



MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 27th April 2004 commencing at 9.02am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, E A Green, J C Gribbin, T L Hunt, R H McWilliam, D F Saul, B R Sowter and E R Walker.

General Manager, A V Burgess; Director Engineering, K J Finnie; Acting Director Environmental Services, R B Pitt; Ken Woods and Donna Pearson.



MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL DATED 23RD MARCH 2004

2004. P68

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

That the Minutes of the Planning Committee Meeting of Kempsey Shire Council dated 23rd March 2004, be adopted.



PUBLIC FORUM

- 1 - Christine Allen addressed Council regarding DES8 11 Units / Strata Subdivision Lot2034 DP731059 No83 Mitchell Street, South West Rocks
- 2 - Beatrice Battle addressed Council regarding DES2 Proposed Erection of Telecommunications Facility at Gladstone Sewage Treatment Plant



CONSIDERATION OF LATE REPORTS

2004. P69

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Gribbin*

That the late reports be considered in conjunction with the relevant Director's reports.

THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 27TH APRIL 2004.

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MAYOR



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM –
 Reports DES8 (Page G29) 11 Units / Strata Subdivision Lot2034G29
 DP731059 No83 Mitchell Street, South West Rocks and DES2 (Page G3)
 Proposed Erection of Telecommunications Facility at Gladstone Sewage
 Treatment Plant**

2004. P70

RESOLVED:

*Moved: Cl. Sowter
 Seconded: Cl. Saul*

**That the reports relating to public forum be brought forward and
 dealt with immediately.**

DES8	11 UNITS/STRATA SUBDIVISION LOT 2034 DP 731059 NO 83 MITCHELL STREET, SOUTH WEST ROCKS FILE: T6-03-530 AD	{Folio No. 274014}
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SUMMARY:

Reporting that Council has received a development application for 11 units/strata subdivision for which objections have been received, and which does not fully comply with Development Control Plan No 22 - Local Housing Strategy. ([Appendix K](#))



Applicant: South West Rocks Pty Ltd
Subject Land: Lot 2034 DP 731059 No 83 Mitchell Street, South West Rocks
Proposal: 11 Units and Strata Subdivision

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C(1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

The subject land is zoned 2(b2) Residential under KLEP 1987, the development is comprised of "cluster houses" and "residential flat buildings" and is permissible with consent.

The proposal is not contrary to any State Environmental Planning Policy (SEPP), North Coast Regional Environment Plan 1988 (NCREP 1988).

Flora and Fauna

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 MAYOR

The proposal involves removal of 12 eucalypts. The land is isolated from any habitat likely to sustain any threatened species by at least 400 metres and is surrounded by residential development. As such, Council may reasonably conclude that the development will not result in significant impacts on any threatened species having regard to the matters listed under Section 5A of the Environmental Planning and Assessment Act.

Rural Fire Service

The subdivision of the units into Strata Title allotments is "integrated development" requiring a Bushfire Safety Authority which was granted by letter received on the 2nd April 2004.

Development Control Plan No 22 - Local Housing Strategy

The proposal is required to comply with the following development standards in DCP 22.

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
<u>Density;</u> Medium/High	1430m ²	3498m ²	YES
<u>Setbacks</u> Side Front Rear Long Walls	Min. average setback:3.635m 1.8 m 5 m 1.8m 20 m	- 1 st floor min 1.8 m - 2 nd floor min 2 m - Adequate compensatory area provided Long Walls: U1 &2: 33 m U4, 5 & 6: 39 m U8: 20.6 m	YES
<u>Carparking</u> Resident Visitor	1 covered per dwelling 1 visitor per 3 dwellings	17 covered 4 visitor	YES
<u>Private Open Space</u>	4 x 4m ² within 25m ²	Units 4, 6, 7, 9 and 10 comply	NO* - Units 1, 2, 3, 5, 8 and 11
<u>Landscaping</u>	See Section 4.5 DCP	Landscaping Plan submitted, area adequate	YES

<u>Height</u>	3 storey height limit in zone	Average 5.54 m	YES
Longwalls	<20 metres	33-39 metres	NO*
<u>Solar Access</u>	< than 2 hours between 9am + 3pm on 22 June	Overshadowing of proposed development on southern lot	NO*
<u>Privacy</u>	See Section 4.8 DCP 22	Units 1, 3, 4, 6, 7, 9, 10 and 11 comply	NO* Unit 2
<u>Cut and Fill</u>	<1.5 m	<0.6 m	YES
<u>Erosion/ Sediment Control</u>	See Section 4.10 DCP 22	To be conditioned	YES
<u>Infrastructure</u>	Section 4.11 DCP 22	10 X E.T Units of Contributions to be charged	YES

The applicant in a submission to Council has provided justification for the variations to DCP 22 as follows: ([Appendix L](#))

Long Walls

The applicant has submitted justification for the variation of the development standard regarding long walls, ie. walls should not be longer than 20 metres without the inclusion of offsets of 1 metre or more, with concern raised that Units 1 and 2 share a wall approximately 33 metres long, Units 4, 5 and 6 share a wall approximately 39 metres long, and Unit 8 having a wall 20.6 metres long. The applicant has stated that: ([Appendix L](#))

"The proposal is consistent with the relevant objectives of DCP 22 for the following reasons:

- *The walls are at ground level, are obscured by boundary fencing, are setback 3m from boundaries and will not be visible to adjacent development.*

- *The proposal is not out of character with surrounding development, with the scale of the walls being broken up by the inclusion of courtyards, fencing and landscaping.*

Planning Comment

No objection is raised to the variation proposed in relation to Units 4 and 6 as they face the rear of a motel in will not result in any unacceptable loss of amenity.

No objection is raised to the variation proposed in relation to Units 1 and 2 as adequate setback is provided to establish screen planting which should be incorporated in conditions of consent

Private Open Space

The areas of private Open Space of Units 1, 2, 3, 5, 8 and 11 do not comply. DCP 22 states that an area of private open space containing a 4 x 4 m², directly accessible from living areas. Where the dwelling is wholly above ground levels, private open space can be in the form of balconies provided each roof deck or balcony is not less than 15m² in area, and the minimum width of the balcony is greater than 2 metres for more than 80% of its area. It is not considered that the second storey units in this proposal are wholly above ground level, as garages for these units are at ground level, and are directly accessible from the units.

The applicant has submitted justification for these variations by stating:
([Appendix L](#))

- *Unit 1 has two courtyard areas which have good solar access, containing areas measuring 4 x 4 metres squared; with 110m² of private open space available.*
- *Unit 2 has a total balcony area of 24m², with each balcony measuring 2 m x 6 m, directly accessible from living areas, and achieve solar access objectives.*
- *Unit 3 has 2 courtyard areas which have good solar access and are directly accessible from living areas. In addition, 70m² is provided at the rear of the unit.*
- *Unit 5 has 2 easterly facing balconies totalling 25m², which achieve solar access objectives, are directly accessible from living areas, and exceed area requirements for units above ground level.*
- *Unit 8 is similar to Unit 2.*
- *Unit 11 has 3 courtyard areas, with two on the northern side of the buildings, each having areas of approximately 18m². The third area of private open space is approximately 50m², totalling 86m². Each individual courtyard is of sufficient size for private recreation with landscaping to ensure privacy.*

Planning Comment

In this instance, it is considered that varying the requirements for private open space, can be justified as even though some private open spaces are not continuous, or are marginally smaller than the required 25m² (or 15 metres for second storey dwellings wholly above ground) the overall objectives of DCP 22 relating to private open space have been met as the total areas provided exceed the requirements of DCP 22.

Overshadowing

An assessment indicates that overshadowing will impact upon living areas and northward facing private open space of 2 units approved on the southern adjoining lot. In respect to this issue, the applicant has submitted the following: (*Appendix L*)

- *"The shadow cast by the proposal, additional to the shadow cast by the fence affects units 10 and 11, casting shadow only on the northern most part of the units. Living areas and the major part of the private open space will be unaffected by shadow.*
- *The existing trees on the property are taller than the proposed development, currently there is a potential to cast a greater shadow over the approved development on lot 12 than the shadow that would be cast by the proposed development."*

Planning Comment

No objection is raised to the variation for the following reasons:-

- The area of non-compliance is small compared to the total area of available private open space. (*Appendix M*)
- KLEP 1987 and DCP 22 allow for three (3) storey dwellings and a greater degree of overshadowing from not more than 2 hours to not more than 3 hours on 22nd June.

Privacy

Concern was raised regarding potential privacy impacts upon the southern adjoining lot, and upon existing development to the western lot. The applicant has addressed the issue by stating: (*Appendix L*)

- *"There will be a 7.5 metre separation between the proposal and southern adjoining lots. Ground floors will be screened by the construction of a 1.8 metre fence, and balconies on the upper level have been oriented northwards away from the proposal to minimise any impact.*
- *There will be a 6.5 metre separation between the proposal and the motel to the west, with the transient nature of the occupants of the motel site needing to be considered when assessing the acceptable*

level of overlooking and privacy impacts. In addition, balconies of these units face east, away from the motel. It is submitted that the proposal will have no adverse impacts on the privacy of adjoining developments."

Planning Comment

The potential impacts on the privacy of motel guests is considered acceptable having regard to the short term occupancy, the separation provided and the lack of private open space or living areas affected.

The potential impacts on privacy of Unit 2 (2 storey) is of concern with the unit containing two bedrooms and a dining room with windows that would overlook the living areas of 4 units (to varying degrees) approved on the adjoining allotments. In accordance with Clause 4.8 of DCP 22, it is considered reasonable to impose a condition requiring all windows on the southern elevation of Unit 2 to have minimum sill heights of 1.5 metres.

Public Exhibition

The proposal was advertised in accordance with Council Policy, with two (2) objections having been received which may be summarised as follows: *(Appendix N)*

Objection	Planning Comment
1 Shadows will intrude up to 8 metres on the proposed development to the south.	1 See "Overshadowing".
2 The height of the proposed buildings would significantly reduce the effect of onshore breezes upon the approved development to the south.	2 Some loss of breezes is expected, however, the development comprises a combination of one and two storey buildings where 3 storeys are permissible such that refusal on such grounds would be difficult to justify.
3 Some of the units of the proposal will look directly into courtyard areas on the southern adjoining lot. If the development is approved, it is requested that suitable screening be included.	3 See "Privacy".
4 Concerns are raised that overshadowing will occur over the Motel to the west.	4 An assessment of overshadowing indicates minimal impact upon the western adjoining lot, in accordance with the requirements of DCP 22.

5	The rear dwellings on the boundary at the western end will be too close to the back of the motel rooms.	5	The proposal complies with the height and setback requirements outlined in DCP 22 and would be setback 6.5 metres from the motel.
6	Noise will affect motel guests.	6	The land is zoned for higher density development with only 2 units facing the motel. Any loss of amenity to motel guests is likely to be minimal.
7	The removal of large gum trees and fig tree will be detrimental to the area.	7	The land has long been designated for higher density development such that some loss of trees is to be expected. Existing trees cannot be retained without a significant impact on the development potential of the land which is not considered to be justified.
8	There are presently no pegs to allow us to view exactly where the boundary will be.	8	The development plan provides a reasonable indication as to the location of the development relative to boundaries.
9	We would request that a high fence be erected prior to commencement of construction to minimise noise and dust affecting the area.	9	Conditions will be applied requiring suitable sediment control measures and hours of operation relating to construction of the proposed development. Fencing of the site is also a WorkCover requirement which is included in standard conditions of consent.

MOVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

A That consent be granted, subject to the following conditions:-

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**

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MAYOR

- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The dwellings are not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 7 Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices.
 - b Installation of safety fencing/hoardings between the property and the street
 - c Protection barriers for existing trees
 - d Installation of builder's toilets
 - e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
- 8 Provision of a security deposit to Council totalling \$3,300 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-

- a Installing a temporary structure on land.
 - b Carrying out water supply work.
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d Carrying out sewerage work.
 - e Carrying out stormwater drainage work.
 - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
 - g Disposing of waste into a sewer of the Council.
- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
- 11 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 12 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 13 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
- (a) preserve and protect such building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

- 14 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.

Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

- 15 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 16 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 17 If the soil conditions require it:-

- (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
- (b) adequate provision must be made for drainage.

- 18 The following survey certificates must be given to Council at the following stages:-

- On completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries. Location shall relate to the development consent.

- 19 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard as specified by the assessment KEM/910 provided with the application.

- 20 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick unreinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.

- 21 Vehicular access from the street to the property boundary is to be via a heavy duty layback and full width 150mm thick reinforced concrete paving. A detailed plan is to be submitted prior to the release of the Construction Certificate.
- 22 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 23 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to occupation of the premises. Details are to be provided with the plans for the Construction Certificate.
- 24 Detailed plans prepared by a qualified engineer are to be submitted with plans for the required Construction Certificate providing for collection and retention of all stormwater so as not to increase pre-development flow rates within a 1 in 10 year storm event in accordance with "*Australian Rainfall and Runoff.*"
- 25 Roofwaters are to be connected to the existing stormwater disposal system located in Mitchell Street. Details are to be provided with plans for the required Construction Certificate including the means of intercepting and disposing of any existing flows from any adjoining properties.
- 26 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas piped then discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 27 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 28 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
- 29 Provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to

Council's Urban Standard at full cost to the applicant. Detailed plans to be submitted for approval prior to release of the Construction Certificate.

- 30 Provision of a sign at the front of the development indicating that visitor parking is available at the rear prior to occupation of the premises.
- 31 The plans prepared for the required Construction Certificate are to provide for a footpath across the full road frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 32 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$2,171 per equivalent tenement, i.e \$2,171 x 10 E.T = \$21,710. (Indexed 2003/2004)
- b Payment of a contribution towards district water at the rate of \$1,184 per equivalent tenement, i.e \$1,184 x 10 E.T = \$11,840. (Indexed 2003/2004)
- c The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,842 per additional dwelling unit, i.e \$1,842 x 10 E.T = \$18,420. (Indexed 2003/2004)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 33 Detailed engineering plans providing for the construction of footings of buildings in the vicinity of the interallotment stormwater drainage easement are to be prepared and

certified by a structural engineer and submitted for Council approval prior to release of the Construction Certificate.

- 34 Detailed engineering plans providing for construction of footings of buildings in the vicinity of private sewer line easements from Lots 2033 and 2035 DP 731059 are to be prepared and certified by a structural engineer and submitted for Council approval prior to release of the Construction Certificate. Where relocation of existing private sewer lines is proposed details are to be shown on plans submitted for approval.
- 35 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 36 The hours of operation of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 37 Building materials are not to be stored within the road reserve or any other public place.
- 38 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 39 The plans for the required Construction Certificate are to provide for all windows on the southern elevation of proposed Unit 2 to have sill heights of not less than 1.5 metres above the floor level.

B That the objectors be advised of Council's decision.

The MOTION was PUT to the Meeting and was LOST.

2004. P71

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the matter be referred back to the applicant and they be invited to amend the application to comply with DCP22.

DES2	PROPOSED ERECTION OF TELECOMMUNICATIONS FACILITY AT GLADSTONE SEWAGE TREATMENT PLANT
FILE: T6-04-139	GL
	{Folio No. 273960}

SUMMARY:

Reporting that Council has received an application to erect a telecommunications facility at Gladstone Sewerage Treatment Works.



Applicant: Angelini Planning Services Pty Ltd
Subject Land: Lot 2 in DP 709045 Sewerage Treatment Works
Darkwater Road, Gladstone
Zone: 1 (a3) (Agricultural Protection Zone)
Owner: Kempsey Shire Council
Proposal: Erection of a Telecommunications Tower.

Description of Proposal

An application has been received by Council for the installation of a 30 meter high concrete pole with two antenna assemblies fixed to the top for the purposes of improving mobile phone communications. The pole will be fitted with a series of attachments that include two 'tuft' antenna assembly systems at the top of the pole. These are of 2.264 m high by 635 mm in diameter. A parabolic dish antenna 600 mm in diameter and 600mm high will be affixed at the 23 m height level of the pole.

In addition to the erection of the communications tower, radio equipment will be housed in a transportable hut. The hut will be erected on a steel platform to a 1 in 100 year flood level height of 4.78 meters. Feeder cables linking the tower and hut will be run via an overhead gantry 300mm wide. A small GPS antenna on a 500mm high mounting pipe will be fitted to the roof of the hut.

The total area of the site is 84 sqm.

The subject site is located along southern boundary of Council's sewerage treatment works on Darkwater Road Gladstone. The location of the Sewerage treatment works and proposed site is at the southeastern end of the village. The nearest concentration of residential dwellings are near the intersection of Darkwater and Barnard Streets and along the eastern and western sides of Barnard Street. Neighbouring dwellings are situated on Darkwater Road, approximately 300 metres to the west of the proposal. Furthermore a primary school is located on Barnard Street, which is approximately 400-450 metres to the west of the site.

Heads of Consideration:

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

The Provisions of Any Environmental Planning Instrument

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The subject land is zoned 1(a3) (Agricultural Protection Zone) under KERP 1987. The proposal is defined as telecommunication tower and is permissible with consent. **Clause 9** provides that Council shall not consent to the proposal if it is of the opinion that the proposal is contrary to the zone objectives. The objectives of the zone are to conserve land particularly suitable for agricultural uses, to provide for compatible tourist uses, and to protect arterial roads frontages from developments which are visually intrusive or which generate excessive traffic. The proposal is considered to be consistent with the 1(a3) zone objectives.

Possible Health Implications of the Proposal

Electromagnetic Radiation (EMR) levels

The Applicant's Statement of Environmental Effects has been prepared having regard to the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), Department of Communications Information Technology and the Arts (DCITA), the Australian Communication Authority (ACA) and Telstra guidelines.

The applicant provides an analysis of the proposed electromagnetic emissions levels at the Darkwater Road site, which are contained in Annexure B of the statement. (*Appendix B*)

Health Effects

The report concludes that the Maximum Cumulative Exposure to electromagnetic emissions will be only 0.11% of the maximum allowable at approximately 220 metres with the nearest dwelling being 300 metres away.

Visual Impacts

The proposed concrete tower together with attached antennas will be prominently visible in the skyline from the Gladstone village. It must be noted that a larger antenna is located to north of the village. The concrete tower is not of bulky construction nor will over shading be of concern in the immediate area. Given the locality of the site, the communication tower would not unacceptably impact on the visual amenity of the area.

Noise

The hut will have a continuous air conditioner unit operating to assist in cooling the communications equipment. A condition of consent should be imposed to ensure that the air conditioning units do not exceed 5dBa over the ambient background noise level at the site's boundary which is approximately 300 metres from the nearest dwelling.

Traffic

The proposal is not expected to have any adverse traffic effects. It is estimated after construction is completed that maintenance of the facility will

generate no more than 5 more visits per year, comprising one vehicle at any given time.

Public Exhibition

The proposal was advertised with six (6) objections received which may be summarised as follows:- (*Appendix C*)

Objection	Planning Comment
1 Concerns regarding safety standards such as radiation emitting from the communications tower.	1 See EMR Levels.
2 Objector has concerns that proposal will affect the cattle.	2 See EMR Levels.
3 Objector representing the "Trust" is concerned about developers bringing in Parramatta Grass to the area during construction. Increase traffic may damage water pipes. The "Trust" will not be responsible for damage to infrastructure/stock/people as a result of construction and ongoing site maintenance. The "Trust" will have no responsibility of possible damage to communicate equipment as a result of model aircraft hitting the tower. Is the area fenced off, photographs to be taken pre and post construction. Costs incurred by the phone company now and post construction. Responding to the development application in 10 days in insufficient time.	Model aircraft hitting the tower may be a civil matter between the 2 parties. A 2.4 metre fence will enclose the site. Photographs of the site have been taken. The operator of the proposal will incur maintenance costs. The time frame for responding to the advertisement is in compliance with Council's DCP 30.

Director Environmental Services Recommendation:

A That consent be granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 All construction work relating to this Development Consent within Kempsey Shire Council must be carried out only between the hours of 7 am to 5 pm Mondays to**

Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

3 Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

4 Any work relating to this Development Consent shall not commence until notice is given to Council at least two (2) days prior to the commencement of work of the:

1. proposed date of commencement of the work; and the appointment of a Principal Certifying Authority.

This notice must be in writing and provide the information required by Clauses 103 and 104 of the Environmental Planning and Assessment Regulation 2000.

NOTE: A form for this purpose is available from Council's Environmental Services.

5 Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.

6 Council's road (including any nature strip) not being damaged and shall be kept clear at all times.

7 Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath or roadway adjacent to building sites.

Rubbish skips or bins are not to be placed on Council's footpath or roadway.

8 The plant air conditioners in the hut shall be less than 5dB(A) at site's boundary.

9 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

B That the objectors be notified of Council's decision.

2004. P72

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Saul*

That the application be refused on the following grounds;

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MAYOR

1. Council may require the land in the future.
2. Radiation
3. Visual impact on area

and the applicant be invited to come back to Council with an alternative site.

The Mayor noted that the foregoing resolution was passed unanimously.



ADOPTION OF AGENDA ORDER OF BUSINESS

2004. P73

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the Agenda Order of Business be adopted.

DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES1	PROPOSED ADDITIONS TO AMENITIES BLOCK - LOT 9A, 9 AND 10 DP 977586 FORTH STREET AND LOT 11A DP 20080 BELGRAVE STREET, KEMPSEY FILE: T6-04-122 SNB {Folio No. 273957}
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SUMMARY:

Reporting that a Development Application has been received for approval to construct additions to an existing amenities block that is situated in the Kempsey Local Floodway No. 1, and which requires a variation to Council's Flood Risk Management Policy.



Applicant: Kempsey Little Athletics
Subject Land: Lot 9A, 9, and 10 DP 977586, and Lot 11A DP 20080 Belgrave Street, Kempsey
Proposal: Additions to an existing amenities block.

The applicant has submitted an application to construct a storeroom addition to an existing amenities block that is situated within the Kempsey Local Flood Way No 1. Clause 6.2.1 of Council's Flood Risk Management Policy sets out the criteria by which additions to existing buildings within this floodway may be permitted. Subclause b states that extensions will be permitted where they do not exceed 10 percent of the existing floor area. However, the proposed additions in this instance are approximately 60 percent of the

existing floor area and therefore do not satisfy the criteria. The Plans submitted with the application are appended to this report. (*Appendix A*)

Council's records indicate that during a one in one hundred year flood event water depths of at least 2.64 metres with a velocity of approximately two metres per second can be expected in this location. Under the provisions of the New South Wales Floodplain Management Manual this site is identified as a high hazard floodway in which, stability of foundations and footings could become unstable due to scouring. It is also likely that the depth and velocity of floodwaters would be such that buildings could sustain major structural damage and potentially be washed away. Damage caused by water pressure, flotation, and impacts would also need to be considered. Further, development within a floodway may also increase the flood hazard or flood damage to other properties, or adversely affect flood behaviour.

However, provided the building addition is designed and certified by a Structural Engineer that it will withstand flooding in a 1 in 100 year event and the building is only used to store athletic equipment, any potential losses are likely to be minimal. Similar risks would apply to an addition of 10% which is permitted under the Policy such that a variation to the Policy is considered to be justified in this instance.

2004. P74

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Hunt*

That consent be granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 4 The additions are not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

- 5 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an**

inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) all steel reinforcement prior to the pouring of concrete;
- (b) completion of wall and roof framing prior to wall sheeting being fixed;

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

- 6 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work
- 7 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 8 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.
- 9 Roofwaters are to be connected to the existing stormwater disposal system.
- 10 The plans for the required Construction Certificate are to be accompanied by a report prepared by a qualified Structural Engineer indicating that the building has been designed to withstand the forces created by floodwaters during a 1 in 100 year flood event.
- 11 The building is to be used for the storage of athletic equipment only.

DES2	PROPOSED ERECTION OF TELECOMMUNICATIONS FACILITY AT GLADSTONE SEWAGE TREATMENT PLANT
FILE: T6-04-139	GL {Folio No. 273960}

This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DES3	LEP AMENDMENT TO PERMIT DEVELOPMENT OF SELF- STORAGE FACILITY, COCHRANE STREET, WEST KEMPSEY	{Folio No. 273962}
	FILE: T5-87 GL	

SUMMARY:

Reporting that the exhibition of a draft Local Environmental Plan for storage units has been concluded.



Subject Land: Lot 104 DP 807723 Cochrane Street, West Kempsey

Owner: R and J Williamson

Zone: Part 2(a) Residential, Part 1(e) Floodway

Background

The subject land is currently zoned Part 2(a) Residential, Part 1(e) Floodway under Kempsey Local Environmental Plan 1987. The land is shown in *(Appendix D)* attached, edged in black on the attached map, this also shows the zoning of land surrounding the site.

A copy of the Section 65 Certificate allowing exhibition of the draft plan is attached. An Environmental Study was not required for this application. Therefore, Sections 57 and 61 of the Environmental Planning and Assessment Act 1979 do not apply to this draft plan.

Parliamentary Counsel has provided an opinion that the plan may legally be made.

It is recommended that the Minister make the plan.

Issues

Noise

A noise assessment was prepared by Mark Bridges Acoustics. The assessment demonstrates that the site will operate to an acceptable environmental noise level. This is supported by specific management recommendations such as allocating appropriate storage bays to various categories of customers.

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MAYOR

Construction of the site may be over the noise criterion for a period of time particularly during earth works and concrete pouring phases of work.

Traffic noise levels are expected to produce acceptable noise levels at Cochrane Street and other residences in the area.

Lighting

The row of storage units along the northern boundary of the site will prevent any light spill from vehicle headlights towards the residential aged care units and existing dwellings. Appropriate design and location of storage facility light will ensure minimal adverse impacts on adjoining properties.

Flooding

In accordance with recommendations from the Department of Infrastructure, Planning and Natural Resources, floor levels will be raised by 1.5 metres above the 100 year flood level. Signage will also be affixed to warn tenants that in the event of a flood greater than the 100 year flood level stored goods may not be protected.

Traffic and Access

Assessment of the site distances using the survey data indicates a safe site distance to the north of about 116 metre is achieved. Site distances to the south are obviously clear and acceptable. It is considered that the site distance to the north satisfies the requirements of the Austroads Geometric Design Standards.

Public Participation

The draft plan was referred to the Department of Infrastructure, Planning and Natural Resources (DIPNR) and the Roads and Traffic Authority (RTA) for consideration.

DIPNR made the following recommendations:

"The draft plan proposes to permit an intensification of development on flood liable land. Clause 45A of the North Coast Regional Environmental Plan requires that such development is justified by a Floodplain Management Plan. Council's report indicates that the proposal be above the probable maximum (PMF) level by 3 metres, however compromised to set a minimum floor level at 1.5 metres above the 100 year flood level and erect signage to warn tenants of the flood threat."

The RTA raised no objection to the proposed LEP amendments.

Consideration

- The subject land is not contrary to any State Environmental Planning Policies. However Clause 45A of the North Coast Regional Environmental Plan requires that such development is justified by a Floodplain Management Plan. The proposed LEP amendments have

made provisions to include compliance with Clause 45A of the North Coast Regional Environmental Plan.

- In accordance with Section 117 of the Environmental Planning and Assessment Act 1979 the RTA and DIPNR have given its approval to the creation of this particular zoning.
- Kempsey Shire Council is able to use its Section 69 delegations in this instance, as the circumstances of the LEP do not fall within any of the exceptions outlined in the 1997 Instrument of Delegation.

As Council has received no submission regarding the proposed amendment it is not considered necessary for Council to hold any public hearings into this matter.

Should Council decide to proceed with the planning process the next step would be to request DIPNR to prepare a report requesting that the Minister make the plan.

2004. P75

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Gribbin*

That Council:

- 1 **Adopt the amended draft plan as exhibited.**
- 2 **Submit a report to the Director-General of Department of Infrastructure, Planning and Natural Resources requesting the Minister make the plan.**

DES4	SUBDIVISION OF LOT22 DP 1052637, OFF KEMP SREET, WEST KEMPSEY, STREET NAME PROPOSAL
FILE: S15-92-25 AJC	{Folio No. 273964}

SUMMARY:

Reporting on a Council resolution seeking clarification from the RSL Sub-Branch concerning a proposal to provide an alternate street name for this development.



Applicants: NT Griffin, M Baxter and J Williamson.
Subject Land: Lot 22 DP1052637, at Kemps Street, West Kempsey

Background

The applicant submitted a proposal seeking to have the street name that was allocated with the stage 2 (after a World War II veteran Keith Lalor) of the development consent issued on the 12 June 1992 replaced by the name Yates Place.

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MAYOR

Council at its meeting of the 27th January 2004 resolved to *invite the applicant to submit a list of preferred names for Council to consider that comply with the provisions of the existing Council Policy on Street Naming.*

At its meeting of the 23rd March 2004 Council resolved the following: -

- "1 That Council seek clarification from the RSL sub-branch regarding their letter agreeing to the name Yates Place being used bearing in mind Council's policy.
- 2 That a review of the Street Naming Policy be undertaken by the new Council."

A copy of the Council report is appended to this report. (*Appendix E*)

The RSL Sub-branch has now formally replied to Council's request of the 23rd March and a copy of that letter is appended to this report. (*Appendix F*)

Advice

The RSL Sub- Branch has advised Council that it has no objection to the use of Yates Place as a street name for this development irrespective of the history of the proposed name.

Planning Comment

As the proposed street name does not have an affinity with at least one of the following aspects of the particular area in which it is to be applied: -

Cultural
Geographic
Historical
Physical
Adjacent street names;

Then the proposal does not comply with Council's Street Naming Policy C22:6.

Director Environmental Services Recommendation:

For the determination of Council

2004. P76

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

That the name of Yates Place be adopted as the street name for the subdivision off Kemp Street West Kempsey.

DES5	ERECT BUILDING FOR VEHICLE REPAIRS AND PARTS SALES
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THIS IS PAGE 25 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 27TH APRIL 2004.

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MAYOR

SUMMARY:

Reporting that Council has received an application to construct a building for vehicle repairs and part sales. Council's Traffic Committee has recommended that no access to the proposed development be gained to/from Lachlan Street (Pacific Highway). The applicant has asked Council to review this recommendation.



Applicant: Mr A Hackenberg
Owner: Mr A Hackenberg
Subject Land: Lot 7 and Lot 8 DP 758556
39A and 39B Lachlan Street, South Kempsey
Zone: 3 (c) (Business Special 'C' Zone)

Background

The applicant proposes to construct a building for vehicle repairs and part sales. Council approved a similar proposal on 29 September 1994. The development approved in 1994 was for a smaller vehicle repairs and part sales building that required access off both Yarravel and Lachlan Street. The consent lapsed after a period of five years as the development had not commenced.

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

Environmental Planning Instruments

The proposal may be defined as a 'car repair station' and is permissible with Council consent in the 3(c) Business Special 'C' Zone under the Kempsey Local Environment Plan 1987. The objective of the 3 (c) Zone is to:

- Provide suitable locations for automotive sales and service, motor oriented accommodation and recreational facilities.

The proposal complies with Special Provision 33 (Floor Space Ratio) of the Kempsey Local Environment Plan 1987 for Zone 3(c) in that the floor space ratio is not greater than 0.5 : 1.

The proposal is not contrary to the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policy No 55 - Remediation of Land

Under SEPP 55 Council must consider whether a potentially contaminated site requires remediation and/or is suitable for its intended use.

The site was a former Ampol Service Station and has the potential to be contaminated by petroleum products. The applicant has advised that the fuel tanks were removed and the site was remediated by Ampol prior to sale. Whilst the remediation and removal of fuel tanks was carried out prior to SEPP 55 being gazetted in 1998, it is considered that the large impervious surface of the building will prevent any adverse risks arising from any possible contaminants on the site. It is considered that the objectives of SEPP 55 have been satisfied.

Access

The proposal requires access off Yarravel and Lachlan Streets. As Lachlan Street (Pacific Highway) is an arterial road, the Development Application was referred to Council's Traffic Committee for comment. As a result of this referral the Traffic Committee recommended:

'That the Development Application be approved provided all traffic entering or exiting the parking area be from Yarravel Street and that there be no vehicular access off Lachlan Street'

The Traffic Committee considered the proposed RTA improvement works to the Pacific Highway ([Appendix G](#)) when making the recommendation. The Committee considers that the upgrade to the Pacific Highway may lead to traffic conflict if access was available to the proposed premises to/from Lachlan Street due to the potential for northbound motorists to access the proposed premises (crossing double lines) and cross the proposed southbound turning lane and the southbound lane. Although such an action requires motorists to disobey road rules, it is considered that confusion and potential conflict may be increased. It should be noted that the southbound turning lane is not proposed to be protected by an raised median.

The applicant was informed of the Traffic Committee's recommendation and was asked to provide amended plans providing for no entry/exit to/from Lachlan Street. The applicant replied to this request ([Appendix H](#)) and asked for the recommendation to be reviewed and referred to Council for consideration. A summary of the applicant's argument against restricting access to Lachlan Street includes:

- The operation of the business would be extremely difficult.
- Many customers have trailers and caravans requiring registration that would make manoeuvrability on site difficult.
- Off street parking would have to be reduced to allow for adequate turning areas.

The applicant has indicated that only an exit to Lachlan Street is required and that entry will be off Yarravel Street.

The applicant recognises that potential conflict may arise with an exit on Lachlan Street. However, to ameliorate this the applicant proposes to erect a:

- 'One Way Entry' sign on Yarravel Street.
- 'No Entry' sign on Lachlan Street.
- 'Left Turn Only' sign from the complex onto Lachlan Street.

It should be noted that all entry/exits onto the Pacific Highway require the approval of the Roads and Traffic Authority and that the Roads and Traffic Authority is represented on Council's Traffic Committee.

Car Parking

The proposed car repair station generates a requirement for 24 spaces under Council's Parking Code with 24 spaces (inclusive of working bays) provided which complies with Council's requirements.

Building Setback

A dwelling is located on the neighbouring lot to the proposed development. New dwellings are not permissible in the 3(c) Zone under the Kempsey Local Environment Plan 1987. However, the dwelling enjoys existing use rights. It is considered that the impact of the proposed development on the dwelling be included as part of the assessment process.

Concern was raised with the applicant relating to the setback of the rear of the proposed building to the neighbouring allotment. Only 150 mm is provided between the 6m (approximate) high wall at the rear of the proposed building and the property boundary. It was requested that the applicant consider providing a 1.5 metre setback between the rear of the building and the boundary. It is considered that such a setback would provide for adequate landscaping of the wall, assisting in alleviating adverse visual impacts.

The applicant responded to the request (*Appendix H*) and outlined that the setback was unnecessary based on the following:

- Provision of a fire rated wall at the rear of the building.
- Both the proposed development and the dwelling are in the 3(c) Zone.
- A driveway exists between the dwelling and the property boundary, giving ample open exposure.
- Other commercial premises in the area are built to the boundary.
- All possible floor space is required without losing car spaces.

Planning Comment

As the adjoining owner has not objected to the minimal setback, it is assumed that the owner does not feel that any loss of amenity would result, and no objection is raised.

Waste

The proposal has the potential to result in the accumulation and surplus of waste oils, which has the potential to lead to pollution. It should be a condition of Consent that the applicant provide suitable means to control potential

pollution. The applicant should be required to submit an application to dispose of trade waste into the Council's sewerage system prior to the release of the Construction Certificate. The application is to include detailed plans of the drainage of the proposed floor area of the building and proposed oil and grease arrestor to be installed. The application is subject to Council approval.

Public Exhibition

Adjoining property owners were notified of the proposal in accordance with Council's Advertising Policy, with no objections being received.

2004. P77

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Sowter*

That consent be granted subject to the following conditions:

- 1 **The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 **Prior to the release of the Construction Certificate amended plans are to be submitted restricting vehicular access to/from the premises on Lachlan Street. All vehicular access is to be gained from Yarravel Street.**
- 3 **This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 4 **This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
- 5 **The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**
- 6 **Two days prior to commencing work, Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 7 **A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.**

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

8 Before the commencement of site works, demolition or building, the following activities must be completed:

- (a) Installation of soil erosion and sedimentation control devices.
- (b) Installation of safety fencing/hoardings between the property and the street
- (c) Installation of builder's toilets
- (d) Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.

9 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) footings in position and prior to the pouring of concrete;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) driveway crossing prior to pouring concrete;

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

10 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

- a Structural Engineer's Certificate for footings, slab, steelwork and concrete blockwork is to be submitted prior to any work commencing on the building.
- b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are

to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.

- c Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
 - d Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 11 Provision of a security deposit to Council totalling \$1200 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 12 All vehicles waiting for repair are to be located wholly within the subject land.
- 13 All vehicles under repair are to be located wholly within the building. Vehicles are not to be worked upon in the carpark area.
- 14 Prior to the release of the Construction Certificate an application to dispose of trade waste in Council's sewerage system is required to be submitted to Council. Such an application is to include, detailed plans of the workshop area illustrating drainage and disposal of waste petroleum through a suitable oil and grease arrestor. The application is subject to Council approval.
- 15 Submission of an application to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- (a) Disposing of waste into a sewer of the Council.
- 16 Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces. External masonry is to be painted.
- 17 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
- 18 Vehicular access from the street to the property boundary is to be via a heavy duty layback and full width 150mm thick reinforced concrete paving. A detailed plan is to be submitted prior to the release of the Construction Certificate.

- 19 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 20 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved and/or bitumen sealed.
- 21 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 22 The existing kerb and guttering is to be removed and replaced for the full length of the old service station island fronting Lachlan Street to the existing kerb and guttering in Yarravel Street. Such kerb and guttering shall be barrier style kerb and guttering. Detailed engineering plans are required to be submitted to Council prior to the release of the Construction Certificate.
- 23 The existing concrete and bitumen footpath is to be removed for the full width of the Lachlan Street frontage to be replaced by a 1.2 metre wide concrete footpath. Details are to be submitted to Council prior to the release of the Construction Certificate.
- 24 Submission of detailed engineering plans of the proposed means of collecting and disposing of stormwater runoff from the footway area along the Lachlan Street frontage, prior to the release of the Construction Certificate.
- 25 Submission of detailed plans illustrating provision of kerb along the length of the proposed landscaping beds, suitable to direct all stormwater runoff to a collection pit to be located in the south eastern corner of the land for disposal to the kerb and gutter in Yarravel Street.
- 26 Submission of plans prior to the release of the Construction Certificate illustrating an interception drain at the boundary of the property to collect all stormwater runoff from paved areas piped then discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 27 Separate consent of Council will be required should any of the proposed working bays/units be used for another use other than a use to which this consent applies.

- 28 Any advertising signage for the development is subject to further Council approval.
- 29 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 30 Building materials are not to be stored within the road reserve or any other public place.
- 31 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 32 A Survey Report is to be submitted on completion of footings to ensure the location of the building is in accordance with the approval issued.
- 33 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.

INFORMATION TO BE SUBMITTED WITH THE CONSTRUCTION CERTIFICATE

- 34 The plans prepared for the required Construction Certificate are to accompanied by the following:-
- Unit 1 exists to be spaced so as to be greater than 9 metres apart.
 - Emergency lighting and illuminated exit sign required for Unit 1.
- 35 Provide plans and specifications of the Hydrant System designed by a Hydraulic Engineer.
- 36 Provide plans and specifications of the Emergency lighting and Exit Sign locations in the building to comply with Section E Clause E 4.2, E 4.5 and As/NZS 2293.1.
- 37 Provide two specifications for the Class 5 and 8 buildings, detailing the appropriate Clauses of the Building Code of Australia and Australian Standards for the works to be constructed.
- 38 Provide plans and specifications of the disabled access and carparking locations complying with As 1428.1.
- 39 Provide certification that external walls will meet required F.R.L 90/90/90.
- 40 Details of any perimeter fencing. Any perimeter fencing is to be of a painted decorative type.

DES6 CHANGE OF USE - AIR CONDITIONER AND REFRIGERATION REPAIRS - GLADSTONE
FILE: T6-03-412 AD {Folio No. 274009}

SUMMARY:

Reporting that Council has received an application for a change of use of a shop to an air conditioner and refrigeration repairs workshop for which objections have been received.



Applicant: G Unterrheiner - Trial Bay Refrigeration and Air Conditioning
Subject Land: Lot 11 DP 6003 No 39 Barnard Street, Gladstone
Zone: 2(v) Village
Proposal: Change of Use - Air conditioner and refrigeration repairs

Heads of Consideration

The proposal has been examined having regard for the heads of Consideration identified under Section 79C(1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

The proposal is not contrary to any State Environmental Planning Policies (SEPP's) or North Coast Regional Environmental Plan 1988 (NCREP 1988).

The proposal is permissible in the 2(v) Village zone with consent under KLEP 1987.

Background

Council, at its meeting of 23rd September 2003 considered an application to:-

- Change the use of a building from a shop to an air conditioner and refrigeration repairs workshop.
- Erect a building for the purposes of storage.
- Repair of refrigerated trucks and air conditioning for buses.

Council subsequently resolved to conduct a Works Inspection. ([Appendix I](#))

Following the Works Inspection, Council at its meeting of the 28th October 2003 resolved:

- "a *That the applicant be invited to submit an amended application to provide for a shed sufficient to cater for tourist coaches to be confined wholly within the building.*
- b *That upon receipt of a suitable amended application, the conditions to be imposed are those contained in the Director Environmental Services report of 23rd September 2003 DES2, with the addition of the following:*
- i. *all vehicles to be repaired are to exit the site in a forward direction.*
 - ii *all vehicles under repair, including all works, are to be contained wholly within the workshop building.*
- c *That the objectors be advised of Council's decision."*

The applicant was advised of Council's decision and subsequently advised that he wishes to return to the original design which will involve the repairing of refrigerated milk delivery vans, the erection of a shed for storage purposes, and change of use.

Planning Comment

It is considered that the proposal will have unacceptable impacts upon the residential amenity of the neighbourhood having regard to the fact that the repairing of refrigerated vehicles may result in noise levels not considered suitable to the amenity of the area.

Whilst proposed activities such as the sale, showing and storage of goods are likely to be acceptable, due to the proximity of adjoining residences, it is considered that the repairing of vehicles on-site and not enclosed in a building would be more suited to an industrial area.

2004. P78

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

- A That the applicant be invited to submit amended plans within fourteen (14) days providing for the deletion of any repairs to any vehicles on the land, and that the use of the land is to be for the purposes of sales, the display of goods and storage only.
- B That if suitable amended plans are not received within the specified period, the proposal be refused for the following reasons:
 - 1 The proposal is likely to result in unacceptable impacts on the residential amenity of the locality by reason of noise;
 - 2 The proposal is more suited to an industrially zoned area.
- C That the objector be advised of Council's decision.

DES7	PROPOSED TWO DETACHED DWELLINGS AND TORRENS TITLE SUBDIVISION - 4 HOUISON PLACE, SOUTH WEST ROCKS
	FILE: T6-03-607 DEC {Folio No. 274011}

SUMMARY:

Reporting that Council has received an application to build two detached dwellings (with Torrens Title Subdivision) in Houison Place, South West Rocks. The proposal is in a defined 'Low density' area and an objection to the proposed development was received.

Applicant: Mr R Van De Velde and Mrs A Shelton
Owner: As Above
Subject Land: Lot 76 DP 1037721, 4 Houison Place, South West Rocks
Zone: 2(a) Residential



Background

The proposed development is in a defined 'Low Density' area under Council's Development Control Plan 22 – Local Housing Strategy. As such, strict compliance to DCP 22 is required.

Original plans for the proposal resulted in non-compliance for height (6.7m), cut and fill (2m), car turning arcs and driveway grade.

It was requested that the applicant submit amended plans in order to fully comply with the requirements of DCP 22. Amended plans were subsequently provided which comply with all relevant requirements.

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

The proposal may be defined as a 'cluster housing' and is permissible with consent in the 2(a) Residential Zone under the Kempsey Local Environment Plan 1987. The proposal is not contrary to the North Coast Regional Environmental Plan 1988 or any State Environmental Planning Policy.

DCP No. 22 – Local Housing Strategy

The location of the proposal is contained within a defined low density area with an objective of the zoning to provide areas for low density residential development.

Under DCP 22, development in Low Density areas:

*'shall be restricted to **single dwellings per existing allotment only** unless it can be demonstrated that **all** of the relevant standards specified in section 4.0 of this plan have been met'.*

An assessment of the proposal against the relevant requirements of DCP 22 results in the following:

Standard	Required	Proposed	Complies Y/N
Density - Low	2 x 4 bedrooms = 1000m ²	1940m ²	Yes
Site Coverage for Low Density Area	Maximum of 30%	Application was lodged prior to the site density requirements for South West Rocks. However, the proposal complies (27.5%)	Yes
Setbacks Side Front Rear	1.5m (2 nd storey) 5m 1.5m	>1.5m >5m 1.8m	Yes Yes Yes
Car Parking • Resident	1 covered per	2 covered for dwelling	Yes

• Visitor • AS 2890.1	dwelling 1 for development	2 visitor spaces Complies with driveway grade and turning arcs	Yes Yes
Private Open Space	25m ² with 4m x 4m square	>25m ² with 4m x 4m square	Yes
Landscaping	165m ² per dwelling	>165m ²	Yes
Height	6.2m	Unit 1 = 5.7m Unit 2 = 6.05m	Yes
Solar Access	15 points	16.5 points	Yes
Privacy	Adequate	Louvre style screen to be conditioned for unit 1 at northern end	Yes
Cut and Fill	<1.5m	Unit 1 = 1.5m Unit 2 = 1.45m	Yes
Long Walls	<20m	<20m	Yes
Erosion and sediment control	Section 4.10 DCP 22	To be conditioned	Yes
Infrastructure	Section 94 Contributions	Contributions to be charged	Yes

The site is relatively steep but compliance with the requirements of DCP 22 in relation to height, cut and fill and driveway grade has been achieved.

The applicant has indicated that louvre style screens are an option to alleviate privacy concerns from unit 1 overlooking unit 2. This should be included as a condition of consent

Rural Fire Service Requirements

The proposal is "integrated development" as a Fire Safety Authority from the Rural Fire Service for the proposed subdivision is required which was granted by letter received 23 March 2004.

Public Exhibition

Adjoining property owners were notified of the proposal in accordance with Council's Advertising Policy, with one objection being received ([Appendix J](#))

The objector was correct in that the height restrictions of DCP 22 were breached by the proposal. However, submission of amended plans has subsequently resulted in the height requirements being met. It is considered that the amended plans have addressed the impacts of the dwelling's height. It is considered that the height impacts are not adverse and that the proposal is consistent with the surrounding low-density area.

Conclusion

Council requires any dual occupancy proposals in a defined low-density area to meet all the requirements of DCP 22. After submitting amended plans and providing further information, the applicant has achieved full compliance.

A That consent be granted subject to conditions (below)

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 6 The dwellings are not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**
- 7 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - (a) Installation of soil erosion and sedimentation control devices.**
 - (b) Installation of safety fencing/hoardings between the property and the street**
 - (c) Installation of builder's toilets**
 - (d) Installation of signage in prominent, visible position including -**
 - "Unauthorised site entry is prohibited"**
 - Name and phone number of builder or other responsible person for contact outside working hours.**

- 8 Provision of a security deposit to Council totalling \$600.00 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- (a) Installing a temporary structure on land.
 - (b) Carrying out water supply work.
 - (c) Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - (d) Carrying out sewerage work.
 - (e) Carrying out stormwater drainage work.
 - (f) Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
 - (g) Disposing of waste into a sewer of the Council.
- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
- 11 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.

All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

12 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:

(a) preserve and protect such building from damage; and

(b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

13 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.

14 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

15 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78I requires that the toilet must be provided before any work is commenced.

16 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

17 If the soil conditions require it:-

(a) retaining walls or other approved methods of preventing movement of the soil must be provided; and

(b) adequate provision must be made for drainage.

- 18 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided with the application.
- 19 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick unreinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.
- 20 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 21 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 22 Roofwaters are to be connected to the existing stormwater disposal system.
- 23 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas piped then discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 24 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 25 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
- 26 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.
- 27 You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be

issued by Council, subject to the following matters being complied with:-

- (a) Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$3260.00 per equivalent tenement, i.e \$3260.00 x 1.66 E.T = \$5411.60. (Indexed 2003/2004)
- (b) Payment of a contribution towards district water supply at the rate of \$1184.00 per equivalent tenement, i.e \$1184.00 x 1.66 E.T = \$1965.44. (Indexed 2003/2004)
- (c) Payment of a contribution towards water supply reticulation works at the rate of \$2975.00 per equivalent tenement, i.e \$2975.00 x 1.66 E.T = \$4938.50. (Indexed 2003/2004)

28 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate/Subdivision Certificate, at the rate prevailing at that time. The current rate is \$1,842 per additional dwelling unit, i.e \$1,842 x 1.66 E.T = \$3,057.70. (Indexed 2003/2004)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

29 Any future development application lodged for this subdivision under 7aBA of the Environmental Planning and Assessment Act will be subject to the requirements as set out in Planning for Bushfire Protection 2001.

30 The water supply for firefighting purposes shall be provided in accordance with the requirements outlined within Section 6.4.3 of Planning for Bushfire Protection 2001.

31 Access is to comply with Section 4.3 of Planning for Bushfire Protection 2001.

32 The expense of any additional sewer connections is to be met by the applicant.

33 Where additional easements are required for stormwater or sewerage infrastructure, easements to Council standards will be required for which documentary evidence shall be provided prior to the release of the Construction Certificate.

B That the objector be advised of Council's determination.

DES8	11 UNITS/STRATA SUBDIVISION LOT 2034 DP 731059 NO 83 MITCHELL STREET, SOUTH WEST ROCKS FILE: T6-03-530 AD	{Folio No. 274014}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DES9	SUBDIVISION OF LOT243 DP 847096, OFF BLAIRS LANE, KEMPSEY FILE: S15-94-99 AJC	{Folio No. 274017}
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SUMMARY:

Reporting on a condition of a development consent requiring an existing crown road to be upgraded to Council standard and dedicated as public road.



Applicants: Mr P C Tyrrell
Owners: Mr P C Tyrrell
Subject Land: Lot 24 DP847096, off Blairs Lane, Kempsey

Background

Council on the 8 November 1995 issued a conditional development approval for the subdivision of the subject allotment into nine (9) Rural residential allotments.

Council issued a Part 12 construction approval on the 7 June 1999 to excise proposed Lots 1 and 2. The Subdivision Certificate for this part of the development was issued on the 15 September 1999.

Existing lot 1 DP1006823 being created from the previous stage was then subdivided further into allotments 11,12 and 13 in accordance with the provisions of the original 1995 development consent. Council endorsed the Subdivision Certificate for this stage on the 8 June 2002.

The applicant now wishes to complete the rural residential subdivision of lot 2 DP 1006823 by excising off the remaining six(6) allotments.

Proposal

Condition 7(b) of the original development consent required the crown road servicing proposed allotments 4 to 9 inclusive to be constructed to Council

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MAYOR

standard and dedicated as public road. A copy of the approved development plan is appended to this report. (*Appendix O*)

The proposal before Council is to organise the transfer of the existing relevant part of the crown road required by this development to Council from the Crown and so become a dedicated public road vested in Council pursuant to the provisions of Section 151 of the Roads Act 1993. The transfer will need to take place prior to the applicant undertaking any work on the proposed section of road. Only a Roads Authority can issue approval to work on a public road and for that to take place the existing crown road needs to be transferred to Council as a dedicated public road.

Council will be required to endorse the application to transfer the Crown Road and where necessary affix its seal to the relevant documents. The applicant will meet the full cost of the transfer.

2004. P80

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Walker*

- 1 **Council support the transfer process in accordance with condition 7(b) of the development consent issued on the 8 November 1995.**
- 2 **Where required the General Manager/Mayor endorse the application and any associated documents, including affixing of Council's seal.**

DES10

**COMMUNITY HEALTH CENTRE
SOUTH WEST ROCKS
FILE: T5-90 DEC**

{Folio No. 274018}

SUMMARY:

Reporting on submissions received following the exhibition of the development application for the proposed community health facility at South West Rocks.



Subject Land: Lot 50 DP1025337 Gregory Street, South West Rocks
Applicant: Health Administration Corporation
Zone: 2(a) Residential

Background

At its meeting of 27th January 2004, Council resolved to amend Kempsey Local Environmental Plan 1987 to permit the development of a Community Health Facility at South West Rocks.

By letter of 29th January 2004, the Department of Infrastructure, Planning and Natural Resources (DIPNR) was subsequently advised of Councils decision

THIS IS PAGE 45 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 27TH APRIL 2004.

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MAYOR

including its intention to exercise its delegations under Section 65 and 69 of the Environmental Planning & Assessment Act.

The rezoning was subsequently exhibited for public comment and was reported to Council's meeting of 13th April 2004.

At its meeting on the 13th April 2004, Council resolved to refer the rezoning to the Department of Infrastructure, Planning and Natural Resources requesting that the Minister be recommended to make the plan. To date, no response has been obtained.

Concurrently, Council has been assessing a development application which cannot be determined until the rezoning is gazetted, which is the subject of this report.

Pursuant to Section 116G of the Environmental Planning and Assessment Act, the Mid North Coast Area Health Service (applicant) is defined as a Statutory Authority that represents the Crown, and therefore is not required to obtain a Construction Certificate for the proposed development. Council must not refuse consent to the proposal or impose conditions of consent without the written approval of the Minister or the applicant.

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

The proposal may be defined as a Medical Centre. Medical Centres are not permissible in the 2(a) residential zone. However, upon gazettal of the enabling clause, the proposed use would be permissible.

The proposal is not contrary to the North Coast Regional Environmental Plan 1988 or any State Environmental Planning Policies.

Bushfire

The "Planning for Bushfire Protection 2001" guidelines do not apply to the proposal as the use is not a Special Purpose Development and is not a Class 1, 2 or 3 building under the Building Code of Australia.

It should be noted that it is intended to construct the building of metal cladding construction set back 5 metres from the adjoining bushland and landscaped with suitable species.

Flora and Fauna

The understory of the site has been cleared with the site supporting 12 mature eucalypt trees comprising of Blackbutts and Tallowwoods. Of these, it is intended to remove 4 Blackbutts and 2 Tallowwoods

An assessment of the proposal in respect to the requirements of Section 5A of the EP & A Act relating to the Development Application indicates that the development will not have any significant impact on the habitat of any threatened species.

Although utilised by Koalas for foraging, Blackbutts (*Eucalyptus pilularis*) are not listed under SEPP 44 in respect to considering any impacts on potential Koala Habitats.

Tallowwoods (*Eucalyptus microcorys*) are a listed koala food tree under SEPP 44. However, no evidence of koala activity on the site was observed after thorough investigations. It is considered the removal of 2 tallowwoods does not threaten any Core Koala Habitat as defined under SEPP 44.

It should be noted that the applicants landscape plan provides for Tallowwood, Blackbutt and Swamp Mahogany trees, providing resources for any potential koala population.

On the basis of this assessment, it is considered that the proposed development will not result in any unacceptable impacts on any native flora or fauna.

Aboriginal Archaeology

The site was inspected by representatives of the Kempsey Local Aboriginal Land Council in September 2001 relating to a previous proposal for a Tavern. No artefacts or aboriginal cultural materials were detected and the site has been subjected to considerable surface disturbance.

Noise

The development has the potential to impact on the amenity of adjoining residences by reason of noise relating to cars utilising the carparking areas, construction of the building and its operation. An assessment of potential noise during the construction phase indicates that provided construction activities are confined to between 7am to 6pm Monday to Friday and 8am to 1pm Saturday with no work on Sunday's or Public Holidays, noise is likely to be well within EPA criteria.

In respect to the operation of the premises which is restricted to daytime use only, it is intended to locate air conditioning units on the southern side of the building facing away from residential areas.

The site is immediately adjacent to an existing shopping centre involving considerably larger numbers of traffic movements, including large heavy delivery vehicles, which would be screened by the proposed building. Disturbances would be restricted to a limited number of vehicles entering the site from Steve Eagleton Drive. The applicant has addressed this issue by providing the public car parking area (highest use compared to staff) at the southwestern extremity of the site, away from the neighbouring residences. The applicant has provided a detailed landscaping plan, comprising of native species endemic to the area, for the site. This includes the northern boundary, assisting in noise attenuation.

Traffic generation

As a result of potential conflicts relating to accessing the site from Gregory Street in respect to its proximity to the roundabout and the adjoining Bi-Lo complex, the developers propose to gain access from Steve Eagleton Drive. A traffic assessment provided with the Development Application indicates that an additional 144 vehicle movements would be generated on Steve Eagleton Drive which is likely to be designed to eventually connect to New Entrance catering for at least 10,000 traffic movements per day.

On this basis, it is considered that traffic impacts associated with the development are likely to be acceptable and conditions relating to intersection design and landscaping of parking areas should be applied.

It should be noted that the original rezoning application was referred to the RTA on the basis that it was intended to gain access directly from Gregory Street, which is an arterial road controlled by the RTA. No comments in relation to the rezoning were received from the RTA.

Under the provisions of SEPP 11 Traffic Generating Developments, the Development Application is not required to be referred to the RTA.

Social Impact on the Locality

It is expected that the proposed development will have a positive social impact on the locality in providing for direct public access to the health care centre

Whilst not included in any objections, concern in relation to the premises being used as a methadone clinic has been raised.

Should Council consider it necessary or valid, Council may wish to impose a condition of consent requiring such a use to be subject to further consent.

Public Exhibition

The proposal was exhibited in accordance with Council's Policy with one (1) objection being received.

Objection	Planning Comment
1 Concerned over increased traffic turning in front of our place.	1 (Refer to Traffic Comments). It is estimated that the development will increase traffic volumes on Steve Eagleton Drive by only approximately 1.4% of the design capacity of the road. The access off this road is clearly visible in both directions and the road has been designed to service high

<p>2 Could the trees proposed to be removed be retained in some way?</p>	<p>volumes of traffic from Gregory Street to New Entrance. The development is not expected to adversely impact upon local traffic.</p> <p>2 The applicant has indicated that only 6 trees require removal.</p> <p>The proposal has been designed with tree retention in mind as a substantial area fronting Gregory Street will remain undeveloped.</p> <p>It should be a condition of approval that protective barriers be placed around existing trees during construction.</p>
<p>3 It would be nice to see natives planted as part of the landscaping plan.</p>	<p>3 The applicant has provided a landscaping plan comprising of a number of native trees, shrubs and grasses endemic to the area.</p>

Planning Comment

It is considered that there is unlikely to be any significant adverse impacts associated with the Development. On the contrary, it is considered that the proposed development is likely to reduce impacts on adjoining residential areas from the existing Bi-Lo complex and the facility will provide a valuable community health asset to the township.

Director Environmental Services Recommendation:

- A That Council seek the agreement of the applicant in relation to the following conditions of consent:**
 - 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 2 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - a Installation of soil erosion and sedimentation control devices.**
 - b Installation of safety fencing/hoardings between the property and the street**
 - c Protection barriers for existing trees**
 - d Installation of builder's toilets**

- e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.

- 3 Provision of a maintenance bond to the amount of \$600 refundable six (6) months from completion of all civil works relating to Council's infrastructure prior to commencement of works.

- 4 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following:-
 - a Installing a temporary structure on land.
 - b Using a building or temporary structure as a place of public entertainment or permitting its use as a place of public entertainment.
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d Carrying out sewerage work.
 - e Carrying out stormwater drainage work.
 - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
 - g Disposing of waste into a sewer of the Council.

- 5 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

- 6 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
 - (a) preserve and protect such building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

- 7 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 8 Compliance with the Building Code of Australia.
- 9 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 10 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved and/or bitumen sealed.
- 11 A sign clearly stating "Staff Only" is to be erected adjacent to the laneway leading to the staff car park.
- 12 Vehicular access off Steve Eagleton Drive from the street to the property boundary is to be via a heavy duty layback and full width 150mm thick reinforced concrete paving. A detailed plan is to be submitted prior to the occupation of the premises.
- 13 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 14 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to commencement of works.
- 15 A footpath across the full road frontage of the property in Steve Eagleton Drive, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development is to be praided, details of which are required prior to commencement of works.

- 16 Provision of kerb and gutter and extension of bitumen seal to the new lip of kerb for the full frontage of the Steve Eagleton Drive with grassed footway area, in accordance with the requirements set out in Development Control Plan No 36 - Engineering Guidelines for Subdivision and Development.

The applicant is to liaise with Mr Tony Castle of the Environmental Services Section to obtain details of Council's minimum requirement prior to the applicant's Engineering Consultant commencing the design. The applicant is to lodge a separate application for this work in accordance with Section 138 of the Roads Act 1993 and obtain approval from Council (the Roads Authority) prior to the commencement of any works.

- 17 Written advice from Kempsey Shire Council agreeing that detailed plans providing for the connection of the development to the existing sewer junction located at the Gregory Street frontage have been prepared strictly in accordance with Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development and the current version of AS 3500.2.1 National Plumbing and Drainage, prior to commencement of work.

- 18 Written advice from Kempsey Shire Council agreeing that detailed plans providing for the extension/modification of Council's sewer main have been prepared strictly in accordance with Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development prior to the commencement of works.

- 19 Written advice from Kempsey Shire Council agreeing that detailed plans providing for the connection of the development to the existing stormwater pit located at the Gregory Street frontage have been prepared strictly in accordance with Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development and the current version of AS 3500.2.1 National Plumbing and Drainage, prior to the commencement of works.

- 20 Written advice from Kempsey Shire Council agreeing that detailed plans providing for the extension/modification of Council's stormwater drainage system have been prepared strictly in accordance with Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development prior to the commencement of works.

- 21 Roofwaters are to be connected to the existing stormwater disposal system.

- 22 **Preparation of an Erosion and Sediment Control Plan and supporting documentation prepared using Landcom publication "Managing Urban Stormwater soils and Construction" and approved by the NSW Department of Infrastructure Planning and Natural Resources, prior to the commencement of works.**
- 23 **Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to commencement of any works.**

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a **Payment of a contribution towards district water supply at the rate of \$1,184 per equivalent tenement, i.e \$1,184 x 1.68 E.T = \$1,989.12. (Indexed 2003/2004)**
- b **Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$1,592 per equivalent tenement, i.e \$1,592 x 1.68 E.T = \$2,674.50. (Indexed 2003/2004)**
- 24 **No vehicular access is to be gained to/from the facility off Gregory Street.**
- 25 **Provision of plans for Council approval providing for an increase in laneway width from 3.5 metres to 5.5 metres to the staff car park, in accordance with Australian Standard 2890 - Off Street Car Parking, prior to commencement of works.**

B That upon receipt of the applicants agreement and gazettal of the rezoning, that consent be granted in accordance with the agreed conditions.

C That the objector be advised of Council's decision.

2004. P81

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Green*

That the Director's recommendation be adopted with the addition of the following condition of consent being added;

That the facility not be used for a methadone clinic.

SUMMARY:

Reporting that Council has received an application to construct a temporary sandbag structure in the Maria River Road reserve on Drain 10b of the Maria River, for which two objections have been received.



Applicant: Kempsey Shire Council (Mr T Morris)
Subject Land: Drain 10b of the Maria River, 260m south of
Illalangi Road, Maria River Road
Owner: Kempsey Shire Council
Zone: 1(a3) Agricultural Protection Zone

Background

The proposed development involves the placement of sandbags as a temporary weir to assist in acid sulfate soil (ASS) management within the Upper Maria River – Connection Creek catchment. The Upper Maria River area is described as a 'hot spot' under the State Government Funded 'Acid Sulfate Soils Hot Spot Project'. Kempsey Shire Council coordinates the Upper Maria River ASS Hot Spot Project and has made the application.

Proposed Development

The proposed development is to build a trial sandbag structure (weir) at a height of zero (0.1) metres Australian Height Datum (AHD) in Drain 10b of the Maria River. The proposal is a trial and upon completion of twelve months it is intended to furnish Council with a report on the results of the structure. Continued use of the structure should be subject to no adverse impacts being evident during the twelve-month period ([Appendix P](#))

The applicant has stated that the purpose of the sandbag structure is to maintain a higher water level (0.1m AHD) in the drain, reducing acid groundwater seepage into the drain. The raised water will be restricted to the main drain, adjoining field drains and natural back channel whilst still operating as a drain in allowing excess water (over 0.1m AHD) to flow over the structure.

The applicant has indicated the proposed development follows the 'Guidelines for Managing Floodgates and Drainage Systems on Coastal Floodplains' *Johnston et al (2003)*

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

The Provisions of any Environmental Planning Instrument

Clause 34 of the Model Provisions 1980, as adopted by Kempsey Local Environment Plan 1987, requires development consent to be obtained on any flood prone land. Although it appears that the drain pre-dates planning controls, modification of the drain requires development consent. One of the key objectives of the 1(a3) Agricultural Protection Zone is to 'conserve land particularly suitable for agricultural use'. An objective of Rural Zones listed under the North Coast Regional Environment Plan 1988 is to 'protect prime crop and pasture land'. It is considered that an environmental project of this nature will assist in maintaining the agricultural viability of the Upper Maria River and assist in the management of a water quality within the Upper Maria catchment.

The project is not contrary to any State Environmental Planning Policy.

Access Transport and Traffic

During the construction phase of the development, access from Maria River Road will be required for a short period (1 day). Ample parking is available immediately adjacent to the road and the site is clearly visible from both directions. It should be a condition of any approval that the applicant consult with Council's Engineering Department, prior to commencing works, to arrange for appropriate temporary warning signage to be placed on the road during construction.

Flooding/Drainage

The water level within Drain 10b is expected to permanently rise during the trial period by approximately 200mm. Adjoining field drains and natural back channel will have slightly raised water levels. This water rise is not expected to result in significant inundation of land or effect the natural vegetation of the area as the area is already a wet back swamp environment.

In principle, the trial is attempting to raise the water level to prevent over drainage of the soil. However, the drain will still remove surface water over the height of 0.1m AHD.

In the unforeseen event of any backing up of flows resulting in damage to adjoining properties, it is intended to terminate the trial, including removal of all structures and restoration to existing levels in such circumstances which should be reinforced in conditions of consent.

In accordance with the application, any consent should be subject to a report at the completion of twelve months of the trial. The continuation of the trial should be subject to positive results over this time period with no evidence of adverse impacts on the environment or adjoining land.

It should be a condition of any consent that the applicant monitor the effects of the trial structure, both within the drain and on adjoining land. The results of such monitoring should be submitted to Council after a twelve month period.

It should be a condition of any consent that the applicant advise all landholders within the Drain 10b catchment of commencement of the trial. Such advice should list relevant contact details of the project coordinator in the event of any concerns/impacts arising.

Public Exhibition

The applicant invited all landholders within the catchment of Drain 10b to a site meeting to discuss the proposal, with all in attendance in agreement of a trial. Adjoining property owners were notified of the proposal in accordance with Council’s Advertising Policy. Two objections were received ([Appendix Q](#)). The objections can be summarised as following:

Objection	Planning Comment
1 The proposed development will hold back water.	1 The increase in the water level of drain 10b by only 200 mm is not expected to have any significant impacts on surrounding properties. It should be a condition of any consent that in the event of any unforeseen impacts the structure be removed and the trial cease. Refer to ‘Flooding/Drainage’ Planning Comment.
2 The proposal may raise the water table.	2 The proposal is not expected to raise the water table in any adverse way and would prevent over draining leading to the oxidation of ASS. Refer to ‘Flooding/Drainage’ Planning Comment.
3 The proposal may cause disease through creating stagnant water	3 The proposal is not expected to result in any significant increase in mosquito populations. It should be noted that the environment in the locality is a wet back swamp environment. A common feature of such an environment is the presence of surface water and mosquitoes. There is no evidence to suggest that the proposal will result in

4 The proposed development could be seen to cause loss of enjoyment of land.

5 The proposal may block transport i.e. cause flooding of Point Plomer Road by causing water to back-up at the 'Big Hill Flood Gates'

6 Only immediate landholders were invited to site meetings. There is the potential to affect many more landholders.

7 Where have projects such as this been carried out before? What were the results?

the increased occurrence of any disease.

4 It is expected that the proposal will have environmental benefit for landholders in the Upper Maria Catchment. In the event of any unforeseen impacts on landholders enjoyment of their land, the structure should be removed and the trial ceased.

5 The Drain 10b Catchment is separate to the Big Hill drain network. As such, there is no evidence to suggest that the proposed development will have any impacts on Plomer Road.

6 It was considered that inviting all landholders in the 10b drain catchment was appropriate. The proposal was advertised in accordance with Council's policy.

It is emphasised that the trial should cease immediately in the event of any adverse impacts arising.

7 The same approach has been used in many other areas on the Macleay, including the Seven Oaks Drain in Clybucca where various structures have been in place for several years and have assisted in revegetating a major acid scald.

A number of drains in the Hastings also have weir structures in place, and have enabled acid discharge events to be reduced.

The proposal is consistent with the 'Guidelines for Managing Floodgates and Drainage Systems on Coastal Floodplains'

Conclusion

It should be emphasised that the proposed development has been designed for environmental benefit, involved extensive public consultation and is a trial only.

There is no evidence to suggest that there will be any adverse impacts. However, Council should take the precautionary approach and impose conditions that would require the structure to be removed and the trial to cease in the event of any unforeseen impacts.

2004. P82

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Hunt*

That consent be granted subject to the following conditions

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved plans as modified by any conditions of this consent**
- 2 If, in the opinion of Council, the works are resulting in unacceptable impedance to the existing drainage system likely to result in the damage to adjoining property, all works are to be removed or adjusted as directed by Council and at no cost to Council.**
- 3 The Applicant is to consult with Council's Engineering Department prior to commissioning/decommissioning of the structure so as appropriate road safety signage can be placed on Maria River Road.**
- 4 The applicant is to advise all landholders in the Drain 10b Catchment of the commencement of the development. Such written advice is to include contact details of the project coordinator.**
- 5 The applicant is to monitor the structure, Drain 10b and adjoining properties during the first twelve (12) months of the project. After completion of the twelve months a summary of the monitoring is to be forwarded to Council for assessment.**

DES12

POINT PLOMER ROAD LEP

FILE: R POINT PLOME RBP

{Folio No. 274023}

SUMMARY:

Reporting that Council has received a report relating to the recommendations of the Point Plomer Road LEP Community Committee.



Background

At a meeting on 12th August 2003, Council resolved to prepare a draft LEP to restrict the form and type of development in the area south of Crescent Head serviced by Point Plomer Road so as to protect the existing unspoilt character of the locality.

Council further resolved to appoint a Community Committee to discuss and make recommendations to Council in respect to the desired planning controls for the area.

A public meeting was subsequently held on the 16th October 2003 which was well attended by the community at which information was provided concerning the background to the proposed LEP; existing planning controls; make up and role of the Committee; and the likely public consultation process throughout the LEP preparation process.

An invitation for expressions of interest was advertised with 14 submissions received from members of the community.

At a meeting on 25th November 2003, Council resolved to accept two nominees from the Aboriginal Liaison Committee being Ms Mary Lou Buck and Mr John Kelly as members of the Committee. In addition, the following community members were accepted; -

Gary Hamill, Chris Dockrill, Margo Johnston, Madeleine Mainey, Polly Thompson and Roger Ferguson

Councillors John Bowell and Terry Hunt were accepted as official nominees for Council with Councillor Hunt chairing the Committee.

Council appointed a facilitator, Mrs Michelle Chapman and the Committee met on eight separate occasions commencing on the 22nd January 2004.

In accordance with Councils earlier resolutions, the Committee were required to report their recommendations to Council within three months of the first meeting.

The draft report is at [\(Appendix R\)](#) and will be the subject of a further detailed planning report relating to the recommendations and to options Council may wish to consider in respect of future controls for the area.

Note: The report is separate from the main Business Paper as the final meeting of the Committee is on the 21st April 2004 which is after the deadline for circulation of the paper to Councillors.

Following Councils decision as to the desired option, it is anticipated that a draft LEP will be prepared for the purposes of public exhibition.

During the public exhibition phase, the public will have additional opportunity to make submissions to Council and Council may wish to conduct a further public meeting in order to maximise community awareness.

THIS IS PAGE 59 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 27TH APRIL 2004.

.....
MAYOR

Acting Directors Comment

The Committee have dedicated a large amount of time and effort in preparing the draft report which will greatly assist Council when determining future options. In determining an appropriate course of action relating to the LEP, Council will have greater confidence that the broad range of concerns of the Community have been identified and, hopefully addressed.

Prior to submitting the further planning report to Council, it is intended to invite each member of the Committee to an informal meeting with staff to discuss the draft report so as to include the Committee's comments in that report.

2004. P83

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

That Council formally thank each member of the Community Committee for their efforts in serving on the Committee.

DES13	BUILDING AND DEVELOPMENT	
	FILE: B9-2 RBP (NRN)	{Folio No. 274027}

SUMMARY:

Reporting that the following applications have been approved:

APPROVALS

Local Development (LD)

Council Report on Local Development Application

Reporting that the following applications have been approved:

2003/LD-00054 Lot 72 DP1033750 DORSHAE CLOSE
SOUTH WEST ROCKS
3 DWELLINGS & SUBDIVISION
Owner: ROSE D
Builder: 3

2003/LD-00214 Lot 131 DP865132 PAPERBARK LANE
CRESCENT HEAD
TWO STOREY DWELLING
Owner: LATTER W E & SHEEHAN J
Builder: 0

2003/LD-00236 8 FORTH STREET KEMPSEY
CONTINUED USE OF 1.8 M BOUNDARY FENCE
Owner: CUMMINGS C
Builder: 0

- 2003/LD-00668 33 STURT STREET SOUTH WEST ROCKS
5 DWELLINGS
Owner: PRATTEN T, FEGAN B & ODELL G
Builder: 0
- 2003/LD-00713 1-5 REGINALD WARD STREET SOUTH KEMPSEY
VOCATIONAL COLLEGE
Owner: KEMPSEY SHIRE COUNCIL
Builder: 0
- 2003/LD-00719 64 RUDDER STREET EAST KEMPSEY
DWELLING
Owner: WESTON N
Builder: 0
- 2003/LD-00760 106 RAVENSWOOD ROAD KUNDABUNG
FREE RANGE POULTRY FARM
Owner: BRENNAN IP
Builder: 0
- 2003/LD-00795 35 MEMORIAL AVENUE SOUTH WEST ROCKS
SUBDIVISION OF COMPLETED DUAL OCCUPANCY
Owner: GIRARD R & S AND RASGLEN PTY LTD
Builder: 2
- 2003/LD-00809 45 FRANCIS DIMOND STREET ARAKOON
TWO STOREY DWELLING
Owner: VAN ZANEN J & L
Builder: 0
- 2003/LD-00848 12 CECIL BALDWIN CLOSE WEST KEMPSEY
3 CLUSTER HOUSES & TORRENS SUBDIVISION
Owner: BYERS JS & MUDELL DJ
Builder: 0
- 2003/LD-00852 34 MAIN STREET SMITHTOWN
RELOCATE EXISTING DWELLING & BUILD NEW DWELLING
Owner: ISMAY I, ISMAY W, ECKENROTH M, ECKENROTH V
Builder: 0
- 2003/LD-00874 22 TREVOR JUDD AVENUE SOUTH WEST ROCKS
TWO STOREY DWELLING
Owner: TAYLOR A & J & N & LENCZ A
- 2004/LD-00007 500 FISHERMANS REACH ROAD
FISHERMANS REACH
REMOVE EXISTING DWELLING & BUILD NEW DWELLING +
GARAGE + POOL
Owner: BEAUCHAMP M & R
Builder: 0
- 2004/LD-00021 Lot 2 DPDP1062426 OWENS ACCESS COLLOMBATTI
DWELLING

Owner: TILMOUTH P & D
Builder: 0

2004/LD-00023 12 SALMON CIRCUIT SOUTH WEST ROCKS
2 STOREY DWELLING & DETACHED GARAGE
Owner: HANISCH S
Builder: 0

2004/LD-00044 Lot 981 DPDP813235 BRASSILS CREEK ROAD
TOOROOKA
RELOCATE DWELLING
Owner: ESHMAN W & M
Builder: 0

2004/LD-00047 403 RIVER STREET GREENHILLS
DETACHED GARAGE
Owner: NEWELL K & L
Builder: 0

2004/LD-00053 5 MCINTYRE STREET SOUTH WEST ROCKS
RURAL FIRE SHED EXTENSIONS
Owner: KEMPSEY SHIRE COUNCIL

2004/LD-00056 395 MARYS BAY ROAD DONDINGALONG
DWELLING ADDITIONS
Owner: STENBERG H & CALUYA E
Builder: 0

2004/LD-00058 6 BAYVIEW STREET SOUTH WEST ROCKS
GARAGE
Owner: GODDARD D
Builder: 0

2004/LD-00061 Lot 82 DP831965 MUNGAY CREEK ROAD
MUNGAY CREEK
DETACHED SHED
Owner: FRAZER M & WILKINSON S
Builder: 0

2004/LD-00063 44 CLARENCE RYAN AVENUE WEST KEMPSEY
SWIMMING POOL
Owner: BAUMGARTNER H
Builder: 0

2004/LD-00073 2 KIRKWOOD PLACE STUARTS POINT
DETACHED CARPORT
Owner: DAFTER L
Builder: 0

2004/LD-00078 422 MARYS BAY ROAD DONDINGALONG
VERANDAH & DETACHED SHED
Owner: WITCHARD B & C

2004/LD-00079 18 RAFFERTY CRESCENT SOUTH WEST ROCKS
SHED
Owner: MCCARTHY M & HARVEY J

2004/LD-00082 492 FISHERMANS REACH ROAD
FISHERMANS REACH
CARPORT
Owner: RAMSAY E D
Builder: 0

2004/LD-00083 142 LILLI PILLI ROAD KUNDABUNG
SHED
Owner: BERRUEX G & J
Builder: 0

2004/LD-00085 140 MACLEAY STREET FREDERICKTON
DOUBLE CARPORT
Owner: WYNDHAM K
Builder: 0

2004/LD-00087 37 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
DWELLING
Owner: FEGAN B
Builder: 0

2004/LD-00088 77 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN
DWELLING ADDITIONS
Owner: RUBA AMARJIT
Builder: 0

2004/LD-00090 47 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
DWELLING
Owner: BOOTH C & D
Builder: 0

2004/LD-00091 40 STURT STREET SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: BALL C
Builder: 0

2004/LD-00095 213 COLLOMBATTI ROAD FREDERICKTON
DWELLING ADDITIONS
Owner: MATTHEWS J & L
Builder: 0

2004/LD-00097 202 CROTTYS LANE YARRAVEL
RELOCATABLE DWELLING
Owner: ZARB A & S
Builder: 0

2004/LD-00098 12A AIRPORT ROAD ALDAVILLA
ABOVE GROUND SWIMMING POOL
Owner: SCOTT G & L

Builder: 0

2004/LD-00099 MARIA RIVER ROAD RESERVE CRESCENT HEAD
TRIAL SANDBAG STRUCTURE
Owner: KEMPSEY SHIRE COUNCIL ENGINEERING DEPT
Builder: 0

2004/LD-00102 24 CROADS ESPLANADE SMITHTOWN
DWELLING ADDITIONS
Owner: WICKHAM CB
Builder: 0

2004/LD-00104 1 DAVY LANE DONDINGALONG
DWELLING ADDITIONS
Owner: MARTIN I & J

2004/LD-00105 78 MACLEAY STREET FREDERICKTON
SHED
Owner: BURBRIDGE J & W

2004/LD-00106 5 DILBERANG CLOSE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: BLACK N & D

2004/LD-00107 3 CEDAR PLACE STUARTS POINT
DWELLING ADDITIONS
Owner: MEYER N & BIRKNER D

2004/LD-00108 3 GOTHIC STREET SOUTH WEST ROCKS
SWIMMING POOL
Owner: WILKES R & P

2004/LD-00109 22 QUEEN STREET GREENHILLS
INGROUND SWIMMING POOL
Owner: WITCHARD L & C
Builder: 0

2004/LD-00110 3019 SOUTH WEST ROCKS ROAD JERSEYVILLE
CARPORT
Owner: JOHNSON C & J
Builder: 0

2004/LD-00111 506 CRESCENT HEAD ROAD SOUTH KEMPSEY
DWELLING ADDITION
Owner: GRAHAM L & E
Builder: 0

2004/LD-00112 40 SMITH STREET KEMPSEY
REPLACE EXISTING EXTERNAL SIGNAGE ANZ BANK
Owner: THALERA PTY LTD - ALLAN MCPHERSON
Builder: 0

2004/LD-00113 22 SULLIVAN STREET EAST KEMPSEY

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KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 27TH APRIL 2004.*

.....
MAYOR

DWELLING ADDITIONS
Owner: CARROLL WP & LJ
Builder: 0

2004/LD-00115 93 KINCHELA STREET GLADSTONE
DWELLING ADDITIONS & ABOVE GROUND POOL
Owner: ARNDELL W & V
Builder: 0

2004/LD-00116 109 LIKA DRIVE SOUTH KEMPSEY
GARAGE
Owner: WOODS B
Builder: 0

2004/LD-00117 48 FISHERMANS TRAIL FISHERMANS REACH
GARAGE & CARPORT
Owner: SECOMB A J & S R
Builder: 0

2004/LD-00118 231 HAT HEAD ROAD KINCHELA
DWELLING ADDITIONS/ALTERATION
Owner: WESTERMAN C
Builder: 0

2004/LD-00119 6 FAIRWAY PLACE SOUTH WEST ROCKS
CARPORT
Owner: O'DONNELL BE
Builder: 0

2004/LD-00121 41 SKYLINE CRESCENT CRESCENT HEAD
SWIMMING POOL
Owner: DENNIS R
Builder: 0

2004/LD-00126 14 CARRINGTON STREET WEST KEMPSEY
INGROUND SWIMMING POOL
Owner: HENDERSON J & D & PIPER M
Builder: 0

2004/LD-00128 6 MERTENS PLACE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: COOMBES PD & DM
Builder: 0

2004/LD-00129 82 GRANTS CLOSE SOUTH KEMPSEY
SHED & INGROUND POOL
Owner: BLACKWELL Z & S
Builder: 0

2004/LD-00137 48 CAMERON STREET WEST KEMPSEY
GARAGE
Owner: FOWLER D A & B J
Builder: 0

2004/LD-00138 Lot 4 DP754400 BELMORE RIVER RIGHT BANK ROAD
BELMORE RIVER
REPAIR OF EXISTING FLOODGATE
Owner: PTOLEMY MJ & B
Builder: 0

2004/LD-00142 4 UNION LANE EAST KEMPSEY
DWELLING ADDITIONS
Owner: SLACK F E
Builder: 0

2004/LD-00144 93 SHERWOOD ROAD ALDAVILLA
CARPORT & BBQ AREA
Owner: GLEESON M & L
Builder: 0

2004/LD-00145 6 JUBILEE LANE WEST KEMPSEY
GARAGE
Owner: BARRIE K & D
Builder: 0

2004/LD-00151 99 KEMP STREET WEST KEMPSEY
DWELLING & ATTACHED GARAGE
Owner: DOWLING J & S
Builder: 0

2004/LD-00154 Lot 312 DP787233 BARBERS LANE YARRAHAPINNI
SHED
Owner: CROAD R
Builder: 0

2004/LD-00156 421 ALDAVILLA ROAD YARRAVEL
SWIMMING POOL
Owner: SPALDING J
Builder: 0

2004/LD-00158 12 BETTS STREET EAST KEMPSEY
SWIMMING POOL
Owner: HENRY A & S
Builder: 0

2004/LD-00166 50 QUEEN STREET GREENHILLS
DWELLING RELOCATION
Owner: BOOTH CS & W SUPERANNUATION FUND
Builder: 0

Summary Type	No	Value
Local Development Application	66	5209458

As at 19 Apr 2004 225 applications are in the office awaiting a determination.

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MAYOR

The number of applications in excess of 40 days is 102

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	1
FD	Further Details Req	64
IA	Incomplete Application	16
OA	Other Agencies	14
RC	Refer Council	1
XX	No Reason Given	6

Construction Certificates (CB)

Council Report on Construction Certificate Building

Reporting that the following applications have been approved

2002/CB-00557 5 BASS LANE CRESCENT HEAD
DUAL OCCUPANCY
Owner: NORTHWOOD S C

2003/CB-00201 8 FORTH STREET KEMPSEY
CONTINUED USE OF 1.8M BOUNDARY FENCE
Owner: CUMMINGS C

2003/CB-00597 64 RUDDER STREET EAST KEMPSEY
DWELLING
Owner: WESTON N

2003/CB-00616 28 SIMPSON STREET SOUTH WEST ROCKS
ADDITIONS & STRATA SUBDIVISION
Owner: TYLER GREGORY

2003/CB-00671 45 FRANCIS DIMOND STREET ARAKOOON
TWO STOREY DWELLING
Owner: ZANEN L

2003/CB-00717 34 MAIN STREET SMITHTOWN
RELOCATE EXISTING DWELLING & BUILD NEW DWELLING
Owner: ISMAY I, ISMAY W, ECKENROTH M, ECKENROTH V

2003/CB-00738 22 TREVOR JUDD AVENUE SOUTH WEST ROCKS
TWO STOREY DWELLING
Owner: TAYLOR A & J & N & LENCZ A

2004/CB-00004 25 GLADSTONE STREET KEMPSEY
MINI STORAGE UNITS ADDITIONS
Owner: PACKWOOD M&H

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MAYOR

- 2004/CB-00008 500 FISHERMANS REACH ROAD
FISHERMANS REACH
REMOVE EXISTING DWELLING & BUILD NEW DWELLING +
GARAGE + POOL
Owner: BEAUCHAMP M & R
- 2004/CB-00019 12 SALMON CIRCUIT SOUTH WEST ROCKS
2 STOREY DWELLING & DETACHED GARAGE
Owner: HANISCH S
- 2004/CB-00024 Lot 2 DP1062426 OWENS ACCESS COLLOMBATTI
DWELLING
Owner: TILMOUTH P & D
- 2004/CB-00035 Lot 981 DP813235 BRASSILS CREEK ROAD
TOOROOKA
RELOCATE DWELLING
Owner: ESHMAN W & M
- 2004/CB-00038 27 TOZER STREET WEST KEMPSEY
FUNERAL PALOUR
Owner: COACHCOT PTY LTD
- 2004/CB-00039 403 RIVER STREET GREENHILLS
DETACHED GARAGE
Owner: NEWELL K & L
- 2004/CB-00049 395 MARYS BAY ROAD DONDINGALONG
DWELLING ADDITIONS
Owner: STENBERG H & CALUYA E
- 2004/CB-00051 6 BAYVIEW STREET SOUTH WEST ROCKS
GARAGE
Owner: GODDARD D
- 2004/CB-00056 Lot 82 DP831965 MUNGAY CREEK ROAD MUNGAY
CREEK
DETACHED SHED
Owner: FRAZER M & WILKINSON S
- 2004/CB-00058 44 CLARENCE RYAN AVENUE WEST KEMPSEY
SWIMMING POOL
Owner: BAUMGARTNER H
- 2004/CB-00065 18 RAFFERTY CRESCENT SOUTH WEST ROCKS
SHED
Owner: MCCARTHY M & HARVEY J
- 2004/CB-00067 422 MARYS BAY ROAD DONDINGALONG
VERANDAH & DETACHED SHED
Owner: WITCHARD B & C

2004/CB-00069 492 FISHERMANS REACH ROAD FISHERMANS
REACH
CARPORT
Owner: RAMSEY D E

2004/CB-00070 142 LILLI PILLI ROAD KUNDABUNG
SHED
Owner: BERRUEX G & J

2004/CB-00072 140 MACLEAY STREET FREDERICKTON
DOUBLE CARPORT
Owner: WYNDHAM K

2004/CB-00073 37 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
DWELLING
Owner: FEGAN B

2004/CB-00074 77 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN
DWELLING ADDITIONS
Owner: RUBA AMARJIT

2004/CB-00075 47 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
DWELLING
Owner: BOOTH C & D

2004/CB-00076 40 STURT STREET SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: BALL C

2004/CB-00080 2 KIRKWOOD PLACE STUARTS POINT
DETACHED CARPORT
Owner: DAFTER L

2004/CB-00081 213 COLLOMBATTI ROAD FREDERICKTON
DWELLING ADDITIONS
Owner: MATTHEWS J & L

2004/CB-00083 202 CROTTYS LANE YARRAVEL
RELOCATABLE DWELLING
Owner: ZARB A & S

2004/CB-00084 12A AIRPORT ROAD ALDAVILLA
ABOVE GROUND SWIMMING POOL
Owner: SCOTT G & L

2004/CB-00086 24 CROADS ESPLANADE SMITHTOWN
DWELLING ADDITIONS
Owner: WICKHAM CB

2004/CB-00088 Lot 4 DP1062980 BUNYA PINE COURT WEST
KEMPSEY
DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION
Owner: GOWINGS KEMPSEY P/L & ARAKOOON HOMES P/L

2004/CB-00089 24 CECIL BALDWIN CLOSE WEST KEMPSEY
DUAL OCCUPANCY UNITS & TORRENS TITLE SUBDIVISION
Owner: GOWINGS KEMPSEY P/L & ARAKOOON HOMES P/L

2004/CB-00092 1 DAVY LANE DONDINGALONG
DWELLING ADDITIONS
Owner: MARTIN I & J

2004/CB-00093 78 MACLEAY STREET FREDERICKTON
SHED
Owner: BURBRIDGE J & W

2004/CB-00094 5 DILBERANG CLOSE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: BLACK N & D

2004/CB-00095 3 CEDAR PLACE STUARTS POINT
DWELLING ADDITIONS
Owner: MEYER N & BIRKNER D

2004/CB-00096 3 GOTHIC STREET SOUTH WEST ROCKS
SWIMMING POOL
Owner: WILKES R & P

2004/CB-00097 22 QUEEN STREET GREENHILLS
INGROUND SWIMMING POOL
Owner: WITCHARD L & C

2004/CB-00099 3019 SOUTH WEST ROCKS ROAD JERSEYVILLE
CARPORT
Owner: JOHNSON C & J

2004/CB-00100 506 CRESCENT HEAD ROAD SOUTH KEMPSEY
DWELLING ADDITION
Owner: GRAHAM L & E

2004/CB-00101 93 KINCHELA STREET GLADSTONE
DWELLING ADDITIONS & ABOVE GROUND POOL
Owner: ARNDELL W & V

2004/CB-00102 22 SULLIVAN STREET EAST KEMPSEY
DWELLING ADDITIONS
Owner: CARROLL WP & LJ

2004/CB-00104 109 LIKA DRIVE SOUTH KEMPSEY
GARAGE
Owner: WOODS B

2004/CB-00105 48 FISHERMANS TRAIL FISHERMANS REACH
GARAGE & CARPORT
Owner: SECOMB A J & S R

- 2004/CB-00106 231 HAT HEAD ROAD KINCHELA
DWELLING ADDITIONS/ALTERATION
Owner: WESTERMAN C
- 2004/CB-00107 6 FAIRWAY PLACE SOUTH WEST ROCKS
CARPORT
Owner: O'DONNELL BE
- 2004/CB-00111 41 SKYLINE CRESCENT CRESCENT HEAD
SWIMMING POOL
Owner: DENNIS R
- 2004/CB-00114 14 CARRINGTON STREET WEST KEMPSEY
INGROUND SWIMMING POOL
Owner: HENDERSON J & D & PIPER M
- 2004/CB-00115 82 GRANTS CLOSE SOUTH KEMPSEY
SHED & INGROUND POOL
Owner: BLACKWELL Z & S
- 2004/CB-00117 6 MERTENS PLACE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: COOMBES PD & DM
- 2004/CB-00121 SUBDIVIDE INTO 11 LOTS, CLEARING EXISTING
ROAD & SCRUBBING WORKS
Owner: INNESS E
- 2004/CB-00124 48 CAMERON STREET WEST KEMPSEY
DETACHED GARAGE
Owner: FOWLER D A & B J
- 2004/CB-00127 132 BELGRAVE STREET KEMPSEY
COMMERICAL ADDITIONS & ALTERATIONS
Owner: AIRVILLE PTY LTD
- 2004/CB-00128 93 SHERWOOD ROAD ALDAVILLA
CARPORT & BBQ AREA
Owner: GLEESON M & L
- 2004/CB-00129 6 JUBILEE LANE WEST KEMPSEY
GARAGE
Owner: BARRIE K & D
- 2004/CB-00137 Lot 312 DP787233 BARBERS LANE YARRAHAPINNI
DWELLING ADDITIONS
Owner: CROAD R
- 2004/CB-00139 421 ALDAVILLA ROAD YARRAVEL
SWIMMING POOL
Owner: SPALDING J

2004/CB-00141 12 BETTS STREET EAST KEMPSEY
SWIMMING POOL
Owner: HENRY A & S

2004/CB-00148 50 QUEEN STREET GREENHILLS
DWELLING RELOCATION
Owner: BOOTH CS & W SUPERANNUATION FUND

2004/CB-00151 99 KEMP STREET WEST KEMPSEY
DWELLING & ATTACHED GARAGE
Owner: DOWLING J & S

Summary Type	No	Value
Construction Certificate Building	62	0

As at 19 Apr 2004 212 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 63

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	2
DA	DA Approval Required	2
DR	DA Requirements	4
FD	Further Details Req	42
IA	Incomplete Application	6
OA	Other Agencies	1
RC	Refer Council	1
XX	No Reason Given	5

2004. P84

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the information be noted.

DIRECTOR CORPORATE AND COMMUNITY SERVICES SUPPLEMENTARY REPORT

DCCS1 (SUPP.)	DADHC FUNDING FILE: C10-4	TIH	{Folio No. 274028}
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THIS IS PAGE 72 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 27TH APRIL 2004.

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MAYOR

SUMMARY:

Reporting on the need to affix the Council seal to the funding agreement for the operation of a centre based day care service at South West Rocks.



At Council's meeting of the 13th April 2004 Council resolved:

The Department of Aged Disability and Home Care have forwarded the funding agreement form, which must be completed under the Seal of Council.

Comments by Director

This is an opportunity for Council to establish a much needed service that is totally grant funded.

Financial Policy Implications, Statutory Implications and ESD Implications

The financial implication is that the service will be fully grant funded.

2004. P85

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Hunt*

That the Common Seal of the Council be affixed to the funding agreement.



QUESTIONS WITHOUT NOTICE

Councillor J H Howell

Councillor Howell was advised:-

1. That the Director Environmental Services would inform Council's Parking Officer of the regulation applying to parking between the lines of marked spaces.
2. That the Mayor would endeavour to arrange an appointment with The Hon. Tony Kelly Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) and The Hon. Craig Knowles Minister for Infrastructure and Planning, and Minister for Natural Resources to discuss matters pertaining to the Kempsey Showground.

Councillor E A Green

Councillor Green was advised:-

1. That the grant funding advertisements should be forwarded to the Director Corporate and Community Services.

Councillor J C Gribbin

Councillor Gribbin was advised:-

1. That the Director Environmental Services was aware of the drainage problem, in Mitchell Street South West Rocks, behind the Shell garage and Council has addressed the matter with the site supervisor to rectify the problem.

Councillor B R Sowter

Councillor Sowter was advised:-

1. That Council had issued an infringement notice in relation to the mound on Brady's property at Belmore River and an additional report will be submitted to the next Council Meeting.
2. That Council is currently in the process of reviewing it's Tree Preservation Order Policy.

Councillor E R Walker

Councillor Walker was advised:-

1. That Council had last week received the remainder of the information to update Council's Bushfire Risk Zones on the MapInfo computer system.



The Mayor advised the Meeting that a closed meeting is to be held with the General Manager and Councillors at 8.00 a.m. Thursday 29th April to discuss matters relating to the budget.



The General Manager advised the Meeting there will be a luncheon followed by a presentation by the Grants Commission to be held 7th May at 12.45 p.m., this presentation will be open to the public and notification will be distributed shortly.



At this stage, 10.20 a.m. the Meeting adjourned for Morning Tea and upon resumption at 10.45 a.m. all present at the adjournment were in attendance.



ADJOURNMENT FOR WORKS INSPECTION

At this stage 10.45 a.m. the Meeting adjourned for Morning Tea, Works Inspection and Luncheon and upon resumption at 4.10 p.m. all present at the adjournment were in attendance.



PRESENTATION

At this stage 3.00 p.m. Mr Terry Clout C.E.O. Mid North Coast Area Health Service did a presentation on the benefits of fluoridation of the Macleay Valley water supply.



At this stage matters referred from the Works Committee were dealt with.



MATTERS REFERRED TO PLANNING MEETING FROM WORKS INSPECTION

2	SILVERWOOD AVENUE, TEMAGOG FILE: R SILVERWOOD KJF	{Folio No. 269512}
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SUMMARY:

Reporting on requests for Council to reconsider its position on Silverwood Avenue, Temagog.



2004. P86

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That Council reaffirm it's previous decision not to agree to the transfer and dedication of Silverwood Avenue and residents advised to make representations to the Minister for Lands for funding.

SUMMARY:

Reporting that Council has received an application for off road racing events two (2) events over two (2) days) for which seventeen (17) objections have been received.



2004. P87

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Saul*

That the application be refused based on the following points;

1. **it would destroy the amenity of the area**
2. **it would add dust and noise pollution**
3. **it would increase traffic flow resulting in increased cost of road maintenance to Council**
4. **it would be detrimental to wildlife**
5. **it would result on some restrictions on access to landholders**

**CONCLUSION:**

There being no further business, the Meeting terminated at 4.33 p.m.

