



KEMPSEY
Shire Council

NOTICE OF MOTION

13th March 2007

NOM2	SUBDIVISION OF LOTS B AND C, DP399906 OFF CROADS ESPLANADE, SMITHTOWN
FILE: T6-06-531 CLR JACH	{ Folio No. * }

I hereby give notice that I intend to move the following motion at the Ordinary meeting of Kempsey Shire Council to be held on 13th March 2007.

"That the application for subdivision of Lots B and C DP 399906, Croads Lane, Esplanade, Smithtown, into 3 lots be refused for the following reasons:

- 1. The proposal is contrary to Clause 12(1)(c) of Kempsey Local Environmental Plan 1987 as none of the 3 proposed lots include any land outside the limit of the 1 in 100 year flood.**
- 2. The applicant's objection to the standard under State Environmental Planning Policy has not demonstrated that the standard is unreasonable or unnecessary in the circumstances, as the standard prevents cumulative impacts of additional houses being a risk during flood events.**
- 3. The proposal would set a precedent that could lead to significant cumulative impacts, particularly for the additional load on emergency services in a major flood event."**

NOTE:

Council at its meeting on 16th January 2007 considered motions both to refuse and also approve this application. Both motions were lost. The motion to approve was considered again at the February meeting and this was also lost. This motion is re-submitted so Council can formally refuse the application.

MOTION IMPLICATIONS:

- *Environmental***

Nil

- *Social***

Nil

- *Economic (Financial)***

Nil

- *Policy or Statutory*

Nil

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COUNCILLOR J A C HAYES

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COUNCILLOR E A GREEN

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COUNCILLOR R H MCWILLIAM