



PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL HELD AT WILLAWARRIN HALL

1.3.1 Draft Local Environmental Plan Amendment No 108 for Proposed Crematorium, Funeral Chapel and Memorial Gardens

File: T5-108 {Folio No. 448861}

SUMMARY

Reporting on the results of public exhibition of a proposed rezoning to permit a Crematorium at Everingham Lane, Frederickton including a further submission from the applicant and referral comments from NSW Health, DECCW and Council's Traffic Engineer.

This report contains recommendations with respect to both the public and government agency submissions made and the applicant's plan modifications.

MOVED:

***Moved: Cl. Green
Seconded: Cl. Gribbin***

- 1 That the Planning Proposal and amended rezoning application, and this report, be referred to the NSW Department of Planning with a request that they make the LEP amendment.**
- 2 That the Department be advised that Council's endorsement of the draft LEP is contingent upon the instrument including provisions to the effect that consent shall not be granted for the purposes of a crematorium on land to which this clause applies unless:**
 - a) A report has been provided by a suitably qualified person which indicates, to the satisfaction of the consent authority, that no adjoining property will be adversely affected by reason of emissions to the extent that would prevent its use for permitted land uses by including, but not limited to, the results of air dispersal modelling and the means of monitoring ongoing operations;**
 - b) Vehicular access is located adjacent to the eastern side boundary;**
 - c) A traffic study, prepared by a suitably qualified person has been provided demonstrating that adequate measures have been employed to ensure that no unacceptable impacts on the flow of traffic on Collombatti Road will result from the development**
 - d) A visual analysis has been prepared by a suitably qualified person indicating that adequate measures have been employed**

to minimise the visual impacts of building and parking areas on adjoining residences;

- e) Documented evidence is provided which demonstrates that a best practice cremator is proposed to be installed; and
- f) A report has been provided by a suitably qualified person indicating that adequate means are proposed to dispose of waste water on-site, including disposal of waste water from any air quality control system.

An Amendment was **MOVED**:

*Moved: Cl. Sproule
Seconded: Cl. Saul*

That this item be listed for a Works Committee Inspection.

2011. 145 The **AMENDMENT** was **PUT** to the **MEETING** and was **CARRIED**, became the **MOTION** and was **CARRIED**.

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						

1.7.1 Proposed Multiple Dwellings at South West Rocks
File: T6-10-399 {Folio No. 448884}

SUMMARY

Reporting that Council has received a Development Application for two, two storey dwellings, for which objections have been received, and which requires a variation to Council's *Development Control Plan No. 22*.

2011. 146 **RESOLVED**:

*Moved: Cl. Green
Seconded: Cl. Campbell*

That this matter be listed for a Works Committee Inspection.

2011. 147 The **MOTION** was **PUT** to the **MEETING** and was **CARRIED**.

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	A										

1.7.2 Proposed Multiple Dwellings at South West Rocks
File: T6-10-398 {Folio No. 448891}

SUMMARY

Reporting that Council has received a Development Application for a three bedroom, two storey dwelling and a three bedroom, single storey dwelling, for which objections have been received, and which requires a minor variation to Council's *Development Control Plan No. 22*.

2011. 167 RESOLVED:

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

That this item be listed for a Works Committee Inspection.

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										

1.7.3 Proposed Multiple Dwellings and Subdivision at South West Rocks

File: T6-10-443 {Folio No. 448894}

SUMMARY

Reporting that Council has received a Development Application for two (2) single storey dwellings and subdivision, for which objections have been received. The Development Application is seeking a variation to Clause 11.2 of *Development Control Plan (DCP) No. 22 - Local Housing Strategy*, and includes a *State Environmental Planning Policy (SEPP) No. 1* objection seeking a variation to Clause 16(1)(d) of *Kempsey Local Environmental Plan 1987 (KLEP)*.

2011. 168 RESOLVED:

**Moved: Cl. Walker
Seconded: Cl. Campbell**

A That a variation to the provisions of Clause 16(1)(d) of the *Kempsey Local Environmental Plan 1987* and Clause 11.2 of *Development Control Plan No. 22* be supported;

B That consent be granted subject to the following conditions:

PARAMETERS OF THIS CONSENT

- 1 Development is to be in accordance with approved plans
The development shall be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.**

Plan No./ Supporting Document	Version	Prepared by	Dated
Site Plan / Landscaping Plan (Job No. 10-275 – Sheet 1 of 4)	Amendment 'B'	Paul Smith Building Design	7 Dec 2010

Plan No./ Supporting Document	Version	Prepared by	Dated
Ground Floor Plan / Section Plan (Job No. 10-275 – Sheet 2 of 4)	Amendment 'B'	Paul Smith Building Design	7 Dec 2010
Elevation Plan (Job No. 10-275 – Sheet 3 of 4)	Amendment 'B'	Paul Smith Building Design	7 Dec 2010
Proposed Subdivision (File Reference 51797-02 – Sheet 1 of 1)	-	Hadlow Design Services	16 Feb 2010

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2 **Compliance with Building Code of Australia and insurance**
All building work shall be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant Construction Certificate was made.
- 3 **This consent does not permit commencement of any works**
This consent does not permit commencement of any works. Works shall not commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

- 4 **Design Changes: Amended plans required**
The design of the development is to be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments shall be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

Design Amendment	Reason for Amendment
(a) Include one (1) visitor parking space.	To comply with Council's Development Control Plan No. 22 – Clause 4.3.2.

- 5 **Engineer's Details**
Prior to the issue of a Construction Certificate engineer's details for the footings, foundations, reinforced concrete slab, structural components, details of cut and fill and retaining walls shall be approved by the Principal Certifying Authority (PCA). The Construction Certificate shall not be issued until the PCA is

satisfied the engineer's details have been prepared in accordance with Council's Development Control Plan No. 36 by an appropriately qualified, experienced and practicing Engineer.

- 6 Works within the road reserve Section 138 approval required**
Prior to the issue of a Construction Certificate an approval under Section 138 of the *Roads Act 1993* for all works within the road reserve shall be obtained from Council. Three (3) copies of engineering construction plans shall accompany the application for consent for works within the road reserve. Such plans shall be in accordance with Council's Adopted Engineering Standard.
- 7 Water and Sewerage Section 68 approval required**
Prior to the issue of a Construction Certificate an approval under Section 68 of the *Local Government Act 1993* to carry out water supply work and sewerage work shall be obtained from Council. All water and sewer design shall be endorsed by the Manager of Macleay Water.
- 8 Stormwater drainage approval required**
Prior to the issue of a Construction Certificate an approval under Section 68 of the *Local Government Act 1993* to carry out to carry out stormwater drainage work shall be obtained from Council.

The stormwater drainage is to be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. The drainage system is to be designed for 1 in 20 year storm event. All piped drainage lines over adjoining land are to be located within drainage easements. All costs are the responsibility of the proponent.

Engineering plans and specifications shall be submitted in triplicate and shall include details in accordance with Appendix C of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage and in compliance with Council's Adopted Engineering Standard.

- 9 Compliance with BASIX Certificate**
Prior to the issue of a Construction Certificate plans and specifications shall be provided to the Principal Certifying Authority (PCA) demonstrating the works required to satisfy the requirements of BASIX Certificate 344116S, dated 29 October 2010. The Construction Certificate shall not be issued until the PCA is satisfied the plans and specifications comply with the commitments indicated in this BASIX Certificate.
- 10 Sediment and Erosion Control Plan required**
Prior to the issue of a Construction Certificate a Sediment and Erosion Control Plan shall be provided to the Principal Certifying Authority (PCA) demonstrating the measures proposed to be employed to control erosion and loss of sediment from the site. The Construction Certificate shall not be issued until the PCA is satisfied the Sediment and Erosion Control Plan complies with the requirements of the Landcom Blue Book, "Soils and Construction - Managing Urban Stormwater".

The Sediment and Erosion Control Plan shall be prepared by an experienced, qualified and practising Civil Engineer

11 Fencing details required

Prior to the issue of a Construction Certificate plans shall be provided to the Principal Certifying Authority (PCA) detailing all fences proposed on the subject site, including heights and materials to be used. The Construction Certificate shall not be issued until the PCA is satisfied that the fencing is appropriate for its intended use (i.e. screening of private open space areas where appropriate).

12 Amended Landscape Plan required

Prior to the issue of a Construction Certificate an amended landscape plan shall be provided to Council demonstrating no landscaping (other than ground cover) in the front yard of Dwelling Two (2). For the purpose of this condition the front yard is considered to be the whole of the area between Dwelling Two (2) and Arthur Street. The Construction Certificate shall not be issued until Council is satisfied that the landscaping in the front yard will not add to or increase any traffic sightline issues.

13 Contribution to be paid towards provision or improvement of amenities or services prior to the issue of a Construction Certificate

The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the following table:

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Community Services	South West Rocks Section 94 Contribution Plan	Feb 2008
Open Space & Bushland	South West Rocks Section 94 Contribution Plan	Feb 2008
Traffic & Transport Management	South West Rocks Section 94 Contribution Plan	Feb 2008
Public Domain Improvement	South West Rocks Section 94 Contribution Plan	Feb 2008
Stormwater	South West Rocks Section 94 Contribution Plan	Feb 2008
Other Services	South West Rocks Section 94 Contribution Plan	Feb 2008
Plan, Studies & Management	South West Rocks Section 94 Contribution Plan	Feb 2008
Project Administration	Section 94 Project Administration	10 Aug 2007

The above plans may be viewed during office hours at the Council Offices located at 22 Tozer Street, West Kempsey.

Contributions set out in the following Schedule are to be paid to Council prior to the issue of a Construction Certificate. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments will only be accepted by cash or bank cheque.

Schedule of Contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable	Office Use Only Receipting Codes
Community Services – Library	Increase in Occupation Rate	1.4	\$310.60	\$434.84	30 June 2011	AYC1
Community Services - MBP	Increase in Occupation Rate	1.4	\$381.50	\$534.10	30 June 2011	AYC2
Open Space Acquisitions	Increase in Occupation Rate	1.4	\$371.38	\$519.93	30 June 2011	AYC3
Open Space Increased capacity	Increase in Occupation Rate	1.4	\$1,198.52	\$1,677.92	30 June 2011	AYC4
Bushland	Increase in Occupation Rate	1.4	\$26.32	\$36.84	30 June 2011	AYC5
Traffic and Transport Management	Increase in Occupation Rate	1.4	\$1,128.09	\$1,579.32	30 June 2011	AYC6
Public Domain Improvements	Increase in Occupation Rate	1.4	\$159.85	\$223.79	30 June 2011	AYC7
Stormwater Management	Increase in Occupation Rate	1.4	\$1,083.61	\$1,517.05	30 June 2011	AYC8
Support Services – Bushfire	Increase in Occupation Rate	1.4	\$30.17	\$42.23	30 June 2011	AYC9
Support Services – Surf Life Savings	Increase in Occupation Rate	1.4	\$36.98	\$51.77	30 June 2011	AYC10
Plan Studies	Increase in Occupation Rate	1.4	\$63.45	\$88.83	30 June 2011	AYC11
Sub total				\$6,706.62		
S94 Administration	6% of total Section 94 charge applicable			\$402.39		AY
TOTAL				\$7,109.01		

14 Long Service Levy to be paid

Prior to the issue of a Construction Certificate a Long Service Levy shall be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change without notice. The requirements of the State Government supersede this condition.

This payment may be made at Council's Customer Service Centre. Cheques shall be made payable to Kempsey Shire Council.

15 Certificate of Compliance

Prior to the release of a Construction Certificate a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be submitted to Council.

Please refer to the Advice section of consent for additional information on water and sewer works and contributions.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

- 16 Date of Commencement**
Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council shall be in writing and specify the date of commencement.
- 17 Public liability insurance**
Prior to any building or construction works commencing evidence shall be provided to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council shall be nominated as an interested party on the policy.
- 18 Erosion & sediment measures**
Erosion and sedimentation controls shall be in place in accordance with the approved Sediment and Erosion Control Plan prior to the commencement of any works.
- 19 Toilet facilities**
Toilet facilities shall be provided or made available at or in the vicinity of the work site at a rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided shall be a flushing toilet connected to Council's sewerage system.
- 20 Site construction sign required**
Prior to any building or construction works commencing a sign or signs shall be erected in a prominent position at the frontage to the site:
 - a) Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) Stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and shall be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

- 21 Construction times**
Construction works shall not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- a) **Monday to Friday, from 7:00 am to 6:00 pm.**
- b) **Saturday, from 8:00 am to 1:00 pm.**

No construction work is to take place on Sundays or Public Holidays.

22 Limiting construction noise

Construction noise is to be limited as follows:

- a) **For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).**
- b) **For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).**

23 Construction dust suppression

All necessary works shall be undertaken to control dust pollution from the site. These works shall include, but are not limited to:

- a) **Restricting topsoil removal;**
- b) **Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion); and**
- c) **Alter or cease construction work during periods of high wind.**

24 Glazing requirements

Glazing materials used in the building shall be selected in accordance with the provisions of Australian Standard AS 1288 *SAA Glass Installation Code* and shall comply with the requirements of Australian Standard AS 2208 "Safety Glazing Materials for Use in Buildings (Human Impact Considerations)" as required by the Building Code of Australia.

Windows shall be constructed to comply with Australian Standard AS 1288 or Australian Standard AS 2047. Written certification shall be submitted to Council prior to occupation inspection to confirm that glazing selection, manufacture and installation has been completed in accordance with the relevant Australian Standards for the job specific project.

25 Builders rubbish to be contained on site

All builders rubbish shall be contained on the site in a 'Builders Skips' or an enclosure. Building materials shall be delivered directly onto the property. Footpaths, road reserves and public reserves shall be maintained clear of rubbish, building materials and all other items at all times.

26 Maintenance of sediment and erosion control measures
All sediment and erosion control measures shall be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

27 Trees to be retained and protected
Any trees within the vicinity of the work site that have not been approved for removal shall be protected by a fence so as to minimise disturbance to existing ground conditions within the drip line of the trees. The fence shall be constructed:

- a) With a minimum height of 1.2 metres;
- b) Outside the drip line of the trees;
- c) Of steel star pickets at a maximum distance of 2 metres between pickets;
- d) Using a minimum of 3 strands of steel wire;
- e) To adequately separate the tree or stand of trees from the works; and
- f) With orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter.

The fence shall be maintained for the duration of the site clearing, preparation, demolition, and construction works.

Excavations shall not take place within the drip line of any tree that has not been approved for removal, and no soil or fill material shall be placed within the drip line of any tree so as to cause changes in surface level by more than fifty millimetres (50mm) from the existing level. Such soil shall not be compacted. Such soil fill shall not be finer than that being covered in situ (e.g. clay shall not be placed over loam soil).

28 Support for neighbouring buildings
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) Shall preserve and protect the adjoining building from damage;
- b) If necessary, shall underpin and support the building in an approved manner; and
- c) Shall, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land, public road or any other public place shall not be held liable for any part of the cost of work carried out, whether carried out on the allotment of land

being excavated or on the public road, any other public place or the adjoining allotment of land.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

- 29 Sewer, water and stormwater to be connected**
Prior to the issue of an Occupation Certificate sewer, water supply and stormwater drainage shall be connected to the premises in accordance with approvals granted under Section 68 of the *Local Government Act 1993*.
- 30 Internal driveway in accordance approved plans**
Prior to the issue of an Occupation Certificate a driveway is to be constructed from the property boundary to the proposed car space/s in accordance with the approval granted under Section 138 of the *Roads Act 1993*.
- 31 Site to be landscaped**
Prior to the issue of an Occupation Certificate the site shall be landscaped in accordance with the approved landscape plan, including stabilisation of any cut or filled area using endemic grass species as soon as practically possible.
- 32 Fire detection and alarm system required**
Prior to the issue of an Occupation Certificate fire detection and alarm systems shall be installed and maintained within the building. Such systems shall comply with the Building Code of Australia (BCA) Part 3.7.2.2 requirements for a Class 1b building.
- 33 Rectification of any damages**
Prior to the issue of an Occupation Certificate evidence shall be provided to Council demonstrating the pre-development and post-development condition of the surrounding public land and infrastructure. Such evidence shall include photographs. The proponent shall be held responsible for the repair of any damage to roads, driveway crossovers or other assets caused as a result of construction works under this consent.
- 34 Works to be completed**
Prior to the issue of an Occupation Certificate all of the works shown on the plans and granted by this consent, including any other consent that are necessary for the completion of this development, and any rectification works to Council land or infrastructure, shall be completed and approved by the relevant consent authority/s.

FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- 35 Subdivision not to commence until all construction work complete**
All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, shall be completed and approved by the relevant consent authority/s, and a Final Occupation Certificate gained for both dwellings approved by this consent, prior to the issue of a Subdivision Certificate.

- 36 Plan of Subdivision and Section 88B Instrument requirements**
Prior to the issue of a Subdivision Certificate an application for a Subdivision Certificate shall be made with Council, on the approved form and including appropriate fees. Seven (7) copies of the plan of subdivision shall to be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads shall be indicated on one (1) of the copies.

A Section 88B Instrument and one (1) copy shall be submitted with the application for a Subdivision Certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Easement for Services	The creation of any necessary easements for services over proposed Lot 161 and proposed Lot 162. The instrument is to benefit and burden proposed allotments and parties as is appropriate to the satisfaction of Council.
Drainage Easements	The creation of any necessary easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council’s policy. The instrument is to benefit and burden proposed allotments as is appropriate to the satisfaction of Council.
Easement for Electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority. The instrument is to benefit and burden proposed allotments as is appropriate to the satisfaction of Council.
Easement for Right of Carriageway	The creation of any easements for a reciprocal right of carriageway over the visitor carparking bay. The instrument is to benefit and burden proposed allotments as is appropriate to the satisfaction of Council.

Council shall not release the Subdivision Certificate until all the above plans and documents have been submitted and are to the satisfaction of Council.

ADVICE

Certificate of Compliance

Prior to the issue of the Construction Certificate a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be submitted to Council.

A Certificate of Compliance shall be issued when all contributions are paid and all infrastructure necessary to service the development has been completed in full.

Contributions set out in the following table are to be paid to Council prior to the issue of a Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006. The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque.

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable	Office Use Only Receiving Codes
Water	0.2	\$8,390.00	\$1,678.00	30 Jun 2011	AW
Sewer	0.5	\$7,078.00	\$3,539.00	30 Jun 2011	AS
TOTAL			\$5,217.00		

C That the objectors be advised of Council's decision.

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 General Manager declared a non-pecuniary non-significant interest in item for the reason that the owner of the land is his landlord.

1.7.4 Proposed Boundary Adjustment

File: T6-10-164 {Folio No. 448895}

SUMMARY

Reporting that Council has received a Development Application to undertake a boundary adjustment which requires a variation to Kempsey Local Environmental Plan 1987.

2011. 169 RESOLVED:

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

That the Development Application and SEPP 1 objection be approved subject to the following conditions:

1 Development is to be in accordance with approved plans

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Version	Prepared by	Dated
Plan of Subdivision Ref: 7808 Report	-	Peter Phillis	26 Aug 2008

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

- 2. **Plan of Subdivision**
An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application. Seven (7) copies of the plan of subdivision are to be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on 1 of the copies.
- 3. **Certificate for Pipes, Access Driveways, etc. Within Easements**
A certificate from a registered surveyor is to be submitted to Council certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

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										

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