



PLANNING VOTES of the Ordinary meeting of Kempsey Shire Council  
26 June 2018 commenced at 09:01 am

### 13.2 PLANNING PROPOSAL - 600 MACLEAY VALLEY WAY, SOUTH KEMPSEY

<b>Officer</b>	Peter Orr, Strategic Projects Coordinator
<b>File No</b>	KLEP2013-AM-24
<b>Attachments</b>	1. Planning Proposal [13.2.1] 2. Consistency with SEPPs and S117 Directions [13.2.2]

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#### PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

<b>Proposal:</b>	Permit the land use <i>Highway Service Centre</i>
<b>Location:</b>	600 Macleay Valley Way, South Kempsey (Lot 200 DP1177619)
<b>Proponent:</b>	KDC P/L on behalf of Spectrum Retail Group P/L
<b>Status:</b>	Planning proposal lodged

The next stage is to forward the planning proposal to the Minister for Planning for Gateway consideration. The Minister (or delegate) will consider if there is sufficient justification to proceed with the planning proposal and make a Gateway determination.

2018.139

**RESOLVED:**

**MOVED: CI Saul**

**SECONDED: CI Patterson**

- 1 That the planning proposal which seeks to permit the land use highway service centre at 600 Macleay Valley Way, South Kempsey, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
- 2 That the Secretary of the Department of Planning and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.
- 3 Subject to the Gateway determination, community consultation for the planning proposal be undertaken.

**FOR:** CI Hauville, CI Morris, CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson  
**AGAINST:** nil

## 13.12 ACQUISITION OF LAND - REPLACEMENT OF SALEYARDS CREEK ROAD BRIDGE

**Officer** Robert Fish, Director Operations & Planning  
**File No** F18/2394, LA10523  
**Attachments** 1. Copy of D P 1239823 [13.12.1]

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### PURPOSE

A report to consider the payment of compensation for the acquisition of land required for the realignment of the bridge spanning Saleyards Creek at West Kempsey.

**2018.142**

**RESOLVED:**

**MOVED: Cl Patterson**  
**SECONDED: Cl Williams**

**That Council:**

- 1 Pay compensation in the amount of \$6,425 (GST exclusive) to the owners of Lot 1297 DP737258 for the acquisition of part Lot 1297 DP737258, more particularly described as Lot 3 in the plan of acquisition DP1239823.**
- 2 Delegate authority to the General Manager to sign:**
  - a The Contract for Sale/Deed of Acquisition**
  - b Land Registry Services Transfer Form**
  - c Revenue NSW Purchaser Declaration Form**
  - d Letter to Revenue NSW seeking exemption from the payment of stamp duty.**
- 3 On completion of the acquisition, pursuant to Section 10 of the Roads Act 1993, dedicate Lot 3 DP1239823 as a public road.**

**FOR:** Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson  
**AGAINST:** nil

## 13.15 CLASSIFICATION OF LAND TO BE TRANSFERRED TO COUNCIL

**Officer** Robert Fish, Director Operations & Planning  
**File No** F18/2394, LA10523  
**Attachments** Nil

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### PURPOSE

A report to adopt a classification for land to be transferred to Council.

**2018.144**

**RESOLVED:**

**MOVED: Cl Patterson**  
**SECONDED: Cl Williams**

**That Lot 21 DP1170003 (land in Kemp Street, West Kempsey) be classified as operational land.**

**FOR:** Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

**AGAINST:** nil

### **13.3 PLANNING PROPOSAL - NEVILLE MORTON DRIVE, CRESCENT HEAD**

**Officer** Peter Orr, Strategic Projects Coordinator

**File No** KLEP2013-AM-25

**Attachments** 1. Planning Proposal [13.3.1]

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#### **PURPOSE**

To consider the following planning proposal for progression to the next stage of the local plan making process.

**Proposal:** Rezone approximately 12 hectares of land from RU2 – Rural Landscape and E2 - Environmental Conservation to R5 - Large Lot Residential

**Location:** Lot 3 DP 1164661 Neville Morton Drive, Crescent Head

**Proponent:** Kempsey Shire Council

**Status:** Planning proposal lodged

The next stage is to forward the planning proposal to the Minister for Planning for Gateway consideration. The Minister (or delegate) will consider if there is sufficient justification to proceed with the planning proposal and make a Gateway determination.

#### **2018.153**

**RESOLVED:**

**MOVED: Cl Saul**  
**SECONDED: Cl Williams**

- 1 That the planning proposal, which seeks to rezone approximately 12 hectares of land from RU2 – Rural Landscape and E2 - Environmental Conservation to R5 - Large Lot Residential at Lot 3 DP 1164661 Neville Morton Drive, Crescent Head, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 2 That the Secretary of the Department of Planning and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.**
- 3 Subject to the Gateway determination, community consultation for the planning proposal be undertaken.**

**FOR:** Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

**AGAINST:** Cl Hauville, Cl Morris

### 13.4 PLANNING PROPOSAL - OLD STATION ROAD, VERGES CREEK

**Officer** Bill Larkin, Environmental Strategies Officer  
**File No** KLEP2013-AM-20  
**Attachments** 1. KLEP 2013-AM-20 Verges Creek Rezoning Gateway Determination [13.4.1]

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#### PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

**Proposal:** Amend KLEP 2013 to rezone the land from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare  
**Location:** 145 Old Station Road, Verges Creek (Lot 7 DP 255922)  
**Proponent:** M Thompson and S Kennett  
**Status:** Planning proposal lodged, gateway determination issued and community consultation undertaken

The next stage is the making of the amending local environmental plan (LEP).

2018.154

**RESOLVED:**

**MOVED: CI Patterson**

**SECONDED: CI Shields**

- 1 That the planning proposal which seeks to rezone Lot 7 DP 255922, 145 Old Station Road, Verges Creek from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare, be progressed to making the amendment to the local environmental plan, to be described as KLEP 2013 (Amendment 20).**
- 2 Parliamentary Counsel's Office be requested to draft the legal instrument, KLEP 2013 (Amendment 20), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.**
- 3 The General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 20).**
- 4 Upon the making of KLEP 2013 (Amendment 20), the Department of Planning & Environment be requested to notify the plan on the NSW Legislation webpage.**

**FOR:** CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson

**AGAINST:** CI Hauville, CI Morris

### 13.5 PLANNING PROPOSAL - RESIDENTIAL REZONING AT FREDERICKTON

**Officer** Bruce Potts, Senior Strategic Planner  
**File No** KLEP2013-AM-23  
**Attachments** 1. Planning Proposal [13.5.1]

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#### PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

**Proposal:** Rezone land from RU1-Primary Production, RU2-Rural Landscape and RU5-Village to R1-General Residential  
**Location:** Vicinity of Great North Road and Yarrabandini Road, Frederickton  
**Proponent:** Council  
**Status:** Planning proposal prepared

The next stage is to forward the planning proposal to the Minister for Planning for Gateway consideration. The Minister (or delegate) will consider if there is sufficient justification to proceed with the planning proposal and make a Gateway determination.

**2018.155**

**RESOLVED:**

**MOVED: CI Shields**

**SECONDED: CI Saul**

- 1 That the planning proposal which seeks to rezone land from RU1-Primary Production, RU2-Rural Landscape and RU5-Village to R1-General Residential in the vicinity of Great North Road and Yarrabandini, Frederickton, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 2 That the Secretary of the Department of Planning and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.**
- 3 Subject to the Gateway determination, community consultation for the planning proposal be undertaken.**

**FOR:** CI Morris, CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson

**AGAINST:** CI Hauville

### **13.6 DETACHED DUAL OCCUPANCY AT KUNDABUNG**

**Officer** Erin Fuller, Manager Development Assessment  
**File No** T6-18-148  
**Attachments** 1. T6-18-148 - Plans **[13.6.1]**  
2. T6-18-148 - Clause 4.6 Request **[13.6.2]**  
3. Draft Conditions T6-18-148 **[13.6.3]**

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#### **PURPOSE**

To report for determination concept development application T6-18-148, which seeks consent for an additional dwelling house to create a detached dual occupancy development at 93 Wharf Road, Kundabung. A variation greater than 10% to the minimum separation distance development standard under Kempsey Local Environmental Plan is sought.

**2018.156**

**RESOLVED:**

**MOVED: Cl McGinn  
SECONDED: Cl Shields**

**That development consent be granted to concept development application T6-18-148 for a detached dual occupancy at 93 Wharf Road, Kundabung, subject to the conditions contained in the attachment (T6-18-148 Draft Conditions).**

**FOR:** Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson  
**AGAINST:** Cl Hauville

**Councillor Campbell declared a pecuniary interest in item 13.7 for the reason that she owns the property.**

**Councillor Campbell declared a non-pecuniary significant interest in item 13.11 for the reason that she resides in proximity to the subject land.**

**At this stage 12.10pm the Mayor left the Chambers and the Deputy Mayor, Councillor Williams, took the Chair.**

**Councillor Patterson declared a pecuniary interest in item 13.7 for the reason that his business may be doing business with the applicant and retired from the Chamber.**

### **13.7 SWIMMING POOL AND ADDITIONS TO EXISTING DWELLING**

<b>Officer</b>	Erin Fuller, Manager Development Assessment
<b>File No</b>	T6-18-189
<b>Attachments</b>	1. T6-18-189 Site Plan [ <b>13.7.1</b> ] 2. Draft Conditions T6-18-189 [ <b>13.7.2</b> ]

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#### **PURPOSE**

To report for determination development application T6-18-189, which seeks development consent for a covered verandah and swimming pool at 4 Union Lane, East Kempsey. A site plan is attached (T6-18-189 Site Plan).

<b>Applicant:</b>	Momentum Projects Solutions
<b>Owner:</b>	Mrs Elizabeth Campbell
<b>Property:</b>	Lot 553 DP 804560, No. 4 Union Lane, East Kempsey
<b>Zone</b>	R1 – General Residential and E2 – Environmental Conservation

**2018.158**

**RESOLVED:**

**MOVED: Cl McGinn  
SECONDED: Cl Shields**

**That development consent be granted to development application T6-18-189, which seeks consent for a swimming pool and additions to an existing dwelling at 4 Union Lane, East Kempsey, subject to the conditions as attached (Draft Conditions T6-18-189).**

**FOR:** Cl Morris, Cl Saul, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson  
**AGAINST:** Cl Hauville

### **13.11 LAND ACQUISITION - RUDDER STREET, EAST KEMPSEY**

**Officer** Robert Fish, Director Operations & Planning  
**File No** F12/2059  
**Attachments** 1. Aerial map [13.11.1]

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#### **PURPOSE**

A report to consider the payment of compensation for the acquisition of part 36 Rudder Street, East Kempsey.

**2018.159**

**RESOLVED:**

**MOVED: Cl McGinn**  
**SECONDED: Cl Patterson**

- 1 That compensation in the amount of \$80,000 (GST Exclusive) be paid to the owners of Lot 2 DP112504 (36 Rudder Street, East Kempsey) for the acquisition of that part of Lot 2 DP112504 depicted in the aerial photograph titled "AERIAL 12/6/18".**
- 2 That Council pay the costs incurred by the owners of Lot 2 DP112504 arising from the acquisition.**
- 3 That the General Manager be delegated authority to sign:**
  - a Deed of Acquisition/Contract for the Sale of Land**
  - b Land Registry Services Transfer Form**
  - c Letter to Revenue NSW seeking exemption from payment of Stamp Duty.**
- 4 That, pursuant to Section 10 of the Roads Act 1993, the acquired land be dedicated as a public road.**

**FOR:** Cl Hauville, Cl Morris, Cl Saul, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson  
**AGAINST:** nil

**At 12.13pm the Mayor returned to the Chambers and took the Chair.**