

Resolutions

Current Date Range

1st Jan 2019 to 31st Dec 2019

Applied Filters

Minute Types: A Planning Resolution

ORDINARY COUNCIL MEETING - 17 DECEMBER 2019

[9.5 Planning Proposal KLEP2013 AM 23 Various Lots Frederickton](#)

2019.620

RESOLVED:

MOVED: CI Patterson
SECONDED: CI McGinn

That Council, having considered the existing sewerage scheme capacity at Frederickton, pursuant to clause 3.35 (4) of the Environmental Planning & Assessment Act request the Minister for Planning that the matter, being KLEP AM 23, not proceed.

CI Saul FORESHADOWED a MOTION.

FOR: CI Williams, CI Baxter, CI Patterson, CI Campbell, CI Morris, CI McGinn

AGAINST: CI Saul, CI Hauville

ORDINARY COUNCIL MEETING - 17 DECEMBER 2019

[9.6 Lower Macleay Flood Study](#)

2019.621

RESOLVED:

MOVED: CI Morris
SECONDED: CI Williams

That Council:

1. note the submissions received during public exhibition of the Lower Macleay River Flood Study as described in the report,
2. having considered submissions, adopt the Lower Macleay River Flood Study, including associated flood data and mapping,
3. proceed with preparation of the Lower Macleay River Flood Risk Assessment and Management Plan, subject to receiving grant funding, and
4. take the necessary steps to schedule into the 2020/2021 Operating Plan, a review and update of the Kempsey Local Environmental Plan 2013 (KLEP 2013), Development Control Plan 2013 (DCP 2013), and associated development policies and procedures to reflect new flood information.

FOR: CI Williams, CI Baxter, CI Patterson, CI Campbell, CI Saul, CI Morris, CI Hauville, CI McGinn

AGAINST: nil

ORDINARY COUNCIL MEETING - 22 OCTOBER 2019

[9.5 KLEP2013-AM-27](#)

2019.556

RESOLVED:

MOVED: CI Morris
SECONDED: CI Shields

- 1 That the planning proposal, which seeks a number of housekeeping amendments, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 27).
- 2 That Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 27), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.

- 3 That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 27).
- 4 That upon the making of KLEP 2013 (Amendment 27), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.

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

ORDINARY COUNCIL MEETING - 17 SEPTEMBER 2019

[0.1.2 Cover Page - Minutes](#)

Tuesday 17 September 2019 commenced at 9:00am.

ORDINARY COUNCIL MEETING - 17 SEPTEMBER 2019

[9.2 T6-18-416 Mixed Use Development \(Commercial/Shop Top Housing\) at South West Rocks](#)

2019.546

RESOLVED:

MOVED: CI Shields
SECONDED: CI Saul

- 1 That the requested variation to Clause 4.3 of *Kempsey Local Environmental Plan 2013 (KLEP 2013)*, regarding height of building, be supported;
- 2 That the requested variations to the *Apartment Design Guide*, regarding communal open space, deep soil zones and natural cross ventilation, be supported;
- 3 That Development Consent be granted to T6-18-416, subject to the conditions contained in the attachment (*Attachment – T6-18-416 Conditions of Consent*); and
- 4 That those who have made a submission be made aware of Council's decision.

FOR: CI Baxter, CI Saul, CI Campbell, CI Shields, CI Williams and CI McGinn
AGAINST: CI Morris

CI Patterson returned to the Chambers at 9:17 am.

ORDINARY COUNCIL MEETING - 20 AUGUST 2019

[9.5 T6-19-191 Alterations and Additions to Dwelling in West Kempsey](#)

2019.518

RESOLVED:

MOVED: CI Williams
SECONDED: CI Saul

That development consent be granted to development application T6-19-191, which seeks consent for additions and alterations to an existing dwelling at 102 River Street, West Kempsey, subject to the conditions as attached (Draft Conditions T6-19-191).

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

ORDINARY COUNCIL MEETING - 16 JULY 2019

9.1 Planning Proposal, Rocks Central

2019.499

RESOLVED:

MOVED: CI Morris
SECONDED: CI Patterson

- 1 That Council, after considering the matters outlined in this report, decide to proceed with the attached planning proposal pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* (the Act) with no further changes.
- 2 That Council staff take the necessary steps to prepare the proposed Amendment 28 for finalisation.
- 3 That the General Manager exercise his delegation to make the plan.

FOR: CI Patterson, CI Baxter, CI Saul, CI Morris, CI Hauville, CI Shields, CI Williams, CI McGinn

AGAINST: nil

ORDINARY COUNCIL MEETING - 16 JULY 2019

9.8 Planning Proposal - 600 Macleay Valley Way, South Kempsey

2019.503

RESOLVED:

MOVED: CI Patterson
SECONDED: CI Saul

- 1 That Council note the attached letter of offer made by Spectrum Retail Group P/L to enter into a planning agreement regarding the future provision of water and sewer infrastructure to the site.
- 2 That Council determine the letter of offer provides for satisfactory arrangements for the future provision of water and sewer infrastructure sufficient to proceed with the planning proposal.
- 3 That the planning proposal to permit the land use 'highway service centre' at 600 Macleay Valley Way, South Kempsey, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 24).
- 4 Council staff request the Parliamentary Counsel's Office draft the legal instrument, KLEP 2013 (Amendment 24), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.
- 5 On execution of the planning agreement, the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 24).
- 6 Upon the making of KLEP 2013 (Amendment 24), the Department of Planning & Environment be requested to notify the plan on the NSW Legislation webpage.

FOR: CI Patterson, CI Baxter, CI Saul, CI Shields, CI Williams, CI McGinn

AGAINST: CI Morris, CI Hauville

ORDINARY COUNCIL MEETING - 25 JUNE 2019

9.4 Planning Proposal 27 Seams Road, Kundabung

2019.482

RESOLVED:

MOVED: CI Saul
SECONDED: CI Williams

1. That the planning proposal to permit the amendment of the Lot Size Map for land at 27 Seams Road, Kundabung, from 40ha to part 10ha and part 20ha, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 17).
2. Prior to progressing the amendment, the proponent is to first complete the registration of a plan of subdivision to formalise access to Old Coast Road, as required by Condition 5 of the Gateway Determination.
3. On notification of the registration of subdivision, Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 17), under s 3.36(1) of the *Environmental Planning and Assessment Act 1979* to give effect to the final planning proposal.
4. The General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 17).
5. Upon the making of KLEP 2013 (Amendment 17), the Department of Planning & Environment be requested to notify the plan on the NSW Legislation webpage.

FOR: CI Baxter, CI Saul, CI Campbell, CI Shields, CI Williams, CI McGinn

AGAINST: CI Hauville

ORDINARY COUNCIL MEETING - 25 JUNE 2019

[9.5 Development Application T6-19-77 - Multiple Dwellings \(4\) and Subdivision at South West Rocks](#)

2019.483

RESOLVED:

MOVED: CI Saul
SECONDED: CI McGinn

1. That the requested variation to Clause 4.1 of *Kempsey Local Environmental Plan 2013 (KLEP 2013)*, minimum lot size for subdivision, be supported; and
2. That Development Consent be granted to T6-19-77, subject to the conditions contained in the attachment (*Attachment T6-19-77 Recommended Conditions of Consent*).

FOR: CI Baxter, CI Saul, CI Campbell, CI Hauville, CI Shields, CI Williams, CI McGinn

AGAINST: nil

ORDINARY COUNCIL MEETING - 16 APRIL 2019

[13.5 T6-18-248 Two \(2\) Lot Subdivision at Crescent Head](#)

2019.423

RESOLVED:

MOVED: CI Patterson
SECONDED: CI Williams

1. That the requested variation to Clause 4.1 of *Kempsey Local Environmental Plan 2013 (KLEP 2013)*, minimum lot size for subdivision, be supported;
2. That Development Consent be granted to T6-18-248 for a two (2) lot subdivision at 14 Stewart Street, Crescent Head, subject to the conditions contained in the attachment (*T6-12-248 Conditions of Consent*).

FOR: CI Baxter, CI Campbell, CI McGinn, CI Patterson, CI Saul, CI Williams

AGAINST: CI Hauville

ORDINARY COUNCIL MEETING - 19 MARCH 2019

[13.2 T6-18-25 Residential Flat Building at Crescent Head](#)

Kempsey Shire Council Planning Resolutions

1st Jan 2019 to 31st Dec 2019

2018.396
RESOLVED:

MOVED: CI McGinn
SECONDED: CI Patterson

1. That the requested variation to Clause 4.3 of *Kempsey Local Environmental Plan 2013 (KLEP 2013)*, regarding height of building, be supported;
2. That the requested variation to Chapter C1 of *Kempsey Development Control Plan 2013 (KDCP 2013)*, regarding street setbacks, be supported;
3. That the requested variations to the *Apartment Design Guide*, regarding building separation and living room widths, be supported;
4. That the requested variations to Council's Flood Management Policy, regarding single residential occupancy restrictions and structural engineers certificate, be supported;
5. That Development Consent be granted to T6-18-25, subject to the conditions contained in the attachment (*Attachment T6-18-25 Conditions of Consent [13.2.2]*); and
6. That those who have made a submission be made aware of Council's decision.

FOR: CI Patterson, CI Baxter, CI Campbell, CI Shields, CI McGinn

AGAINST: CI Hauville

ORDINARY COUNCIL MEETING - 19 MARCH 2019

[13.4 T6-19-12 - Dwelling and Subdivision \(One lot into two lots\) 15 Prior Circuit, West Kempsey](#)

2018.406
RESOLVED:

MOVED: CI Patterson
SECONDED: CI McGinn

That Council:

1. Support the variation to the minimum lot size development standard in clause 4.1 of the KLEP 2013.
2. Grant development consent to development application T6-19-12 for a dwelling and associated two lot subdivision at 15 Prior Circuit, West Kempsey, subject to the conditions contained in the attachment (*13.4.2 T6-19-12 Recommended Conditions of Consent*).

FOR: CI Patterson, CI Baxter, CI Campbell, CI Shields, CI McGinn

AGAINST: CI Hauville

ORDINARY COUNCIL MEETING - 19 FEBRUARY 2019

[13.1 T6-18-25 Residential Flat Building at Crescent Head](#)

2018.359
RESOLVED:

MOVED: CI Morris
SECONDED: CI Baxter

That this matter be deferred until a site inspection is undertaken.

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

ORDINARY COUNCIL MEETING - 19 FEBRUARY 2019

[13.10 Planning Proposal, Rocks Central](#)

2018.368

RESOLVED:

MOVED: CI Shields

SECONDED: CI Saul

That the Planning Proposal and associated documentation be submitted to the Minister for Planning to seek a Gateway determination pursuant to Sections 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979* and seek delegation to exercise the functions of a local plan-making authority pursuant to Section 3.31 of the Act.

FOR: CI Patterson, CI Baxter, CI Saul, CI Morris, CI Campbell, CI Hauville, CI Shields, CI Williams, CI McGinn

AGAINST: nil