



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

21 February 2017 commencing at 9.01am.

### ITEM 13.1 DUAL OCCUPANCY (DETACHED) AND TWO LOT SUBDIVISION

Contact Person: Erin Fuller - Manager Development Assessment

File: T6-16-400

#### PURPOSE

The purpose of this report is to seek Council's consent for a dual occupancy (detached) and two lot subdivision. A variation greater than 10% to the minimum lot size development standard under Kempsey Local Environmental Plan 2013 (KLEP) is sought [\(Appendix A - Page 1\)](#).

Applicant: Hadlow Design Services  
Property: Lot B DP330753, 13 Landsborough Street, South West Rocks  
Zone: R3 Medium Density Residential

#### 2017.25 RESOLVED

*Moved: Cl. Shields  
Seconded: Cl. Morris*

- 1 That the variation sought to the minimum lot size development standard in clause 4.1 of the Kempsey Local Environmental Plan 2013 be supported; and
- 2 That development consent be granted to development application T6-16-400 for a detached dual occupancy and two lot subdivision at 13 Landsborough Street, South West Rocks subject to the conditions contained in [\(Appendix B - Page 3\)](#).

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

The Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

### ITEM 13.2 PLANNING PROPOSAL SEAMS ROAD, KUNDABUNG

Contact Person: Robert Pitt – Director Sustainable Environment

File: RZ-16-5

#### PURPOSE

The purpose of this report is to advise that a Planning Proposal has been prepared to amend Kempsey Local Environmental Plan 2013 (KLEP) to change the minimum lot size for a rural land parcel in Kundabung from 40ha to 10ha.

**2017.26**      **RESOLVED** *Moved: Cl. Shields*  
*Seconded: Cl. Morris*

**That the Planning Proposal and associated documentation be submitted to the Minister for Planning for consideration of issuing a “gateway determination” pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.**

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

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

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</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>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

**ITEM 13.3      KEMPSEY LOCAL ENVIRONMENTAL PLAN 2013 AMENDMENT NO. 7 – PLANNING PROPOSAL – 22 NORTH STREET, WEST KEMPSEY**

Contact Person: Robert Pitt - Director Sustainable Environment

File: KLEP2013-AM-7

**PURPOSE**

The purpose of this report is to advise of the outcomes of the consultation/public exhibition for a planning proposal to amend Kempsey Local Environmental Plan 2013 (KLEP) to re-zone a land parcel in West Kempsey from B1 (neighbourhood centre) to R1 (general residential).

**Subject Land:** Lot 34 DP261268, 22 North Street, West Kempsey.

**2017.27**      **RESOLVED** *Moved: Cl. Morris*  
*Seconded: Cl. Williams*

**That Council exercise delegation from the NSW Department of Planning and Environment to make the Kempsey Local Environmental Plan amendment.**

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

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

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</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>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

**ITEM 13.4      KEMPSEY LOCAL ENVIRONMENTAL PLAN 2013 AMENDMENT 13 –**

## PLANNING PROPOSAL – BLAIRS LANE, SOUTH KEMPSEY

Contact Person: Robert Pitt - Director Sustainable Environment

File: KLEP2013-AM-13

### PURPOSE

The purpose of this report is to advise of the outcomes of the Consultation/Public Exhibition for the planning proposal for draft Kempsey Local Environmental Plan 2013 (KLEP) Amendment No 13.

The planning proposal is to amend the KLEP to revise the land zone map as it applies to the subject land parcel to 'R5 – Large Lot Residential' and revise the applicable lot size map to a minimum lot size of 1ha.

**2017.28 RESOLVED** *Moved: Cl. Morris*  
*Seconded: Cl. Shields*

**That Council exercise delegation from the NSW Department of Planning and Environment to make the Kempsey Local Environmental Plan amendment.**

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

## ITEM 15.1 CINEMA PUBLIC PRIVATE PARTNERSHIP REPORT

Contact Person: Leo Hauville - Councillor

File: F12/1377

**MOVED** *Moved: Cl. Hauville*  
*Seconded: Cl. Morris*

- 1 That as the December decision was approved without consideration of the yet-to-be received Public Private Partnership (PPP) report from the Office of Local Government, all Councillors will be given up to five minutes to outline their position on the development, which should include addressing the possibility of an adverse finding.
- 2 The General Manager will report at the March meeting on the costings of deciding to not proceed with the PPP at that time. This will present Council with all options if the PPP report is received with findings that are not fully supportive of the project.

### WORKSHOP

**2017.39 RESOLVED:** *Moved: Cl. Shields*  
*Seconded: Cl. McGinn*

**That Council move into workshop to allow discussion in open Council on the following item 15.2**

**MOTION TO RESUME COUNCIL MEETING**

**2017.40** RESOLVED: *Moved: Cl. Shields*  
*Seconded: Cl. McGinn*

That the formal Council meeting be resumed.

MOVED: *Moved: Cl. Shields*  
*Seconded: Cl. McGinn*

That the MOTION be PUT.

The MOTION was PUT to the Meeting and was LOST.

**2017.41** RESOLVED *Moved: Cl. Hauville*  
*Seconded: Cl. Morris*

That a Division of votes be recorded.

Baxter	A	Campbell	A	Hauville	F	McGinn	A	Morris	A
Patterson	A	Saul	F	Shields	A	Williams	A		

**ITEM 15.5 AIRPORT DEVELOPMENT APPLICATION COMMUNITY CONSULTATION**

Contact Person: Leo Hauville - Councillor

File: T6-16-444

MOVED *Moved: Cl. Hauville*  
*Seconded: Cl. Baxter*

- 1 That the consideration of the Development Application should proceed after a fulsome community consultation process has been undertaken. The consultation should include information mail outs to all residents within 4 km of the airport boundaries, advertising in the print media, an invitation to complete a survey to those affected, and a public meeting prior to the March Council Meeting.
- 2 A report and recommendation be put to the March Council Meeting, which addresses the community's concerns.
- 3 Until the prior two actions are completed there will be no forwarding of the DA to the Joint Regional Planning Panel.
- 4 Kempsey Shire Council will not agree to any new MOU with any enterprise that includes a lease of any part of the airport for longer than 50 years and there be no consideration of converting any leasehold to freehold title at the airport.

**WORKSHOP**

**2017.10** RESOLVED: *Moved: Cl. Shields*  
*Seconded: Cl. Morris*

That Council move into workshop to allow discussion in open Council on item 15.5

**MOTION TO RESUME COUNCIL MEETING**

**2017.11 RESOLVED:** *Moved: Cl. Morris*  
*Seconded: Cl. McGinn*

That the formal Council meeting be resumed.

The MOTION was PUT to the Meeting and was LOST.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Baxter	F	Campbell	A	Hauville	F	McGinn	A	Morris	F
Patterson	A	Saul	F	Shields	A	Williams	A		

**2017.12 RESOLVED** *Moved: Cl. McGinn*  
*Seconded: Cl. Morris*

- 1 That a communications strategy be developed by Kempsey Shire Council to inform all affected community members of the DA process and the parameters of the decision (i.e. school buildings).
- 2 That Council commences a fulsome community consultation process in conjunction with the development application to develop the community's appetite for noise and hours of operation in the development of the MOU including residents 1km outside of the lines indicated in the noise assessment.

The Mayor noted that the forgoing resolution was passed UNANIMOUSLY.