

**GOAL 1: To Facilitate Ecological and Economical Sustainable Development in the Shire**

**1.1 Rezoning Policy Consultation – Gilbert Cory Street, South West Rocks File: T5-116**

1412	RBP
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**SUMMARY:**

The item is reported to Council under the provisions of Council’s Rezoning Applications Procedure 1.1.9 to advise council of the proposed method of public consultation for Draft Kempsey Local Environmental Plan (LEP) Amendment No 116.

Applicant: Gary Freeland, Kleinfelder Australia  
 Subject Property: Lot 10 DP754396 Gilbert Cory Street, South West Rocks  
 Zone: 1(d) (Rural (Investigation) “D” Zone)

**2013. 59 RESOLVED:**

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

**That the proposed consultation methods for Rezoning Application No RZ-11-02, Draft Kempsey Local Environmental Plan 1987 Amendment No 116 be noted and endorsed by Council.**

**A Division resulted in the following votes.**

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

<b>Campbell</b>	<b>F</b>	<b>Green</b>	<b>F</b>	<b>Kesby</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>
<b>Morris</b>	<b>F</b>	<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Williams</b>	<b>F</b>

**1.2 Proposed Boundary Adjustment at Kinchela File: T6-13-7**

1412	RBP
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**SUMMARY**

Reporting that Council has received a Development Application for a boundary adjustment at Kinchela that requires the support of a State Environmental Planning Policy (SEPP) No. 1 objection seeking a variation to Clause 16(1)(a) of the Kempsey Local Environmental Plan (KLEP) 1987.

Previously Planning Circular B1 allowed Councils to assume the concurrence of the Director General for the use of SEPP No. 1 when considering boundary adjustments between two undersized lots, providing no additional lots or dwelling entitlements are

created and the existing or potential agricultural use of the land will not be compromised.

However, following the Wollongong ICAC inquiry, Planning Circular PS 08-14 (issued November 2008) now requires that when the variation is greater than 10% the application must be determined at a full Council meeting.

#### REPORT DETAILS

Applicant: Hadlow Design Services  
Subject Property: Lot 591 DP574225 and Lot 593 DP732001  
225 Right Bank Road, KINCHELA CREEK  
Zone: 1(a3) (Rural "A3" Agricultural Protection Zone)

**2013. 60 RESOLVED:** *Moved: Cl. Saul*  
*Seconded: Cl. Patterson*

**A That the use of SEPP 1 to vary the provisions of Clause 16(1)(a) of the Kempsey Local Environmental Plan 1987 be supported; and**

**B That consent be granted subject to the following conditions:**

<b>PARAMETERS OF THIS CONSENT</b>
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**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 OF PROPOSED SUBDIVISION LOT 591 DP 574225 & LOT 593 DP 732001 REF 52063-21 SHEETS 1 AND 2	-	HADLOW DESIGN SERVICES	

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.

**2 No works approved as part of this consent**

This consent is for boundary re-alignment only. No physical works are approved under this consent.

<b>THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE</b>
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**3 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 must be indicated on 1 of the copies.

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

#### 4 Electricity Supply Certificate

Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of electricity supply throughout the subdivision.

#### 5 Telephone Supply Certificate

Written evidence from Telstra is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of telephone supply throughout the subdivision.

#### 6 NSW Rural Fire Service General Terms of Approval

The development proposal is to comply with the subdivision layout identified on the drawing prepared by Hadlow Design Services titled 'Site Plan' File Ref 52063-21 undated and the drawing prepared by M W Rogers & Associates Pty Ltd titled 'Detailed Plan' File Ref 52063-21 dated 3 December 2012.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F
Morris	F	Patterson	F	Saul	F	Williams	F

### 1.3 Specific Projects Action Report

File: F12/423-02

2311

RBP

#### SUMMARY

The following information relates to the progress on the specific actions identified in the 2012/2016 Delivery Plan that are required to be commenced/ completed under the 2012/2013 Operational Plan.

2013. 61 RESOLVED:

*Moved: Cl. Green  
Seconded: Cl. Williams*

That the following amendments to the specific actions identified under Goal 1 of the 2012/2013 Operational Plan be endorsed:

- a) **The Maintenance of vegetation Areas B, C & D action for Boyters Lane Wetland Rehabilitation Plan be amended from May 2013 to Ongoing.**
  - b) **The Community education walkway Stage 1 - Design for Boyters Lane Wetland Rehabilitation Plan be amended from May 2013 to May 2014.**
  - c) **The action requiring Development Controls and/or incentives which encourage/maximise on-site water harvesting in all new development under the Local Climate Change Adaptation Plan be amended from April 2013 to June 2013.**
  - d) **The action to complete the Rural Residential Land Release Strategy component of the Kempsey Local Growth Management Strategy be amended from April 2013 to July 2013.**
  - e) **The completion date for the Economic Strategy for Highway Dependent Businesses be amended from April 2013 to June 2013.**
  - f) **The completion date for the Australian Retail Association (ARA) Retail Training be amended from March 2013 to June 2013.**
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