

Resolutions

Current Date Range

1st Jan 2020 to 31st Dec 2020

Applied Filters

Minute Types: A Planning Resolution

ORDINARY COUNCIL MEETING - 15 DECEMBER 2020

[9.2 Voluntary Planning Agreement: 600 Macleay Valley Way](#)

2020.235 RESOLVED (CI Saul/CI McGinn):

That Council:

1. Consider the attached draft planning agreement dealing with the provision of water and sewer infrastructure to 600 Macleay Valley Way associated with a planning proposal to allow development of a Highway Service Centre on the land.
2. Endorse the mandatory public notification of the planning agreement for a minimum period of 28 days.
3. Delegate to the General Manager the authority to execute the agreement if he is satisfied there are no further changes required following the notification period, noting that the General Manager will also approve the making of the associated changes to the Kempsey Local Environmental Plan 2013 at the same time, as previously resolved by Council.

CARRIED (8 / 1)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: CI Morris

ORDINARY COUNCIL MEETING - 15 DECEMBER 2020

[9.4 Proposed Natural Disasters Optional LEP Clause](#)

2020.237 RESOLVED (CI Morris/CI McGinn):

That Council, after considering the attached draft clause and guidance material, authorise the General Manager to provide formal confirmation to the Department of Planning Industry and Environment that Kempsey Shire Council wishes to incorporate the Natural Disasters Clause into the Kempsey Local Environmental Plan (KLEP).

CARRIED UNANIMOUSLY (9 / 0)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: nil

ORDINARY COUNCIL MEETING - 17 NOVEMBER 2020

[9.2 KLEP2013-AM-1, Crescent Head](#)

2020.216 RESOLVED (CI Baxter/CI Saul):

1. That the planning proposal which applies to Lot 704 DP749885 and a portion of Lot 707 DP1032859 Crescent Head, be progressed to make the recommended amendments to the local environmental plan, described as KLEP 2013 (Amendment 1).
2. That the Draft Chapter D5 – Crescent Head Urban Investigation Area be adopted and incorporated into the Kempsey Development Control Plan 2013.
3. That Council issue a public notice advising of Council’s decision regarding the adoption and incorporation of Chapter D5 - Crescent Head Urban Investigation Area into the Kempsey Development Control Plan 2013.
4. That Council staff request the Parliamentary Counsel’s Office draft the legal instrument, KLEP 2013 (Amendment 1), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.

5. That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 1).
6. That upon the making of KLEP 2013 (Amendment 1), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.
7. People that made submissions be advised of the outcome.

CARRIED UNANIMOUSLY (8 / 0)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields

AGAINST: nil

ORDINARY COUNCIL MEETING - 17 NOVEMBER 2020

[9.8 KLEP2013-AM-30 Old Station Road, Verges Creek](#)

2020.209 RESOLVED (CI Patterson/CI Saul):

1. That the planning proposal which seeks to amend the *Lot Size Map* at 183 Old Station Road, Verges Creek, from 40ha to part 2ha and part 40ha, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 30).
2. That Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 30), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.
3. That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 30).
4. That upon the making of KLEP 2013 (Amendment 30), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.

CARRIED UNANIMOUSLY (8 / 0)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields

AGAINST: nil

ORDINARY COUNCIL MEETING - 17 NOVEMBER 2020

[9.9 Northern Regional Planning Panel Council Nominations](#)

2020.210 RESOLVED (CI Patterson/CI Saul):

That the Department of Planning, Industry & Environment be advised that Councillor Rhonda Hoban and Mr Daniel Walsh of Nambucca Valley Council are the nominated representatives for the Northern Regional Planning Panel for the Kempsey Shire.

CARRIED UNANIMOUSLY (8 / 0)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields

AGAINST: nil

ORDINARY COUNCIL MEETING - 20 OCTOBER 2020

[9.4 T6-20-283 Dual Occupancy \(Detached\) Sherwood Road, Sherwood](#)

2020.187 RESOLVED (CI McGinn/CI Saul):

1. That the requested variation to Clause 4.2E of KLEP 2013, regarding separation distance, be supported;
2. That Development Consent be granted to T6-20-283, subject to the conditions contained in the attachment (*Attachment – T6-20-283 Recommended Conditions*).

A Point of Order was raised by CI McGinn that CI Hauville's question is out of order. The Chair upheld the Point of Order and CI Hauville withdraw his question.

CI Morris returned to meeting at 12:05 pm.

CARRIED (9 / 0)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: nil

ORDINARY COUNCIL MEETING - 15 SEPTEMBER 2020

[9.2 Your Future Macleay - Growth & Character Local Strategic Planning Statement](#)

2020.164

RESOLVED:

MOVED: CI McGinn
SECONDED: CI Patterson

That Council:

1. Adopt by resolution, the *Your Future Macleay – Growth & Character Local Strategic Planning Statement*.
2. Authorise Council staff to request the Department of Planning, Industry and Environment to endorse the adopted *Your Future Macleay – Growth & Character Local Strategic Planning Statement (LSPS)* and upload the LSPS to the NSW Planning Portal.
3. Acknowledges the matters within the report to be considered for amendment when the LSPS is reviewed.
4. Supports the conduct of a review of the LSPS in conjunction with the development of the new Community Strategic Plan.

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Shields, CI Williams

AGAINST: CI Saul

ORDINARY COUNCIL MEETING - 15 SEPTEMBER 2020

[9.5 Planning Proposal \(KLEP2013-AM-1\) Crescent Head](#)

2020.168

RESOLVED:

MOVED: CI Baxter
SECONDED: CI Morris

That Council:

1. Note the amendments to the planning proposal (KLEP2013-AM-1) dated August 2020, and the Alteration of Gateway issued by the Department of Planning, Industry & Environment dated 18 August 2020.
2. Place the amended planning proposal (KLEP2013-AM-1) and the draft amendment to Kempsey Development Control Plan 2013 (draft Chapter D5 – Crescent Head Urban Investigation Area) on public exhibition for a minimum period of 28 days.
3. Provide the amended planning proposal to the following State agencies and allow at least 21 days to comment on the proposal:
 - a. Department of Planning, Industry and Environment (Division of Biodiversity & Conservation)
 - b. Department of Planning, Industry and Environment (Division of Resources and Geoscience)
 - c. NSW Department of Primary Industries – Agriculture
 - d. NSW Rural Fire Service

4. Receive a report at the conclusion of the exhibition period to consider the submissions made and the finalisation of KLEP2013-AM-1.

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: nil

ORDINARY COUNCIL MEETING - 18 AUGUST 2020

9.1 Point Plomer Road Bitumen Sealing - Review of Environmental Factors

2020.137

RESOLVED:

MOVED: CI Saul
SECONDED: CI Patterson

That Council:

1. Note that the Review of Environmental Factors for the bitumen sealing of Point Plomer Road has been prepared in accordance with clause 5.5 of the Environmental Planning and Assessment act 1979, clause 228 of the Environmental Planning and Assessment Regulation 2000 and the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007.
2. Determine that the bitumen sealing of Point Plomer Road will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement.
3. Accept the Review of Environmental Factors and determine that the proposal may now proceed with the construction of the work, per the 2020-21 project included in Council's 2020-2030 Long Term Financial Plan, in accordance with the mitigation measures outlined within the Review of Environmental Factors.

FOR: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: CI Hauville, CI Morris

ORDINARY COUNCIL MEETING - 18 AUGUST 2020

9.4 T6-20-220 Hopetoun Street, Kempsey - Continued Use of Factory Additions

2020.140

RESOLVED:

MOVED: CI Saul
SECONDED: CI Shields

That development consent be granted to development application T6-20-220, which seeks consent for the continued use of factory additions at 10 Hopetoun Street, Kempsey, subject to the conditions contained in the attachment (*Attachment – T6-20-220 Recommended Conditions of Consent*).

FOR: CI Campbell, CI Baxter, CI Morris, CI Saul, CI Shields, CI Williams

AGAINST: CI Hauville

CI Patterson returned to Chamber at 10:23 am.

ORDINARY COUNCIL MEETING - 18 AUGUST 2020

9.5 T6-20-75 Stewart Street Crescent Head

2020.141

RESOLVED:

MOVED: CI Patterson
SECONDED: CI Williams

That Council:

1. Support the Clause 4.6 request to vary Clause 4.1 of Kempsey Local Environmental Plan 2013 (KLEP 2013), minimum lot size for subdivision.

2. Grant Development Consent to development application T6-20-75, which seeks consent for a one into two lot subdivision at 18 Stewart Street, Crescent Head, subject to the conditions contained in attachment (*Attachment 3 – Appendix T6-20-75 Conditions of Consent*).

FOR: CI Campbell, CI Baxter, CI Morris, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: CI Hauville

ORDINARY COUNCIL MEETING - 28 JULY 2020

9.2 Your Future Macleay - Growth & Character Local Strategic Planning Statement

2020.121

RESOLVED:

MOVED: CI Patterson
SECONDED: CI McGinn

That Council:

1. Place the draft *Your Future Macleay – Growth & Character* Local Strategic Planning Statement on public exhibition for a period of 28 days.
2. Receive a report on the outcome of the exhibition period, along with a final draft LSPS, for consideration at a future Council meeting.

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: CI Morris

ORDINARY COUNCIL MEETING - 28 JULY 2020

9.3 KLEP2013-AM-29 - Village of Hat Head

2020.122

RESOLVED:

MOVED: CI McGinn
SECONDED: CI Saul

That:

1. the planning proposal which seeks to amend the RU5 Rural Village zone objectives to ensure compatibility with infrastructure capacity be progressed to making the amendment to the local environmental plan, to be described as KLEP 2013 (Amendment 29).
2. the planning proposal which seeks to amend the Lot Size Map for RU5 zoned land in Hat Head Village from a minimum lot size of 500m² to 1,400m² be progressed to making the amendment to the local environmental plan, to be described as KLEP 2013 (Amendment 29).
3. Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 29), under s3.36(1) of the *Environmental Planning and Assessment Act 1979* to give effect to the final planning proposal.
4. the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 29).
5. upon the making of KLEP 2013 (Amendment 29), the Department of Planning & Environment be requested to notify the plan on the NSW Legislation webpage.
6. Council amend Kempsey Development Control Plan 2013 Chapter F2 – Hat Head development requirements by imposing water and sewer infrastructure limits on new development and no new or expansion of On-site Disposal systems is permitted.

FOR: CI Campbell, CI Baxter, CI McGinn, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: CI Hauville, CI Morris

ORDINARY COUNCIL MEETING - 17 MARCH 2020

9.4 Planning Proposal - 183 Old Station Road, Verges Creek

2020.36

RESOLVED:

MOVED: Cl Saul
SECONDED: Cl McGinn

1. That the planning proposal which seeks to amend the *Lot Size Map* at 183 Old Station Road, Verges Creek, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
2. That the Secretary of the Department of Planning, Industry and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.
3. That subject to the Gateway determination, community consultation for the planning proposal be undertaken.

FOR: Cl Campbell, Cl Baxter, Cl McGinn, Cl Morris, Cl Patterson, Cl Saul

AGAINST: Cl Hauville