicing plans for water supply and sewerage services for different types of development.”

**An Amendment was MOVED:**

***Moved: Cl. Green***  
***Seconded: Cl. Saul***

1. That the fees as outlined in the General Manager's note as detailed below be applied to this situation.

Headworks Contributions (s.64 as at subdivision)	\$2,271
Junction installation (based on quoted costs)	\$1,430
Sewer Connection (standard fee)	\$300
Water meter Connection fee (standard fee)	\$849

2. That a report be provided to council in respect to consideration of adopting a policy to clarify the method for the implementing council’s development servicing plans for water supply and sewerage services for different types of development.

**The AMENDMENT was PUT to the Meeting and was LOST.**

**The MOTION was PUT to the Meeting and was LOST.**

**PROCEDURAL MOTION:**

***Moved: Cl. Hayes***

**That this matter lay on the table for a period of three months.**

**The procedural motion was withdrawn at the request of Councillor Hayes.**

**MOVED:**

***Moved: Cl. Bowell***  
***Seconded: Cl. Gribbin***

1. That the matter of negotiating with Mr and Mrs McCabe be delegated to the general manager to reach a settlement for payment by them to council within the range \$2000 to \$4850.

