

**DIRECTOR SUSTAINABLE DEVELOPMENT  
SERVICES REPORT**

8<sup>th</sup> March 2005

**DSDS5 BUILDING AND DEVELOPMENT**

**SUMMARY:**

**Reporting that the following applications have been approved:**



Council Report on Local Development Application

Reporting that the following applications have been approved: -

2003/LD-00073 2-10 EDGAR STREET FREDERICKTON  
TWO STOREY DWELLING  
Owner: CLARKE D E & S  
Builder: 0

2003/LD-00504 REV01Lot 11 DPDP737113 CRESCENT HEAD  
DWELLING  
Owner: BEAUMONT S & WITHEROW L  
Builder: 0

2003/LD-00692 REV016 YULGILBAR PLACE SOUTH WEST ROCKS  
DUAL OCCUPANCY SUBDIVISION  
Owner: DIVALL S & K, KEMP D & P

2004/LD-00404 365 BELMORE RIVER RIGHT BANK ROAD  
BELMORE RIVER  
CONSOLIDATION OF 5 LOTS TO 2 & BOUNDARY  
ADJUSTMENT  
Owner: MCGINN S & B  
Builder: 0

2004/LD-00624 18 LACHLAN STREET SOUTH KEMPSEY  
COLOURBOND FENCE  
Owner: PIETSCH S

Builder: 0

2004/LD-00639 343 GOWINGS HILL ROAD DONDINGALONG  
DWELLING, DETACHED GARAGE & SUBDIVISION  
Owner: HERBERT S  
Builder: 1

2004/LD-00640 14 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING & ATTACHED GARAGE  
Owner: WATERSON G & C

2004/LD-00689 2 YAELWOOD STREET KEMPSEY  
TIMBER DECK  
Owner: FINNIE K  
Builder: 0

2004/LD-00693 23 CHARLES PARRY STREET CRESCENT HEAD  
DWELLING  
Owner: RYAN S  
Builder: 0

2004/LD-00697 15A PETER MARK CIRCUIT SOUTH WEST ROCKS  
CARPORT & DWELLING ADDITIONS  
Owner: FREEMAN C & C  
Builder: 0

2004/LD-00700 79 LEITH STREET WEST KEMPSEY  
DWELLING  
Owner: ELLIOTT A & V  
Builder: 0

2004/LD-00701 87 RANCH ROAD CRESCENT HEAD  
DWELLING ALTERATIONS  
Owner: BLEWITT J & A  
Builder: 0

2004/LD-00709 30 MAHOGANY CRESCENT YARRAVEL  
DWELLING ALTERATIONS - ROOF CONVERSION  
Owner: YOUNG B & S  
Builder: 0

2004/LD-00710 24-26 NANCE ROAD SOUTH KEMPSEY  
STORAGE SHED  
Owner: BBC HARDWARE LTD  
Builder: 0

2004/LD-00712 154 SETTLERS WAY SOUTH KEMPSEY  
DWELLING  
Owner: WYATT A  
Builder: 0

2005/LD-00002 38 RAWSON STREET SMITHTOWN  
RELOCATE DWELLING & ADDITIONS  
Owner: KANE R & S  
Builder: 0

2005/LD-00010 69 LILLI PILLI ROAD KUNDABUNG  
DWELLING RELOCATION  
Owner: LAING J & HEATH L  
Builder: 0

2005/LD-00019 14 HOME STREET HAT HEAD  
DWELLING ADDITIONS  
Owner: SEDDON L & WEEKS V  
Builder: 0

2005/LD-00020 8 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING  
Owner: FULFORD S  
Builder: 0

2005/LD-00021 Lot 1 DPDP782296 INNES STREET EAST KEMPSEY  
ASPHALT PLAYING COURT  
Owner: DEPT EDUCATION & TRAINING  
Builder: 0

2005/LD-00026 470 FISHERMANS REACH ROAD FISHERMANS  
REACH  
SWIMMING POOL  
Owner: SMITH S & L  
Builder: 0

2005/LD-00027 Lot 5 DPDP264284 BARNARD STREET GLADSTONE  
GARAGE & DECK  
Owner: BARBER E  
Builder: 0

2005/LD-00031 42 MARLIN DRIVE SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: THOMAS A  
Builder: 0

2005/LD-00032 2 PACIFIC HIGHWAY FREDERICKTON  
CARPORT  
Owner: McALISTER K  
Builder: 0

2005/LD-00033 7 BEDE LAWRENCE CLOSE COLLOMBATTI  
DWELLING & GARAGE  
Owner: EVERSON J & KEMP S  
Builder: 0

2005/LD-00035 Lot 707 DPDP1032859 CRESCENT HEAD ROAD  
CRESCENT HEAD  
FARM SHED  
Owner: PORTOFINO ENTERPRISES P/L  
Builder: 0

2005/LD-00037 Lot 26 DPDP777344 EVERINGHAMS LANE  
FREDERICKTON  
SHED  
Owner: HUGHES A  
Builder: 0

2005/LD-00038 22 BROUGHTON STREET WEST KEMPSEY  
VERANDAH ADDITION  
Owner: LEE B  
Builder: 0

2005/LD-00040 73 NICHOLSON STREET SOUTH KEMPSEY  
ONE BEDROOM & TIMBER DECK EXTENSION  
Owner: SHAW L  
Builder: 0

2005/LD-00042 54 ELBOW STREET WEST KEMPSEY  
CHANGE OF USE OF BUSINESS  
Owner: SALMON K & G  
Builder: 0

2005/LD-00043 24 RUDDER STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: BRADBURY R & J  
Builder: 0

2005/LD-00048 100 LIKA DRIVE SOUTH KEMPSEY  
GARAGE  
Owner: MCMANUS J  
Builder: 0

2005/LD-00049 18 GREAT NORTH ROAD FREDERICKTON  
 CAR, WORKSHOP, STORAGE  
 Owner: PATTEN B & I  
 Builder: 0

2005/LD-00050 32 STRINGY BARK CRESCENT YARRAVEL  
 SWIMMING POOL  
 Owner: CARTER S & A  
 Builder: 0

2005/LD-00051 1 NEWTON CLOSE SOUTH WEST ROCKS  
 GARAGE  
 Owner: MIRANDA D & J  
 Builder: 0

2005/LD-00052 11 THOMAS HENNESSY CRESCENT WEST KEMPSEY  
 GARAGE & FENCE  
 Owner: HOVENDEN J & J  
 Builder: 0

2005/LD-00058 32 CROADS ESPLANADE SMITHTOWN  
 SWIMMING POOL  
 Owner: CORVIN J

2005/LD-00060 10 DUDLEY STREET WEST KEMPSEY  
 CARPORT & DWELLING ADDITIONS  
 Owner: DITTON J  
 Builder: 0

2005/LD-00069 39 GILBERT CORY STREET SOUTH WEST ROCKS  
 SWIMMING POOL  
 Owner: MEERE D & STONE-MEERE W  
 Builder: 0

2005/LD-00071 7 BUNYA PINE COURT WEST KEMPSEY  
 DWELLING ADDITIONS - AWNING  
 Owner: ABRIC P & WRIGHT C  
 Builder: 0

### Summary

Type	No	Value
Local Development Application	40	2307710

There were 40 applications approved with a value of \$2,307,710.00 with 68% approved within 30 days.

For the financial year to date there has been 408 applications together with 37 modifications approved, with 70% approved within 30 days. The 408 applications includes 557 sub-applications with a value of \$37,668,769.

As at 25 Feb 2005 242 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 123 and the range of days is 41 to 1877.

The reasons for the matters outstanding are: -

FD	Further Details Req	71
IA	Incomplete Application	17
OA	Other Agencies	12
RC	Refer Council	2
XX	No Reason Given	21

Council Report on Construction Certificate Building

Reporting that the following applications have been approved

2003/CB-00061 2-10 EDGAR STREET FREDERICKTON  
TWO STOREY DWELLING  
Owner: CLARKE D E & S

2003/CB-00404 Lot 121 DPDP752419 SHERWOOD ROAD  
SHERWOOD  
DWELLING  
Owner: BARNETT J & W

2004/CB-00230 22 KEMP STREET WEST KEMPSEY  
UPGRADING OF EXISTING HALL  
Owner: MACLEAY VALLEY ARTS COUNCIL INC.

2004/CB-00287 309 GREGORY STREET SOUTH WEST ROCKS  
DUAL OCCUPANCY & TORRENS SUBDIVISION  
Owner: GOODWIN RJ

2004/CB-00323 Lot 287 DPDP45936 THOMPSON STREET WEST  
KEMPSEY  
UNDERCOVER PLANT STORAGE AWNING  
Owner: KEMPSEY SHIRE COUNCIL

2004/CB-00441 17 BUNYA PINE COURT WEST KEMPSEY

## DUAL OCCUPANCY & SUBDIVISION

Owner: ARAKOON HOMES & GOWINGS BROS PTY LTD

2004/CB-00485 36 MARLIN DRIVE SOUTH WEST ROCKS  
DWELLING & GAZEBO  
Owner: COOK D & J

2004/CB-00552 343 GOWINGS HILL ROAD DONDINGALONG  
DWELLING, DETACHED GARAGE & SUBDIVISION  
Owner: HERBERT S

2004/CB-00554 14 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING & ATTACHED GARAGE  
Owner: WATERSON G & C

2004/CB-00593 23 CHARLES PARRY STREET CRESCENT HEAD  
DWELLING  
Owner: RYAN S

2004/CB-00597 15A PETER MARK CIRCUIT SOUTH WEST ROCKS  
CARPORT & DWELLING ADDITIONS  
Owner: FREEMAN C & C

2004/CB-00604 79 LEITH STREET WEST KEMPSEY  
DWELLING  
Owner: ELLIOTT A & V

2004/CB-00605 87 RANCH ROAD CRESCENT HEAD  
DWELLING ALTERATIONS  
Owner: BLEWITT J & A

2004/CB-00609 30 MAHOGANY CRESCENT YARRAVEL  
DWELLING ALTERATIONS - ROOF CONVERSION  
Owner: YOUNG B & S

2004/CB-00610 154 SETTLERS WAY SOUTH KEMPSEY  
DWELLING  
Owner: WYATT A

2004/CB-00614 24-26 NANCE ROAD SOUTH KEMPSEY  
STORAGE SHED  
Owner: BBC HARDWARE

2005/CB-00003 38 RAWSON STREET SMITHTOWN  
RELOCATE DWELLING & ADDITIONS  
Owner: KANE R & S

2005/CB-00007 2 YAELOWOOD STREET KEMPSEY  
TIMBER DECK  
Owner: FINNIE K

2005/CB-00009 69 LILLI PILLI ROAD KUNDABUNG  
DWELLING RELOCATION  
Owner: LAING J & HEATH L

2005/CB-00014 8 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING  
Owner: FULFORD S

2005/CB-00019 470 FISHERMANS REACH ROAD FISHERMANS  
REACH  
SWIMMING POOL  
Owner: SMITH S & L

2005/CB-00021 Lot 5 DPDP264284 BARNARD STREET GLADSTONE  
GARAGE & DECK  
Owner: BARBER E

2005/CB-00025 42 MARLIN DRIVE SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: THOMAS A

2005/CB-00026 2 PACIFIC HIGHWAY FREDERICKTON  
CARPORT  
Owner: MCALISTER K

2005/CB-00027 18 LACHLAN STREET SOUTH KEMPSEY  
COLOURBOND FENCE  
Owner: PIETSCH S

2005/CB-00028 7 BEDE LAWRENCE CLOSE COLLOMBATTI  
DWELLING & GARAGE  
Owner: EVERSON J & KEMP S

2005/CB-00029 Lot 707 DPDP1032859 CRESCENT HEAD ROAD  
CRESCENT HEAD  
FARM SHED  
Owner: PORTOFINO ENTERPRISES P/L

2005/CB-00032 Lot 26 DPDP777344 EVERINGHAMS LANE  
FREDERICKTON  
SHED

Owner: HUGHES A

2005/CB-00033 22 BROUGHTON STREET WEST KEMPSEY  
VERANDAH ADDITION

Owner: LEE B

2005/CB-00035 73 NICHOLSON STREET SOUTH KEMPSEY  
ONE BEDROOM & TIMBER DECK EXTENSION

Owner: SHAW L

2005/CB-00036 24 RUDDER STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS

Owner:

2005/CB-00039 18 GREAT NORTH ROAD FREDERICKTON  
CAR, WORKSHOP, STORAGE

Owner: SECOMB A J

2005/CB-00040 32 STRINGY BARK CRESCENT YARRAVEL  
SWIMMING POOL

Owner: CARTER S & A

2005/CB-00041 1 NEWTON CLOSE SOUTH WEST ROCKS  
GARAGE

Owner: MIRANDA D & J

2005/CB-00042 100 LIKA DRIVE SOUTH KEMPSEY  
GARAGE

Owner: MCMANUS J

2005/CB-00043 11 THOMAS HENNESSY CRESCENT WEST KEMPSEY  
GARAGE & FENCE

Owner:

2005/CB-00045 10 DUDLEY STREET WEST KEMPSEY  
CARPORT & DWELLING ADDITIONS

Owner: DITTON J

2005/CB-00051 32 CROADS ESPLANADE SMITHTOWN  
SWIMMING POOL

Owner: CORVIN J

2005/CB-00058 39 GILBERT CORY STREET SOUTH WEST ROCKS  
SWIMMING POOL

Owner: MEERE D & STONE-MEERE W

2005/CB-00059 7 BUNYA PINE COURT WEST KEMPSEY  
DWELLING ADDITIONS - AWNING

Summary

Type	No	Value
Construction Certificate Building	40	0

There were 41 applications approved with 59% approved within 30 days.

As at 25 Feb 2005 195 applications are in the office awaiting a determination.

For the financial year to date there has been 345 applications with 73% approved within 30 days.

The number of applications in excess of 40 days is 54 and the range of days is 41 to 2269.

The reasons for the matters outstanding are: -

BL	Builders Licence Requirements	1
DA	DA Approval Required	2
DR	DA Requirements	5
FD	Further Details Req	38
IA	Incomplete Application	3
OA	Other Agencies	1
RC	Refer Council	1
XX	No Reason Given	3

**RECOMMENDATION:**

**That the information be noted.**

<b>DSDS6</b>	<b>LOCAL AGENDA 21 TEAM- ECOLOGICALLY SUSTAINABLE DEVELOPMENT FILE: * WEW</b>
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**SUMMARY:**

Reporting that Council has received expressions of interest from persons interested in serving on the Local Agenda 21 Team (Ecological Sustainable Development).



**Background**

At its meeting of 14<sup>th</sup> December 2004, Council resolved:

- "A that Council adopt the ESD Policy.*
  
- B That Council seek expressions of interest from members of the community wishing to join the Agenda 21 Team to comprise of: -*
  - *Nine (9) Community representatives*
  - *One (1) representative of the Aboriginal Community*
  - *Two (2) Councillors*
  - *The Director of Sustainable Development Services or his nominee."*

An invitation for expressions of interest was advertised with only eight submissions being received from the general public ([Appendix H](#)). Council's Aboriginal Liaison Officer has consulted with the Aboriginal Lands Council (KALC), who has put forward their representative (Mr Gerald Hoskins) for the Team. The submissions from the general community may be summarised as follows:

<b>Nominee</b>	<b>Areas of Interest</b>	<b>Community Involvement</b>	<b>Relevant Professional Experience</b>
Mr R B Gammon	Science and Technology, ESD	DCP22 Planning Committee	Lectured in Environmental Studies with ESD as Principal Focus. Wide range of experience in field

			of Science and Technology
Ms Riitta Kytola	Architecture, ESD	Macleay Valley Arts Society, Made in the Macleay	Student – Architectural Technology, Ecologically Sustainable Residential Building Design
Mr Michael Hinchey	Law, Environmental Law, ESD	Friends of South West Rocks	Sound knowledge of environmental law and understanding in the processes and structures of local, state and federal government.
Mr Robert Barnett	Applied Science & Environmental Health, Aboriginal and European Culture, Youth, ESD	Wide range of community health programs and education	Trainee Environmental Health Officer (North Coast Area Health Service). Education Programs
Ms Alison Brown	Environmental Science, Environmental Policy & Economics and Environmental Planning	None submitted	Clerical Officer, Kempsey Rural Lands Protection Board, Environmental Planning Consultant.
Mr John Jeayes	ESD, Environmental and Coastal Management, active in Community groups and committees.	Has sat on many Council committees. President Crescent Head Ratepayers and residents Association. Recent involvement in ESD Policy and State of	Hon Secretary of the North Coast Environmental Committee, President of Big Nobby Committee, Tidy Towns committee, MVCC, Environmental Education

		the Environment public meeting.	
Ms Jenny Sproule	ESD, active in Community groups and committees.	Has sat on many Council committees.	Former Local Government Representative, Arts Mid North Coast, Bush Fire Brigade
Mr Trevor Scott	Development and Planning Issues, ESD, Coastal Environment	President Friends of South West Rocks, SWR Ratepayers and Residents Association, Tennis and Country Club	Architect

The report considered by Council at its meeting of 14<sup>th</sup> December 2004 advised of the need to appoint representatives from key stakeholder areas including government, agriculture, business/industry, Council health and community and the Aboriginal Community.

The above submissions received reflect a wide range of experience and expertise, particularly in the areas of Environmental Management, Science and Education, along with Health, Development and Planning, and understanding Social and Community needs. However, there is a notable lack of representation from the agricultural and business communities.

### **REPORT IMPLICATIONS:**

- ***Environmental***

***In making a commitment to the principles of ESD, Council will aim to protect and enhance biological diversity and essential life processes for the benefit of future generations. The submissions received to date include prospective team members with strong backgrounds in Environmental Management, Environmental Science, Environmental Education, Human Health and an understanding of the principles of ESD.***

- *Social*

*In making a commitment to ESD and undertaking a Local Agenda 21 program Council will be better able to valuate and serve the social needs of the community. Local Agenda 21 will strive to build a healthy and vibrant community whereby the community embraces and takes ownership of the principles of ESD. The submissions received to date include prospective team members with experience in the preparation of social and cultural programs, including community health and education programs.*

- *Economic (Financial)*

*Council will need to appropriately resource the Agenda 21 program that will include, but not be limited to, providing public education and promoting the principles of ESD. In the longer term Council should expect significant cost savings from the efficiencies driven out of the Local Agenda 21 process, while realising sustainable economic development for Kempsey Shire. The current submissions do not appear to include specific representation of the interests of the agricultural or business communities. Therefore, if not included, it is possible that these key stakeholders may not be actively engaged in ESD initiatives.*

- *Directors Review*

*The lack of representation from some key areas of the community such as agricultural and business/industry interests may need to be considered prior to selecting the members of the proposed Local Agenda 21 Team.*

*As there has been less than the required number of applicants from the general community it may be necessary to consider specifically targeting representatives from the Business (i.e. Chambers of Commerce) and Agricultural (i.e. National Farmers Federation member) communities.*

*It is important that the group be comprised of a wide cross-section of Environmental, Social and Economic interests. The limited number of submissions to date do appear to express a significant amount of experience and interest in the areas of environmental sustainability, development issues, social and cultural development, and community health.*

## RECOMMENDATION:

For Councils determination.

<b>DSDS7</b>	<b>PLANNING CONTROLS IN THE COASTAL ZONE</b>
	<b>FILE: * PMK</b>

## SUMMARY:

Reporting on options for additional planning controls that may be introduced to manage development within the coastal zone.

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<b>Applicant:</b>	N/A
<b>Subject Property:</b>	Coastal Zone controlled by SEPP 71
<b>Zone:</b>	Various

## Background

### Council request

At its meeting of 10<sup>th</sup> June 2003 Council resolved: -

*That Council investigate options for introducing additional planning controls relating to development within the coastal zone, which is controlled by SEPP 71. Such controls are to ensure: -*

- a. That the principles of ecological sustainable development are considered.*
- b. That any planning controls following the principles of ecological sustainable development should not unreasonably restrict economic growth.*

## State Environment Planning Policy 71 – Coastal Protection

In summary, SEPP 71: -

- a. Identifies the land within the coastal zone to which it applies. The map [\(Appendix 1\)](#), shows the land that is applicable in the Shire of Kempsey. The map also shows the Zoning of the land including the area affected by

National Parks and the area that will be the subject of the Point Plomer LEP amendment.

- b. Identifies matters for consideration by Council when it prepares a draft local environmental plan and by a consent authority when it determines a development application. (Clause 8 in [\(Appendix J\)](#)). This includes the assessment of cumulative impacts of the proposed development on the environment.
- c. Defines 'significant coastal development' and determines how the State can become involved in the assessment of such applications.
- d. Applies general development control provisions for the interpretation of some zone provisions, public access, effluent disposal and stormwater.
- e. Defines master plans as used in the Coastal Zone and determines how these are made, assessed and used. Master plans, approved by the Minister, are required for subdivision in all residential and rural residential zones:
  - That is in a sensitive coastal location; or
  - Residential land that creates more than 25 lots; or
  - Residential land that has the potential to create more than 25 lots.
  - Rural Residential subdivision that creates more than 5 lots.

Master plans may be prepared or funded by the landowners.

The master plan, as approved by the Minister, has to be considered by the consent authority when dealing with development approval.

Whilst SEPP 71 provides a framework for development control in the Coastal Zone, the relevant matters for consideration are generic and therefore do not address issues relevant to specific areas.

SEPP 71 replaces a strategic approach to landuse planning by requiring Department Infrastructure Planning and Natural Resources to approve of a range of development through the Development Application process.

## **Options for Council to introduce additional planning controls to manage development**

There are a number of options open for introducing additional planning controls, each of which may be used alone or in combination.

It should be noted that because of the extensive land that is within National Parks in the area and once the Point Plomer LEP comes into effect, there is very little other land that is able to be developed that falls within the Coastal Zone in the Kempsey Shire.

With all the options discussed below, residential and rural residential land will still be controlled by the need for a master plan under the provisions of SEPP 71, which will deal with the detail for subdivision.

### **OPTION ONE**

#### **Council Policy**

Following a study that identifies the specific constraints to development, a policy can be developed that will reflect and extend the general requirements in SEPP 71 and other State, Regional and Local policy and legislation that applies.

Studies of this nature are costly. At present, Council's Management Plan identifies \$93,000 for a Vegetation Study over three (3) years (2006/7 –8/9). Council may consider bringing forward this funding.

Such policy can put in place more detailed clauses to require additional information on a wide range of issues.

It can also put in place clauses that specify requirements associated with issues such as aesthetics and visual impacts (placement of buildings, height, urban design and landscape), environmental protection (studies required on fauna and flora, levels of management for stormwater and septic).

There is nothing to prevent Council from requiring its own master plans (either general concept plans or detail subdivision plans) in specific areas prior to development should this be appropriate.

### **OPTION TWO**

#### **Development Control Plan**

While Development Control Plans are policy documents and can deal with all the same issues as general Council policy, they carry more weight than other forms of policy because they are prepared under the Environmental Planning and Assessment Act.

Development Control Plans can deal with a significant level of detail so the general clauses in the range of policy and legislation that applies to the area can be examined and expanded for all the different zones.

## **OPTION THREE**

### **Local Environmental Plan**

The Local Environmental Plan can be amended to introduce different zones and/or clauses to control development. LEP provisions, however, can only deal with a specific array of issues.

## **OPTION FOUR**

### **A combination of LEP provisions and policy**

This can be the most effective way of dealing with planning controls. The LEP amendment would put in the legal framework that requires the detail outlined in the policy or the Development Control Plan to be taken into account.

### ***REPORT IMPLICATIONS:***

- ***Environmental***

***Potentially better environmental management of development in the Coastal Zone***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Potentially a significant commitment to funding studies and policy development***

- ***Policy or Statutory***

***Potentially a change in planning for the Coastal Zone***

**RECOMMENDATION:**

**That the report be noted.**

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**