



## PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

19 August 2014 commencing at 9.06am

### 20 CONFIDENTIAL ITEMS

2014.218 RESOLVED:

*Moved: Cl. Patterson  
Seconded: Cl. McGinn*

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

### ITEM 19 DEVELOPMENT WITHOUT CONSENT

#### Section 10A(2)(e) – Maintenance of Law

This report is submitted on a confidential basis as it involves information that would, if disclosed, prejudice the maintenance of law. (Local Government Act 1993, section 10A(2)(e))

On balance, the public interest in preserving the confidentiality of the information which relates to matters of law, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

#### REPORT SUMMARY

Reporting that an existing dwelling that has been identified as being erected without Development Consent being granted.

2014.219 RESOLVED:

*Moved: Cl. Green  
Seconded: Cl. Shields*

- 1 That the owner be invited to either submit evidence that the existing dwelling enjoys existing use rights or to submit a Development Application for the continued use of the building as a dwelling together with all relevant information required for Schedule 1 of the Environmental Planning and Assessment Act Regulations 2000 to Council within twenty eight (28) days.
- 2 That the owner be advised that failure to comply with Council's request within twenty eight (28) days will result in the commencement of Class 4 proceedings in the Land and Environment Court to ensure compliance with the Kempsey Local Environmental Plan 1987, including an order as to Council's costs.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

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