



## **MINUTES OF THE PLANNING MEETING OF KEMPSEY SHIRE COUNCIL**

Tuesday 22nd June 2004 commencing at 9.05am.

### **PRESENT:**

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

Councillor D F Saul entered the Chambers at 9.08am.

General Manager, A V Burgess; Acting Director Environmental Services, R B Pitt; Pat Hanrahan and Donna Pearson.



## **MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL DATED 25TH MAY 2004**

**2004. P116 RESOLVED:**

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

That the Minutes of the Planning Committee Meeting of Kempsey Shire Council dated 25th May 2004, be adopted.



**At this stage 9.08am Councillor Saul entered the Chambers.**

### **PUBLIC FORUM**

1 - Mr Kevin Hill addressed Council speaking against item DES5



## **CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DES5**

**2004. P117 RESOLVED:**

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

**That the items dealt with in PUBLIC FORUM be brought forward and dealt with immediately.**

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*THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE  
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 22<sup>ND</sup> JUNE 2004*

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**MAYOR**

DES5	PROPOSED TWO STOREY DWELLING ADDITIONS LOT 1 DP 748740 NO 36 OCEAN STREET, SOUTH WEST ROCKS FILE T6-04-245	DJW	{Folio No. 277002}
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## SUMMARY:

Reporting that a Local Development Application has been received to demolish an existing gazebo and erect alterations and additions. The proposed open deck height exceeds the maximum permitted, which is contrary to DCP No 22 Development Standards - Local Housing Strategy. The local Development Application also seeks the erection of a courtyard wall, which is permitted subject to compliance with DCP No 22 Development Standards - Local Housing Strategy.



**Applicant:** Mr S Mc Evoy  
**Subject:** Lot 1 P 748740 No 36 Ocean Street, South West Rocks  
**Zone:** 2(a) Residential Zone

## Proposed Development

The proposal is to demolish an existing gazebo, erect dwelling alterations and additions and erect a courtyard wall on the abovementioned allotment.  
[\(Appendix F\)](#)

## Siting

The site has an existing dwelling erected. The allotment is situated on the Eastern side of Ocean Street. The land falls steeply to the street in a Western direction, approximately 3.5m where the dwelling is erected. The property has a street frontage of approximately 37m and a total site area of 794.2m<sup>2</sup>.

## 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 may be defined as 'dwelling house' and is permissible with consent in the 2(a) Residential "A" Zone under Kempsey Local Environmental Plan 1987.

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

## DCP No 22 - Local Housing Strategy

The proposal is required to comply with the following requirements of DCP No. 22 -

*The location of the proposal is contained within a defined low density area for which single dwellings only are permitted.*

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

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
Density	1 x 3 bedroom 400m <sup>2</sup>	794.2m <sup>2</sup>	Yes
Setbacks Side North elevation South elevation	1.5m min 1.5m min	6m 4m	Yes Yes Yes
Front Rear	5m 1.5m min	4.655m to 8.555m 2m	Yes Yes
Carparking	1 covered	2 covered spaces	Yes
Landscaping	130m <sup>2</sup>	> 130m <sup>2</sup>	Yes
Height	6.2m	7.5m.	No
Solar access	>50%	<50%	Yes
Privacy	Adequate	Adequate	Yes
Cut and Fill	<1.5m	>1.5m	Yes
Long Walls	20m	<20	Yes
Access	20%	<20%	Yes
Private open space	25m <sup>2</sup>	>25m <sup>2</sup>	Yes
Site Coverage	45% of 794.2 =357.39m <sup>2</sup>	<357.39	Yes

As indicated in the table above, the proposal complies with DCP 22 except in respect to the dwelling's additions building height.

### Building Height

Building heights within various residential and commercial zones are controlled by Clauses 24 and 25 of Kempsey Local Environmental Plan 1987 and Clause 4.6 of DCP 22. In respect to residential zones, buildings are restricted to two (2) storeys with a topmost floor ceiling level of not more than 6.2 metres above *natural ground level* unless the topography of the site makes compliance extremely difficult.

### **Applicant's Submission**

Supporting documentation from Hadlow Design Services has been provided to also demonstrate the variations meet the performance objectives of DCP 22, which may be summarised as follows: (*Appendix G*)

- 1 The existing deck to the north, under the existing roof line, is needed to be enclosed to provide more inside for living area.
- 2 The timber raised gazebo is to be removed due to wood rot and weathering of existing timber construction.
- 3 Due to the north location of the existing swimming pool it is not suitable to provide a new deck on the north side of the dwelling.
- 4 The only available area for the new covered decks, and locations which offer the best views, are to the west.
- 5 Unfortunately this is the steepest section of the lot and it is not possible to construct an upper level deck and comply with 6.2 metre height requirements.
- 6 The height of the deck will be 7.4 metres at its highest point.
- 7 As the decks will be setback a minimum of 4.655 m and a maximum of 8.555m from the front boundary, we consider the covered decks will not impede on the streetscape and will improve the appearance of the dwelling.
- 8 Landscaping will provide screening to the decks when viewed from the road.
- 9 The decks have been kept to the minimum suitable width of 3 metres to minimise the height.
- 10 There will be no loss of privacy to adjoining residences as there is public road to the north and the house to the south is set well back of the road.

### **Comment**

The applicant proposes an open deck to the front elevation with varying heights to maximum of 7.4 metres due to the topography of the site, as

described under the heading 'Siting" above. The height is considered to be satisfactory also for the following reasons:

- a) The proposed open deck height will not impact on the streetscape.
- b) The proposed open deck height will not impact on the adjoining neighbours.
- c) No objections have been received from the adjoining neighbours.
- d) The application will be conditioned to require a landscape plan to be submitted prior to release of the Construction Certificate.
- e) The existing building stands 6.8 metres from natural ground to top plate which was permitted prior to the introduction of DCP 22.

### **Court Yard Wall and Covered Entry Gate**

Development Standard 4.4(g) of DCP 22 requires that a private open space may be located within the front boundary provided:

- 1 Adequate provision is made for additional intensive landscaping; and
- 2 A decorative fence or screen is provided which is setback an average of not less than one (1) metre from the boundary.

The plans agreed to by the applicant comply with these requirements.

### **Section 79c(1)(e) - Advertising**

The proposal was advertised in accordance with Council's Policy with no objections received.

### **CONCLUSION:**

It is considered reasonable for Council to permit a variation of building height of 7.4 metres in this instance due to the circumstances of the case. It is further considered that the proposed development will not will not impact on the streetscape or adversely affect the adjoining owners.

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 and the relevant standards of DCP 22. It is recommended that the development application be approved subject to the following conditions :

**2004. P118 RESOLVED:**

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

**That Development Application T6-04-245 be approved 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 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 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.

- 7 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 8 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) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
- (d) wet area floor and wall surfacing prior to tiling;
- (e) completion of storm water systems prior to backfilling;
- (f) prior to any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the

wall and ceiling installation complies with the approved single residence scorecard.

**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.

**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** Carrying out sewerage work.
- b** Installing a domestic oil or solid fuel heating appliance, other than a portable appliance.

**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** 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.

**13** 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 Details for the timber decking is to be submitted prior to any work commencing on the building.
- b** Structural Engineer's Certificate for the existing structure is capable of causing the additional live and dead loads of

the additions is to be submitted prior to any work commencing on the building.

- c The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
- d Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia:-

(2) Part 3.9.1 and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

- e Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
- f **Class 1(a) and 1(b) Buildings**  
  
An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.  
  
The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.
- g Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
- h The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
- i Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- j Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).

- k The proposed open deck shall remain in open form construction.
- 14 The hours of operation of the activity 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.
- 15 Roof waters are to be connected to the existing stormwater disposal system.
- 16 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.
- 17 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 up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
  - b sediment control fences at the down-slope 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.

Councillors Hunt and Gribbin recorded their votes against the foregoing Resolution.



## ADOPTION OF AGENDA ORDER OF BUSINESS

2004. P119

**RESOLVED:**

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

That the Agenda Order of Business be adopted.



## DIRECTOR ENVIRONMENTAL SERVICES REPORT

<b>DES1</b>	<b>10 RESIDENTIAL DWELLINGS KEMP STREET – KEMPSEY FILE: T6-03-777 DEC</b>	<b>{Folio No. 276992}</b>
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### SUMMARY:

Reporting that Council has received an application to construct ten (10) residential units in Kempsey, which requires a variation to Council's Development Control Plan 22 – Local Housing Strategy.



**Applicant:** Robert Dennis and Associates  
**Subject Land:** Lots 1, 2, 3, and 4 DP 263288, Lots 1 and 2 DP 986576 and Lot 1 DP 797530, 10 and 12 Kemp Street, Kempsey  
**Owner:** Mr M Corbett  
**Zone:** 2(a) (Residential 'A' Zone)

### Proposed Development

The proposed development involves the demolition of an existing dwelling and the construction of ten (10) residential dwellings with strata subdivision. ([Appendix A](#))

### 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

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*THIS IS PAGE 10 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 22<sup>ND</sup> JUNE 2004*

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MAYOR

The subject land is zoned 2(a) (Residential 'A' Zone) under the Kempsey Local Environment Plan 1987. The proposal is permissible in the zone with the consent of Council.

The project is not contrary to any State Environmental Planning Policy or the North Coast Regional Environment Plan 1988.

### **Noise**

Initial assessment of the proposal revealed that the proposed residential units were within sixty (60) metres of the railway line.

Pursuant to Rail Infrastructure Corporation's and State Rail Authority's 'Interim Guidelines for Councils: Consideration of Rail Noise and Vibration in the Process', Council's should require noise and vibration assessment for multi-residential developments within 60m of a working railway line. As such, the applicant was requested to furnish Council with an acoustical assessment demonstrating that the residential units would not be adversely impacted upon by rail noise and vibration.

As a result of the assessment the acoustical consultant concluded:

- "Noise level monitoring did not result in noise impacts that exceeded the criteria specified in the EPA's Noise Control Guideline for Rail Traffic Noise".
- In accordance with Rail Infrastructure Corporation and State Rail Guidelines; "internal noise levels will not exceed 35dB(A), Leq, 1hr in habitable rooms with doors and windows closed relative to train passes. Also, it is our opinion that when sufficient area is open, for ventilation purposes, internal noise levels will not exceed the criteria by more than 10dB(A)".
- "Train passes will not cause floor vibration levels in habitable rooms that exceed the requirements of British Standard BS6472:1992"

The conclusions are based on a number of assumptions and recommended building designs. It is considered that these should be reinforced as conditions of consent.

- Any gaps in the structure (vents in eaves etc.) should be insulated.
- Habitable rooms to include set plasterboard, or similar, walls and ceilings.
- Ceilings of habitable rooms are laid over with minimum 50mm thick fibreglass or mineral wool insulation.
- Doors to the exterior are solid core and well fitted with minimal gaps.
- Window glass thickness is to be increased to 6mm for all windows in the line of sight of the railway.

(Note: assessment is based on units 1 and 10, the two closest units to the railway line. It is considered that all other units will not be adversely impacted upon by noise and/or vibration).

## Bushfire

The NSW Rural Fire Service is prepared to grant a Bushfire safety Authority, as required under Section 100B of the Rural Fires Act 1997, subject to conditions.

These conditions should be imposed on any approval for the development.

## Flooding

Council records indicate that in a 1 in 100 year flood event, a maximum water height of 9.45m AHD in the vicinity of the development is attained. A small area on the front section of the site is approximately 9.31m AHD with the vast majority of the block above 9.7 AHD.

In accordance with Council's Flood Risk Management Policy, the habitable floor level of the dwellings should be 500mm higher than the 1 in 100 flood level. It is considered that this can be reasonably achieved and that this should be imposed in any conditions of approval.

## DCP No. 22 – Local Housing Strategy

STANDARD	REQUIRED	PROPOSED	COMPLIES YES/NO
<b>Density</b>	3300m <sup>2</sup>	4369m <sup>2</sup>	Yes
<b>Setbacks</b>			
Side	Min. 900mm with average of 1.8m	900mm and >1.8m average	Yes
Front	5m	3.2m	<b>No</b>
Rear	1.5m	3.3m	Yes
<b>Car Parking</b>			
• Resident	1 covered per dwelling	2 covered per dwelling	Yes
• Visitor	4 for development	4 visitor spaces	Yes
• AS 2890.1		Complies with turning arcs	Yes
<b>Private Open Space</b>	25m <sup>2</sup> with 4m x 4m square.	>25m <sup>2</sup> with 4m x 4m square.	Yes
<b>Landscaping</b>	1150m <sup>2</sup>	>1150m <sup>2</sup>	Yes
<b>Height</b>	6.2m	<6.2m	Yes
<b>Solar Access</b>	15 points	Dwellings 1-5 = 15 Dwellings 6-10 = 17	Yes
<b>Privacy</b>	Adequate	Adequate	Yes
<b>Cut and Fill</b>	<1.5m	<1.5m	Yes
<b>Long Walls</b>	<20m	<20m	Yes
<b>Erosion and Sediment control</b>	Section 4.10 DCP 22	To be conditioned	Yes
<b>Infrastructure</b>	Section 94 Contributions	To be conditioned	Yes

## **Setback**

The applicant has provided the following justification for a reduction in the front setback for the proposal:

*"It is requested that the variation be considered as the alignment of the street makes the location of the buildings difficult on the block. The alignment as shown is 3.2m from the closest point and 10.5m from the further point to the dwelling, to the front boundary. This gives an average distance of approximately 6.8m from the front boundary, which is considerably in excess of the 5.0m minimum. The development will also have extensive landscaping across the front, which will 'mask' the reduced alignment, the landscaping will also ensure the neighbouring properties are not affected. It should also be noted that the minimum 5.0m setback will be achieved at approximately 2m along the 9m wall from the minimum setback. The reduced setback does not contribute to any over-development of the site as the development is well under the density requirements of Council's Local housing Strategy.*

*It is therefore considered that the amenity of the streetscape will not be affected by the reduced alignment."*

## **Planning Comment**

Further to the applicants justification of a reduced front setback, it should be noted that it is a 'one sided' street (railway on other side).

It is considered that the reduced setback will not create an undesirable precedent nor detrimentally impact on the streetscape of Kemp Street with several other houses in the street at reduced setbacks.

## **Public Exhibition**

The development application was advertised in accordance with Council's Advertising Policy, with no objections being received.

## **Director Environmental Services Recommendation:**

**That Development 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 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 totaling \$600 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.
- 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 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. Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 14 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.

**15 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.

**16 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.

**17 There is to be a minimum of 1.8 metres separation between buildings and side walls are to be a minimum of 900 mm from side boundaries.**

**18 A minimum distance of 675mm is to be provided between the overhang of the guttering and the side boundary alignment.**

**19 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard submitted with the application dated 27<sup>th</sup> October 2003.**

**20 A Survey Certificate is to be submitted upon completion of the dwellings to ensure that the finished floor level is at or above 9.95 metres A.H.D.**

**21 Reticulated water supply shall comply with AS 2419. Locations of fire hydrants are to be delineated by blue pavement markers in the center of the road.**

**22 Any future development application lodged for this subdivision under Section 79BA of the Environmental Planning and Assessment Act will be subject top the requirements as set out in Planning for Bushfire Protection 2001.**

**23 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.**

- 24 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.
- 25 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.
- 26 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.
- 27 Prior to release of the Construction Certificate, amended plans are to be provided demonstrating that the internal driveway is setback at least 1m from the rear boundary and is still compliant with AS 2890.1
- 28 Roofwaters are to be directed by means of sealed pipes to the drainage easement. Details are to be provided with the plans for the required Construction Certificate.
- 29 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.
- 30 The area between the building and the street alignment, as well as the general surrounds of the building, is to be landscaped in accordance with the landscaping plan, and maintained to the satisfaction of council.
- 31 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.
- 32 The plans for the required Construction Certificate are to include calculations of the amount of cut and the amount of fill.

In the event additional fill material is required, details of the source of material are to be provided.

If an excess of earth will result, details of the means of disposing of all material are to be provided. Depending on the amount of any excess, Council may require lodgement of a cash bond to

cover the cost of any damage to Council's road system caused by haulage.

- 33 Payment of a contribution towards sewerage reticulation works at the rate of \$1,184 per equivalent tenement, i.e \$1,184 x 3 E.T = \$3,552. (Indexed 2003/2004)
- 34 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 \$380 per additional dwelling unit, i.e \$380 x 3 E.T = \$1,140. (Indexed 2003/2004)
- 35 Detailed engineering plans providing for the relocation and piping of the stormwater drainage system have been designed in strict compliance with Council's Engineering Guidelines for Subdivision and Development.
- A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.
- 36 All windows in the direct line of site of the railway are to have a minimum thickness of 6mm.
- 37 Units 1 and 10 are to incorporate the construction specifications contained within the Noise Impact Statement prepared by A K Clarke and Associates, dated 13 May 2004, submitted with the application.

**MOVED:**

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

That the application be refused because it does not comply with DCP22.

The MOTION was PUT to the Meeting and was LOST.

2004. P120

**RESOLVED:**

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

That the Director Environmental Services recommendation be adopted.

Councillors Hunt and Gribbin recorded their votes against the foregoing Resolution.

**SUMMARY:**

Reporting that Council has received an application to construct a dwelling and garage. The applicant has requested the application be forwarded to Council for determination to resolve issues associated with access to the property.



**Applicant:** Mr S Naylor  
**Subject Land:** Lot 100 DP 754396, Lot 1 DP 360097 and Lot 1 DP 937288 McKays Access, Kinchela  
**Owner:** Mr S Naylor and Mrs R Boerkamp  
**Zone:** 1(a1) (Rural 'A1' Zone)

**Proposed Development**

The proposed development involves the construction of a dwelling and garage.

**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**

The subject land is zoned 1(a1) (Rural 'A1' Zone) under the Kempsey Local Environment Plan 1987 (KLEP). The proposal is permissible in the zone with the consent of Council provided that the applicant consolidates Lot 1 DP 360097, Lot 1 DP 937288 and Lot 100 DP 754396 as these allotments make up an 'existing holding' as defined by Special Provision 17 of the KLEP. The applicant was advised of this requirement or the alternate option of lodging a SEPP 1 objection. The applicant has confirmed that the lots are to be consolidated which must be undertaken prior to determination of the application.

The project is not contrary to any State Environmental Planning Policy or the North Coast Regional Environment Plan 1988.

**Access**

Proposed access to the property is via McKays Access, then through a small section of Hat Head National Park (three (3) metres). The applicant was advised by Council Officers that a legally binding 'right of way' was required over a neighbouring property in order for a delegated approval to be

considered, even though the land in question was only three metres wide.  
(Appendix B)

The applicant consulted with the National Parks and Wildlife Service (NPWS), who subsequently agreed to a three (3) year access agreement, subject to conditions.

The applicant has requested that Council consider this agreement as an acceptable arrangement. The applicant has further justified the request by outlining the following:

*"We are only looking at 3 METRES from McKays Access to our south gate.*

*The Country Energy easement well and truly overrides access for this small piece of land.*

*With all these issues considered it doesn't seem to be a reasonable alternative to us to deny us access from McKays Access (Council Road). We have finalised the other planning requirement as advised in your letter and are looking forward to having this access issue sorted out.*

*Being our First Home you will understand our urgency in these matters".*

### **Planning Comment**

Whilst the area of land is relatively small, a three-year access agreement is not considered a legal right of way as the agreement may be terminated at the discretion of DEC with minimal notice. Without a legal right of way the potential exists for future access to the property to be denied.

Council may be aware of a similar situation at Maguire's Access, whereby dwellings were approved without a legal right of way, resulting in ongoing disputes regarding maintenance and ownership and which has prevented development of the land.

No objection is raised to the use of Mackays Access, subject to a condition requiring maintenance to 2 wheel drive standard by the applicant.

There is in fact an alternative legal access to the land off the end of Fairweathers lane. However, this access is not considered to be feasible as it drops into a deep swamp for a distance of approximately 1.0km which would present considerable engineering and flooding issues.

The applicants nominated access via Mackays Access is considered the only practical access, subject to being legally binding.

### **Bushfire**

The land is bushfire prone. The applicant submitted a bushfire hazard assessment satisfying the provisions of Planning for Bushfire Protection 2001.

The bushfire assessment concluded that a minimum Asset Protection Zone (APZ) could be achieved in all directions (20m to north and south and 30m to east and west). The building is required to be constructed in accordance to 'Level 2 – High bushfire attack' construction standards as per AS39-59-1999.

### **Flora and Fauna**

The majority of the building site is cleared grassland. The proposal requires the removal of seven (7) blackbutts (*Eucalyptus pilularis*) to achieve a building site and several paperbarks (*Melaleuca quinquenervia*) to achieve a 30m APZ to the west. It is noted that a number of Swamp Mahoganies (*Eucalyptus robusta*) are also within the western OPA of the APZ. Being a SEPP 44 koala feed species, the swamp mahoganies should be retained (canopies do not overlap). This should be reinforced by an appropriate condition of consent.

A comprehensive ecological assessment is not considered necessary if the western APZ is to be limited to 30m and the swamp mahoganies are to be retained.

### **Flooding**

Council records indicate that a 1 in 100 year flood event on the property reaches a height of 4.2m. In accordance with Council's Flood Risk Management policy, the applicant has submitted a survey indicating that the building site is above the 1 in 100 year flood level (average approximately 4.85m AHD). A minimum floor level of 4.7m AHD should be imposed in any conditions of approval.

### **Public Exhibition**

The development did not require advertising in accordance with Council's Advertising Policy.

### **Director Environmental Services Recommendation:**

- A That subject to the prior consolidation of the subject land into one allotment, consent be granted, subject to the following conditions:**
- 1 This is a deferred commencement consent pursuant to Section 80 (3) of the EP & A Act 1979. This consent shall not operate until the following matter has been satisfied:-**
    - (a) The applicant is to obtain a legally binding right of way over the neighbouring property so as a legal access to the property is achieved.**
  - 2 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.**

- 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 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 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 The dwelling and garage 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.
- 8 Before the commencement of site works, demolition or building, the following activities must be completed:
  - a Installation of soil erosion and sedimentation
  - b Installation of builder's toilets
  - c 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) all steel reinforcement prior to the pouring of concrete;
- (b) completion of floor timbers and/or placing of damp proof course material;
- (c) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
- (d) completion of wall and roof framing prior to wall sheeting being fixed;
- (e) wet area floor and wall surfacing prior to tiling;

**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** 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, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.

**11** 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.

**12** 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.

**13** 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.

**14 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.

**15 The proposed dwelling is to have a minimum floor level of 4.7 metres AHD in accordance with Council's Flood Risk Management Policy.**

**16 A minimum of 10,000 litres of water is to be provided for firefighting purposes. The storage may be a separate rainwater storage tank, dams or swimming pool. Details to be provided prior to release of the Construction Certificate.**

**17 An additional 38mm female outlet incorporating a 38mm gate valve is to be provided to all domestic water storage tanks. The additional outlet is to be conveniently located for firefighting purposes, prior to occupation of the premises.**

**18 Under the provisions of AS3959-1999 – Construction of Buildings in Bushfire-Prone areas, the site has been determined as a high category of bushfire attack requiring level 2 construction.**

**19 The owner is to maintain the asset protection zone comprising an outer protection area (OPA) and an inner protection area (IPA)**

The OPA is to have a minimum depth of 10 metres. Fine fuel loads are to be kept to below 8 tonnes per hectare. In grasslands, fuel height is to be maintained below 10 centimetres.

The IPA is to have a minimum depth of 20 metres, and satisfy the following performance criteria:

- a minimal fine fuel at ground level;
- b vegetation is not to provide a path to transfer fire, i.e. the fuels are to be discontinuous; and
- c trees and shrubs are permitted provided they do not touch or overhang the building, are spread out and do not form a continuous canopy, are species that do not produce large quantities of fuel, and are

far enough away from the dwelling so that they cannot ignite the building.

Swamp mahoganies are to be retained within the OPA.

Clearing is to be limited to the APZ.

- 20 The bushfire threat reduction measures outlined in the Bushfire Hazard Assessment submitted with the application dated 3 May 2004 are to be incorporated over the life of the development.
- 21 The Management Plan for Bushfire Risk Reduction submitted with the application dated 3 May 2004 is to be incorporated over the life of the development.
- 22 Roofwaters are to be discharged 3 metres clear of the building with measures incorporated at the discharge point to prevent erosion.
- 23 The owner is responsible to maintain McKays Access to an all-weather standard.

2004. P121 RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Hunt*

That this matter be deferred and the applicant be advised that Council will further consider the application when the applicant obtains a legally binding "right of way" over the neighbouring property so as a legal access to the property is achieved.

<b>DES3</b>	<b>COMMUNITY HEALTH CENTRE</b>
	<b>SOUTH WEST ROCKS</b>
<b>FILE: T6-04-188</b>	<b>DEC {Folio No. 276994}</b>

**SUMMARY:**

Reporting on progress of the development application for a community health care centre at South West Rocks. It is recommended that the draft conditions resolved by Council at it's meeting of 27 April 2003 be amended as a result of ongoing information received and resolution of issues.



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

**Background**

*THIS IS PAGE 25 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 22<sup>ND</sup> JUNE 2004*

.....  
MAYOR

At its meeting of 27<sup>th</sup> 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 29<sup>th</sup> January 2004, the Department of Infrastructure, Planning and Natural Resources (DIPNR) was subsequently advised of Council's decision including its intention to exercise its delegations under Section 65 and 69 of the Environmental Planning and Assessment Act.

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

At its meeting on the 13<sup>th</sup> April 2004, Council resolved to refer the rezoning to the DIPNR requesting that the Minister be recommended to make the plan. To date, no response has been obtained.

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.

At its meeting of 27 April 2003, Council resolved that upon agreement and gazettal of the rezoning, that consent be granted subject to a number of draft conditions.

Upon receipt of the draft conditions, NSW Health provided correspondence indicating draft conditions that were accepted and draft conditions that were not accepted.

Further correspondence was undertaken until all conditions were agreed upon apart from the payment of water and sewerage contributions, pursuant to the Water Management Act 2000.

### **Water and Sewerage Contributions**

Based on Public Works Department Guidelines, the development generates a demand for 1.68 equivalent tenements.

The amount in question is \$1989.12 for District Water Supply and \$2674.50 for Sewerage Headworks (indexed 2003/2004).

Under the Water Management Act 2000, the following information was forwarded to the Department, clarifying the imposition of water and sewerage conditions:

- 1 Kempsey Shire Council is a Water Supply Authority as defined in Part 2 Division 5 of the Water Management Act 2000.

2 Section 292 (1)(c) of the Act allows council as the Water Supply Authority “to do anything for the purpose of enabling the objects of the Act to be attained”.

3 Sections 305, 306 and 307 deal with Developer Contributions to the construction of works. Section 306(2) allows Council as the Water Supply Authority to require the applicant to pay a contribution and/or construct water management works prior to the Water Supply Authority issuing a Certificate of Compliance.

Council has calculated the contribution pursuant to Section 306(3). The value of the existing works and projected works is considered and the amount of government subsidy is not deducted from the cost of the works.

4 Section 306(4) binds the Crown to the requirements of the Act.

NSW Health responded to the above, arguing that in accordance with *Developer Charges for Water Supply, Sewerage and Stormwater Guidelines* (DLWC, 2002), “Crown developments for community services (eg. Education, health, community services and law and order) are exempt from general development charges. Water utilities may charge those developments only for the portion of the direct connection (eg. for a lead in main) relating to Crown developments”.

### **Comment**

Whilst the ‘Guidelines’ specify that certain Crown developments are exempt from general developer contributions Section 306(4) of the Act states that:

*“If a water supply authority imposes a requirement under this section on the Crown, the Crown may request the Minister for Urban Affairs and Planning to determine whether such a requirement should be imposed and, if so, in what terms”.*

It is considered reasonable that if Council wishes to investigate whether contributions are payable in this instance that the application be forwarded to the Minister for Determination.

It is noted that the Minister’s Department produces the ‘Guidelines’. On this basis it is considered unlikely that the Minister would impose such a condition requiring the payment of contributions.

### **Director Environmental Services Recommendation:**

**A That Council seek the agreement of the applicant in relation to the following draft 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 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.
- 4 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.
- 5 Compliance with the Building Code of Australia.
- 6 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.
- 7 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.
- 8 A sign clearly stating "Staff Only" is to be erected adjacent to the laneway leading to the staff car park.

- 9 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.
- 10 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.
- 11 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.
- 12 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.

- 13 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.
- 14 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.

- 15 Roofwaters are to be connected to the existing stormwater disposal system.
- 16 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.
- 17 No vehicular access is to be gained to/from the facility off Gregory Street.
- 18 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.

18 That the facility not be used for a methadone clinic.

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

2004. P122 RESOLVED:

*Moved: Cl. Hunt  
Seconded: Cl. McWilliam*

That the Director Environmental Services recommendation be adopted with the addition of;

C That a further approach be made to the Minister for Health seeking funding of the infrastructure costs of water and sewerage.

<b>DES4</b>	<b>RETAIL FURNITURE BUSINESS ELBOW STREET – KEMPSEY FILE: T6-04-152 DEC {Folio No. 276995}</b>
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**SUMMARY:**

Reporting that Council has received an application to establish a retail and restoration furniture business, for which, an objection has been received.



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MAYOR

**Applicant:** Mr P Moylan  
**Subject Land:** Lot 2 DP 326019 No 67 Elbow Street, Kempsey  
**Owner:** Mr R J Adams  
**Zone:** 3(a) (Business (General) 'A' Zone)

### **Background**

The premises previously enjoyed 'existing use rights' for a panel beating business.

### **Proposed Development**

The proposed development involves the restoration, repair and sale of furniture and sale of arts and crafts in an existing building at 67 Elbow Street, West Kempsey. ([Appendix C](#))

### **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**

The subject land is zoned 3(a) (Business (General) 'A' Zone) under the Kempsey Local Environment Plan 1987. As the use is primarily for the sale of restored furniture, the proposal is considered to be a commercial premises and is permissible in the zone with the consent of Council.

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

### **Access and Car Parking**

Under Council's Parking Code the proposed development is considered a commercial premises. Off-street car parks are to be provided at the rate of 1 per 35m<sup>2</sup> of floor area. Having regard to the previous use of the building for which no formal parking was provided a total of four (4) off-street car parks are required to be provided for the development.

The applicant submitted a car-parking plan ([Appendix D](#)) illustrating available parking spaces on the property. The plan provides for four (4) appropriately sized car parks with the provision of three (3) parks for 'small cars'.

The 'small' car parks are not compliant with AS 2890.1 and it is noted that the proposed disabled car park requires widening to 3.2m (this can be achieved) in order to comply with Council's Development Control Plan (DCP) 24 – Access and Mobility.

It is noted that car parking on the site is constrained and the property as it is on the corner of River and Elbow Streets, with access to the car park only for

southeast bound traffic (River Street, i.e. double lines). It is imperative that the car park enables vehicles to exit the property in a forward motion as the sharp corner and relatively short site distance makes for a difficult exit. Further, it is noted that vehicles park directly adjacent to the footpath with the potential for vehicles to park on the footpath, resulting in the potential for vehicle and pedestrian conflict, including possible damage to the footpath. It is considered that appropriate conditions of approval be imposed requiring the clear delineation of all four compliant car parks and deletion of the three undersized and inappropriately sized spaces.

The applicant has indicated that there are two loading and unloading points at the premises. It is noted that the neighbouring property (65 Elbow St) is owned by the same person and an informal arrangement exists for the occupier of 67 Elbow Street to utilise the laneway on 65 Elbow Street. In the event that the two allotments are no longer owned under the same title, access for unloading can still be achieved through the existing car park at 67 Elbow Street.

### **Noise**

Dwellings are located on either side of the building. The dwelling to the north (1 River Street) is approximately one (1) metre from the wall (boundary) of the building and 65 Elbow Street is setback approximately three (3) metres from the building. A furniture repair workshop exists at the rear of 65 Elbow Street.

As the proposed development has the potential to generate noise pollution, the applicant was requested to submit a noise assessment demonstrating that residences would not be adversely impacted upon by reason of noise.

Prior to undertaking the noise assessment the applicant insulated the northern wall of the building (boundary between 1 River Street) and moved the proposed workshop to the furthest sealable room in the premises.

The noise assessment was based on the 'intrusiveness criterion' and 'amenity criterion' contained within the *NSW EPA Industrial Noise Policy 2000*.

The assessment concluded that the 'intrusiveness criterion' (46 dB(A) LAeq) was the critical factor and when the main noise generating tools (router and planner) were operated individually, both items of machinery were within the criterion (44.4 dB(A) and 45dB(A) (for LAeq) respectively), hence complying with the Industrial Noise Policy.

### **Planning Comment**

It is noted that the noise assessment did not monitor potential cumulative use. Whilst the applicant has indicated that only one person will be operating wood-working equipment, it is considered reasonable to impose conditions restricting usage to one piece of equipment at a time and require further noise assessments to be undertaken in the event complaints are received. As specified in the noise assessment, the noise generating equipment should be

restricted to operating hours of 8am to 5pm Monday to Friday and 8am-4:30pm Saturdays.

### Public Exhibition

The development was advertised in accordance with Council's Advertising Policy, with one objection being received. (*Appendix E*) A summary of the objection is tabulated below:

Objection	Planning Comment
<p>1 Because our side wall is 92cms from the wall of the shed the wall should be fully soundproofed so as noise and odour does not affect our lifestyle.</p> <p>All work should be undertaken in accordance with relevant noise and pollution control guidelines.</p>	<p>1 The applicant has insulated the wall in question and has undertaken a noise assessment that indicates the proposed development is consistent with the NSW EPA's <i>Industrial Noise Policy 2000</i>.</p> <p>All activities on the premises are subject to compliance with the <i>Protection of Environment (Operations) Act 1997</i>.</p> <p>In the event of any justified complaints received in relation to the development, it is considered reasonable to require the applicant to demonstrate that all operations are in accordance with the noise assessment submitted with the application and relevant guidelines/legislation</p>

### Conclusion

It is noted that access to off-street car parking on the site is not ideal. However, as it is an existing building, it is considered reasonable to recognise previous use for the purpose of off-street car-parking credits and to require rationalisation of parking by suitable linemarking.

The applicant has demonstrated that the proposed development can be carried out in compliance with relevant noise control guidelines without adversely impacting upon neighbouring residences. Appropriate conditions of consent should be imposed to ensure that this remains the case.

2004. P123

**RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Green*

**That consent be granted subject to the following conditions:**

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*THIS IS PAGE 33 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 22<sup>ND</sup> JUNE 2004*

.....  
MAYOR

- 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 approval does not permit the use of the building, or portion of the building as a residential flat building or for human habitation.
- 3 Access to the site for deliveries is to be confined between 7am and 7pm daily.
- 4 The hours of operation of the activity are to be confined to 7.30am to 6.30pm Mondays to Fridays and 8am to 4.30pm Saturdays.
- 5 The use of all noise generating woodworking equipment (such as saws, drills, bench routers and planers) is to be restricted to operate between the hours of 8am to 5pm Monday to Friday and 8am to 4.30pm Saturday.
- 6 Should a justified noise complaint be received by Council relating to the activity, the owner/operator is to submit an acoustical/noise assessment demonstrating that the activity is consistent with the noise assessment submitted with the application and relevant noise control guidelines and legislation. Should noise levels be inconsistent with predicted levels or guidelines, noise management/mitigation measures are required to be implemented, The effectiveness of such noise management strategies is to be justified by further acoustical assessment should noise events be unmanaged or in breach of predicted levels and applicable guidelines. Such noise generating operations shall cease upon request by Council and shall not reconvene until Council is satisfied that noise criteria are met.
- 7 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
- 8 Prior to commencement of the activity the clear delineation of four (4) car parks on the property is required (1 disabled). The car parks are to satisfy the dimensions/criteria of Australian Standard 2890.1 - Off Street Car Parking.
- 9 Vehicles are not to be parked on Council's footpath at any time.

<b>DES5</b>	<b>PROPOSED TWO STOREY DWELLING ADDITIONS LOT 1 DP 748740 NO 36 OCEAN STREET, SOUTH WEST ROCKS FILE T6-04-245      DJW</b>	<b>{Folio No. 277002}</b>
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

<b>DES6</b>	<b>PROPOSED THREE STOREY DWELLING - LOT 57 DP 800738 NO 13 DOLPHIN CRESCENT, SOUTH WEST ROCKS FILE T6-03-128 DJW</b>	<b>{Folio No. 277004}</b>
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### SUMMARY:

Reporting on a request to modify a Development Consent relating to an approved three storey building.



**Applicant:** Mr G Heggie and Ms W Sainsbury  
**Subject:** Lot 57 DP 800783 No 13 Dolphin Crescent,  
South West Rocks  
**Zone:** 2(a) Residential Zone

### Background

Council issued an approval for a three storey dwelling on the subject land on 10<sup>th</sup> June 2003. During a frame construction a survey certificate was obtained at the top plate stage which discovered the top plate erected at 34.37 AHD a sum of 170mm greater than approved in condition 25 of Development Consent T6-03-128.

The condition was imposed to ensure the building would not exceed the 6.2 metre height limit.

### Discussion

It appears the error is an architectural one in that the ceiling height did not allow for an additional 40mm to maintain the required 2.4m ceiling height required by the BCA and increased dimensions of building materials used. However, due to differences between the original topographic plan and the actual natural surface the third storey top plate heights still comply with DCP 22 as describe hereunder:

- |    |                            |         |
|----|----------------------------|---------|
| 1) | Front left side top plate  | 6.160m  |
| 2) | Back left side top plate   | 5.520 m |
| 3) | Front right side top plate | 5.920 m |
| 4) | Back right side top plate  | 5.180m  |

### Planning Comment

The top plate erected at 34.37 AHD is considered satisfactory for the following reasons:-

- 1 The top plate height of 6.2m has been maintained which was the purpose of the conditions.
- 2 The dwelling complies with all other relevant standards of the DCP 22.
- 3 The amenity of the adjoining neighbours have not been affected.
- 4 The original assessment has not been compromised.  
*(Appendix H)*

### **Neighbour Notification**

As the modifications are substantially in accordance with the approved consent and will have no adverse impact on the adjoining neighbourhood, the modifications have not been advertised in accordance with Council's Policy.

**2004. P124 RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. McWilliam*

**That the modification to Development Application T6-03-128 be approved subject to the original conditions and modification to condition 25.**

**A Survey Certificate is to be submitted upon completion of the roof framing to ensure that the top plate is at or below RL 34.37 metres A.H.D.**

<b>DES7</b>	<b>PLANNING REPORT FUNDING</b>
<b>FILE: T4-88 RBP (NRN) COPY T4-41</b>	<b>{Folio No. 277009}</b>

### **SUMMARY:**

Reporting that Council has been successful in receiving funding towards the South West Rocks Structure Plan.



In February 2004, Council submitted two separate Expressions of Interest for funding under the Planning Reform Funding Program:

- South West Rocks Structure Plan
- Kempsey Shire Rural Lands Study

*(Appendix I)*

As described in the Expression of Interests, funding towards broadening the investigations relating to flora and fauna between Spencerville and New Entrance was sought. The submission detailed other projects related to the updating the Structure Plan and the fact that Council had already allocated \$40,000 towards a Flora and Fauna Assessment related to a possible distributor road between Spencerville and New Entrance. The Expression of Interest was successful due to these factors, particularly Council's preparedness to contribute towards the cost of the study.

Council was unsuccessful in respect to the Expression of Interest relating to a Rural Land Study. No reason for the Department's decision has been made, however, it should be noted that there has been no matching funding by Council for any Rural Lands Study.

2004. P125 **RESOLVED:**

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

**That the information be noted.**

<b>DES8 BUILDING AND DEVELOPMENT</b> <b>FILE: B9-2 RBP (NRN)</b> <span style="float: right;"><b>{Folio No. 277010}</b></span>
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**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

2002/LD-00762 Lot 1 DP759080 LONGWORTH STREET  
SOUTH KEMPSEY  
SUBDIVISION OF LOT 1 2 & 3 INTO 8 LOTS

2003/LD-00361 2058 ARMIDALE ROAD WILLAWARRIN  
TYRE REPAIR AND SALES

2003/LD-00671 11 NICHOLSON STREET SOUTH KEMPSEY  
TOWN HOUSES AND STRATA SUBDIVISION

2003/LD-00758 42 HUTCHESON STREET HAT HEAD  
ADDITIONS

.....  
**MAYOR**

- 2003/LD-00801 94 KINCHELA CREEK LEFT BANK RD KINCHELA  
DWELLING
- 2003/LD-00848 REV01 12 CECIL BALDWIN CLOSE WEST KEMPSEY  
3 CLUSTER HOUSES & TORRENS SUBDIVISION
- 2004/LD-00025 327 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN  
FLOOD MOUND
- 2004/LD-00042 Lot 9 DP19637 MACQUARIE STREET  
SOUTH KEMPSEY  
5 DWELLINGS
- 2004/LD-00050 1-5 HARRY BOYES AVENUE SOUTH KEMPSEY  
EMULSION STORAGE TANK & SITE IMPROVEMENTS
- 2004/LD-00122 Lot 9A DP977586 FORTH STREET KEMPSEY  
ADDITION TO AMENITIES BLOCK
- 2004/LD-00124 Lot 122 DP844819 SALEYARDS ROAD  
WEST KEMPSEY  
DWELLING AND ATTACHED GARAGE
- 2004/LD-00136 2302 PACIFIC HIGHWAY CLYBUCCA  
DWELLING, GARAGE & POOL
- 2004/LD-00140 7 MARSH STREET WEST KEMPSEY  
COMMUNITY EDUCATION/ TRAINING FACILITY
- 2004/LD-00141 15 SPRINGFIELDS DRIVE GREENHILLS  
DWELLING AND ATTACHED GARAGE
- 2004/LD-00153 65 JEWELL DRIVE CRESCENT HEAD  
DWELLING
- 2004/LD-00160 73 LIKA DRIVE SOUTH KEMPSEY  
DWELLING & ATTACHED GARAGE
- 2004/LD-00163 37 STRAIGHT STREET HAT HEAD  
REPLACE EXISTING BUILDINGS WITH DUAL OCCUPANCY
- 2004/LD-00170 8 NEVILLE MORTON DRIVE CRESCENT HEAD  
DWELLING
- 2004/LD-00182 55 CAMERON STREET WEST KEMPSEY  
DWELLING ADDITIONS
- 2004/LD-00183 Lot 2 DP856984 BELMORE RIVER RIGHT BANK ROAD  
BELMORE RIVER  
DWELLING, STORAGE SHED & FLOOD MOUND
- 2004/LD-00186 1-2 THE PONDS WAY ALDAVILLA

DWELLING

2004/LD-00198 5 STEVE EAGLETON SOUTH WEST ROCKS  
DWELLING ADDITIONS

2004/LD-00202 8/55-57 FREDERICK KELLY STREET  
SOUTH WEST ROCKS  
FOOD OUTLET WITH MEZZANINE OVER PRIVATE OFFICE

2004/LD-00204 111 NORTH STREET WEST KEMPSEY  
DWELLING

2004/LD-00207 109 GOULDS LANE CLYBUCCA  
DETACHED SHED

2004/LD-00210 Lot 19 DP1066936 LESLIE PLACE  
SOUTH WEST ROCKS  
DWELLING AND ATTACHED GARAGE

2004/LD-00216 425 FISHERMANS REACH ROAD  
FISHERMANS REACH  
DETACHED GARAGE

2004/LD-00218 Lot 1 DPDP315073 MAIN ROAD WILLAWARRIN  
AMENITIES BLOCK

2004/LD-00219 45 OCEAN AVENUE STUARTS POINT  
DWELLING AND ATTACHED GARAGE

2004/LD-00221 21-39 ANGUS MCNEIL CRESCENT SOUTH KEMPSEY  
RETAIL BUSINESS

2004/LD-00224 254 BACK CREEK ROAD KINCHELA  
MACHINERY SHED

2004/LD-00241 296 TAYLORS ROAD KUNDABUNG  
DETACHED SHED

2004/LD-00244 29 SHERWOOD ROAD YARRAVEL  
DETACHED GARAGE

2004/LD-00246 146 BELGRAVE STREET KEMPSEY  
INTERNAL COMMERCIAL OFFICE FIT OUT

2004/LD-00247 56 WHITE ROCKS ROAD COLLOMBATTI  
DWELLING & SWIMMING POOL

2004/LD-00256 11 SEAM MILL PLACE EUROKA  
DWELLING, ATTACHED GARAGE & DETACHED SHED

2004/LD-00257 5 GIBLIN PLACE DONDINGALONG  
DWELLING AND 2 DETACHED SHEDS

- 2004/LD-00265 13 WASHINGTON STREET EAST KEMPSEY  
2 LOT SUBDIVISION & BOUNDARY ADJUSTMENT
- 2004/LD-00267 Lot 30 DPDP1062980 BUNYA PINE COURT  
WEST KEMPSEY  
DWELLING & ATTACHED GARAGE
- 2004/LD-00268 562 OLD COAST ROAD KUNDABUNG  
FARM/STORAGE SHED
- 2004/LD-00279 Lot 2 DP785523 ROSES ROAD COLLOMBATTI  
RURAL SHED
- 2004/LD-00284 138a THERESA STREET SOUTH KEMPSEY  
INGROUND POOL
- 2004/LD-00289 3 KILLUKE CRESCENT CRESCENT HEAD  
PLAYGROUND PERGOLA
- 2004/LD-00290 29 BELLE RIO CLOSE VERGES CREEK  
SWIMMING POOL
- 2004/LD-00298 Lot 1 PT DP782692 DANGARS LANE BELLIMBOPINNI  
RAISE HEIGHT ON EXISTING FLOOD MOUND

Summary Type	No	Value
Local Development Application	45	5008200

As at 10 Jun 2004 229 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 106

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	1
DA	DA Approval Required	1
FD	Further Details Req	66
IA	Incomplete Application	16
OA	Other Agencies	13
RC	Refer Council	1
XX	No Reason Given	8

## **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
- 2003/CB-00201 8 FORTH STREET KEMPSEY  
CONTINUED USE OF 1.8M BOUNDARY FENCE
- 2003/CB-00597 64 RUDDER STREET EAST KEMPSEY  
DWELLING
- 2003/CB-00616 28 SIMPSON STREET SOUTH WEST ROCKS  
ADDITIONS & STRATA SUBDIVISION
- 2003/CB-00671 45 FRANCIS DIMOND STREET ARAKOOON  
TWO STOREY DWELLING
- 2003/CB-00717 34 MAIN STREET SMITHTOWN  
RELOCATE EXISTING DWELLING AND BUILD  
NEW DWELLING
- 2003/CB-00738 22 TREVOR JUDD AVENUE SOUTH WEST ROCKS  
TWO STOREY DWELLING
- 2004/CB-00004 25 GLADSTONE STREET KEMPSEY  
MINI STORAGE UNITS ADDITIONS
- 2004/CB-00008 500 FISHERMANS REACH ROAD  
FISHERMANS REACH  
REMOVE EXISTING DWELLING & BUILD NEW DWELLING +  
GARAGE + POOL
- 2004/CB-00019 12 SALMON CIRCUIT SOUTH WEST ROCKS  
2 STOREY DWELLING & DETACHED GARAGE
- 2004/CB-00024 Lot 2 DP1062426 OWENS ACCESS COLLOMBATTI  
DWELLING
- 2004/CB-00035 Lot 981 DP813235 BRASSILS CREEK ROAD  
TOOROOKA  
RELOCATE DWELLING
- 2004/CB-00038 27 TOZER STREET WEST KEMPSEY  
FUNERAL PALOUR
- 2004/CB-00039 403 RIVER STREET GREENHILLS  
DETACHED GARAGE
- 2004/CB-00049 395 MARYS BAY ROAD DONDINGALONG  
DWELLING ADDITIONS
- 2004/CB-00051 6 BAYVIEW STREET SOUTH WEST ROCKS  
GARAGE

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

2004/CB-00065 18 RAFFERTY CRESCENT SOUTH WEST ROCKS  
SHED

2004/CB-00067 422 MARYS BAY ROAD DONDINGALONG  
VERANDAH & DETACHED SHED

2004/CB-00069 492 FISHERMANS REACH ROAD  
FISHERMANS REACH  
CARPORT

2004/CB-00070 142 LILLI PILLI ROAD KUNDABUNG  
SHED

2004/CB-00072 140 MACLEAY STREET FREDERICKTON  
DOUBLE CARPORT

2004/CB-00073 37 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS  
DWELLING

2004/CB-00074 77 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN  
DWELLING ADDITIONS

2004/CB-00075 47 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS  
DWELLING

2004/CB-00076 40 STURT STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS

2004/CB-00080 2 KIRKWOOD PLACE STUARTS POINT  
DETACHED CARPORT

2004/CB-00081 213 COLLOMBATTI ROAD FREDERICKTON  
DWELLING ADDITIONS

2004/CB-00083 202 CROTTYS LANE YARRAVEL  
RELOCATABLE DWELLING

2004/CB-00084 12A AIRPORT ROAD ALDAVILLA  
ABOVE GROUND SWIMMING POOL

2004/CB-00086 24 CROADS ESPLANADE SMITHTOWN  
DWELLING ADDITIONS

- 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
- 2004/CB-00092 1 DAVY LANE DONDINGALONG  
DWELLING ADDITIONS
- 2004/CB-00093 78 MACLEAY STREET FREDERICKTON  
SHED
- 2004/CB-00094 5 DILBERANG CLOSE SOUTH WEST ROCKS  
DWELLING ADDITIONS
- 2004/CB-00095 3 CEDAR PLACE STUARTS POINT  
DWELLING ADDITIONS
- 2004/CB-00096 3 GOTHIC STREET SOUTH WEST ROCKS  
SWIMMING POOL
- 2004/CB-00097 22 QUEEN STREET GREENHILLS  
INGROUND SWIMMING POOL
- 2004/CB-00099 3019 SOUTH WEST ROCKS ROAD JERSEYVILLE  
CARPORT
- 2004/CB-00100 506 CRESCENT HEAD ROAD SOUTH KEMPSEY  
DWELLING ADDITION
- 2004/CB-00101 93 KINCHELA STREET GLADSTONE  
DWELLING ADDITIONS & ABOVE GROUND POOL
- 2004/CB-00102 22 SULLIVAN STREET EAST KEMPSEY  
DWELLING ADDITIONS
- 2004/CB-00104 109 LIKA DRIVE SOUTH KEMPSEY  
GARAGE
- 2004/CB-00105 48 FISHERMANS TRAIL FISHERMANS REACH  
GARAGE & CARPORT
- 2004/CB-00106 231 HAT HEAD ROAD KINCHELA  
DWELLING ADDITIONS/ALTERATION
- 2004/CB-00107 6 FAIRWAY PLACE SOUTH WEST ROCKS  
CARPORT

- 2004/CB-00111 41 SKYLINE CRESCENT CRESCENT HEAD  
SWIMMING POOL
- 2004/CB-00114 14 CARRINGTON STREET WEST KEMPSEY  
INGROUND SWIMMING POOL
- 2004/CB-00115 82 GRANTS CLOSE SOUTH KEMPSEY  
SHED & INGROUND POOL
- 2004/CB-00117 6 MERTENS PLACE SOUTH WEST ROCKS  
DWELLING ADDITIONS
- 2004/CB-00121  
SUBDIVIDE INTO 11 LOTS, CLEARING EXISTING ROAD &  
SCRUBBING WORKS
- 2004/CB-00124 48 CAMERON STREET WEST KEMPSEY  
DETACHED GARAGE
- 2004/CB-00127 132 BELGRAVE STREET KEMPSEY  
COMMERCIAL ADDITIONS & ALTERATIONS
- 2004/CB-00128 93 SHERWOOD ROAD ALDAVILLA  
CARPORT & BBQ AREA
- 2004/CB-00129 6 JUBILEE LANE WEST KEMPSEY  
GARAGE
- 2004/CB-00137 Lot 312 DP787233 BARBERS LANE  
YARRAHAPINNI  
DWELLING ADDITIONS
- 2004/CB-00139 421 ALDAVILLA ROAD YARRAVEL  
SWIMMING POOL  
Owner: SPALDING J
- 2004/CB-00141 12 BETTS STREET EAST KEMPSEY  
SWIMMING POOL
- 2004/CB-00148 50 QUEEN STREET GREENHILLS  
DWELLING RELOCATION
- 2004/CB-00151 99 KEMP STREET WEST KEMPSEY  
DWELLING & ATTACHED GARAGE

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. P126 **RESOLVED:**

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

**That the information be received.**

.....  
**R B Pitt  
ACTING DIRECTOR  
ENVIRONMENTAL SERVICES**



### **QUESTIONS WITHOUT NOTICE**

Councillor J H Bowell

Councillor Bowell was advised:-

- 1 That the Director Environmental Services had not completed investigations into fishing shelter sheds erected in coastal sand dunes.
- 2 That the Director Environmental Services would provide Councillors with information on parking patrol costs and resultant income in relations to the Kempsey town area.
- 3 That the Director Environmental Services understood that a section 64 program in relation to the DCP 37 for Hat Head has been drafted by Macleay Water but there is not sufficient connections to the sewerage system at this stage to allow implementation.
- 4 That the Strategic Planner is preparing a report to Council on the Point Plomer Road LEP and this should be submitted to the July or the August Council meeting.

Councillor R H McWilliam

.....  
**MAYOR**

Councillor McWilliam was advised:-

- 1 That the Director Environmental Services would investigate and advise on the situation with regard the compensation to land owners for losing land in Spencerville following a subdivision by Council.



**CONCLUSION:**

There being no further business, the Meeting terminated at 9.45 a.m.

