

**DIRECTOR SUSTAINABLE DEVELOPMENT
SERVICES REPORT**

14 June 2005

DSDS1	REZONING FOR LOT 17 (PART LOT171 DP1038558 AND PART LOT161 DP738128) 123 SMITH STREET, KEMPSEY FILE: T5-92 GGL
--------------	---

SUMMARY:

Reporting that the exhibition period for the draft Kempsey Local Environmental Plan (LEP) (Amendment No 92) to permit the development of a hardware storage shed in Smith Street, Kempsey has concluded and recommending proceeding with the LEP to gazettal.

◆◆◆◆◆

Background

At its meeting of 15th July 2004, Council resolved to support a rezoning application to permit the erection and use of a building for storage of goods associated with adjoining hardware store. The application was reviewed by the Department of Infrastructure Planning and Natural Resources (DIPNR) who initially required a flood study but following submission of additional information waived this requirement as it was demonstrated that the proposed development would have negligible impacts on flood levels in the locality.

Public Exhibition

The draft plan was exhibited for public comment from 26th April 2005 to 17th May 2005. The purpose of the plan is to permit development of Part 171 and Part Lot 161 Smith Street, Kempsey as a storage shed ancillary to a hardware store. The site is presently zoned 3(c) which does not permit this use.

No submissions from the public were received.

Notification of the amendment was forwarded to the Roads and Traffic Authority (RTA) and to the Department of Environment and Conservation for comment.

The RTA replied raising no objection to the proposal providing:

- existing access for the hardware is used to access the shed.
- no additional vehicular access to the Pacific Highway.

- internal movements of heavy vehicles can be accommodated without adversely affecting existing traffic and parking adjacent the hardware store. [\(Appendix A\)](#)

It is considered that the applicant's site plans adequately addresses the concerns of the RTA.

Council is able to exercise delegation under Section 69 of the Act and report directly to the Minister.

REPORT IMPLICATIONS:

- *Environmental*

No significant impacts.

- *Social*

No significant impacts.

- *Economic (Financial)*

The development will increase economic activity and increase competition in the supply of building materials in the Valley.

RECOMMENDATION:

That Council submit Kempsey Local Environmental Plan (Amendment No 92) for gazettal, and exercise its delegation under Section 69 of the Environmental Planning and Assessment Act 1979 to prepare a report to the Minister for Infrastructure Planning and Natural Resources requesting that the Plan be made.

.....
R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES