

Graeme and Karen Jolliffe

51 Anzac Dr

Geneva NWS 2474

7th February 2016

The General Manager

PO Box 11

Kyogle NSW 2474

Dear Sir

Thank you for your letter regarding Development Application 2015/72.

I am making a written submission concerning the proposed development. Please note that neither I or any current residents of 51 Anzac Dr have ever made any political donations or gifts.

It should be noted that the following lots are owned by related family, TK Smith and KL Jolliffe being the children of KW & JS Smith.

LAND	OWNER	ADDRESS	AREA
Lot 21 & 23 DP 814607	KW & JS Smith	53 Anzac Drive GENEVA	4.6670 ha
Lot 22 DP 814607	GD & KL Jolliffe	51 Anzac Drive GENEVA	3850 m ²
Lot 1 DP 547338 Lot 5 DP 781573	TK Smith	13-19 Morgans Road GENEVA	4.4690 ha

In the LUCRA for the proposed Development Application, there are some considerations that need to be considered that are not reflected in the document.

Buffers

Table 4.2 considers that the land to the west of DP 307050 is residential and therefore grazing buffers do not need to be considered. Whilst Lots 21, 22 and 23 DP 814607 are residential, cattle have been grazed on these lots by this family and their forebears for the past 100 years and this is still the practice. Lots 22 and 21 continually support calves. Calves will be weaned individually which results in significant and constant noise throughout the night and day.

As such, an objection is made that a grazing buffer is a most important compliance issue for the peace of future occupiers of DP 307050, Lots 9, 17 and 18. Given the noise generated from lots 21,

22 and 23 DP 814607, in Table 10 from the NSW DPI Handbook 'Living and Working in Rural Areas' it is suggested that the likelihood of a dispute or conflict arising over the land use or activity is 'Very Likely' and the likely consequence from a dispute or conflict arising over the land use or activity is 'Modest or periodic consequences & impacts likely'. This results in a risk assessment that is High. Consequently, the buffer to agricultural activity that is occurring on Lot 21, 22 and 23 DP 814607 has not achieved performance criteria P15 from Table 4.5.2 'Kyogle Development Control Plan 2014'.

It is suggested that Lots 18 and 19 could be combined into 1 lot, with a buffer of 50 m from the North East corner of Lot 23 DP 814607 with the inclusion of a 5m planted biological buffer on the western boundary.

Lots 17 and 16 could be combined into 1 lot with a buffer of 20 m from Lot 22 DP 814607 with the inclusion of a 5m planted biological buffer on the western boundary.

Lots 8 and 9 could be combined into 1 lot with a buffer of 20 m from Lot 22 DP 814607 with the inclusion of a 5m planted biological buffer on the western boundary.

Fencing

In addition to this, there is over 130 m of fence line adjoining Lot 22 DP 814607. When this property was purchased in 2004, DP 307050 was used for grazing purposes. As such a barbed wire fence was erected which was very suitable as a boundary between the two lots. Legal advice suggests that unless we are protected by appropriate restrictive covenants in regard to fencing the common boundary, we would be liable for half of the cost of that fencing. With the proposed subdivision, the need for suitable fencing would place an unfair hardship on the owners of Lot 22 DP 814607.

We therefore propose that appropriate restrictive covenants be placed on lots 9, 17 and 18 in regard to the western boundary of each block.

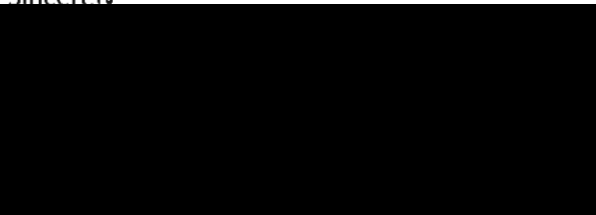
Building Height

The house sited on Lot 22 DP 814607 has just been renovated (without any knowledge of this proposed development) with an emphasis on the open view from the kitchen/dining room to the north east, overlooking the proposed development. This facilitates natural light illuminating the interior.

Lot 18 is at a greater altitude than this kitchen/dining room. If a two storey house were built, then the natural light would not enter the kitchen/dining room rendering it much darker.

We request that any approval that council may grant be conditional on a restrictive covenant being placed on Lots 18 and 17, limiting the building height to a single story, with no under floor storage/development.

Sincerely



Graeme and Karen Jolliffe

Peter & Linda Allen
43 Anzac Drive
GENEVA NSW 2474

9th February 2016

The General Manager
Kyogle Council
PO Box 11
KYOGLÉ NSW 2474

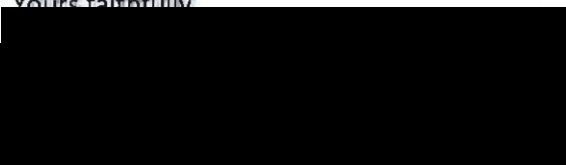
Dear Sir

Re: Development Application 2015/72

We the residents of 43 Anzac Drive, being adjacent to the abovementioned development application would like to lodge our objection and concerns regarding this application.

1. TRAFFIC. This application means that there will be a minimum of 22 extra vehicles entering and exiting Anzac Drive using the same existing crossing/driveway that we use. This is a well known local "black spot" at which there have been many serious accidents. Is there a proposal to construct a turning lane, from both directions, connecting the entrance to Anzac Drive due to the extra vehicular activity which will occur if this development is approved? Has there been any consideration for a bus stop to be constructed for the safe pick up and drop off of children and adults. We attempted to obtain road works plans and were informed by Council that they were unavailable. If alterations of any sort are to be made to the existing gutter crossing/driveway will our access be impeded or restricted in any way or at any time?
2. NEW ROAD. Concerning the proposed new road, what are the conditions that will be required to counteract the impact of the noise and light which will have a detrimental effect upon our current lifestyle? What measures will be implemented to restrict the speed on the proposed new road? We are currently living in a rural setting not residential and that is the reason we live here.
3. STORMWATER. What measures are being implemented to control run off, from extra housing and the proposed new road, from entering our property? Again when asked about the plans we were told they were unavailable.
4. SEWERAGE. What are the proposed plans for connecting these new 25 lots to the existing sewerage? Is there a proposal for a new pump station/s to be constructed and if so at what location? Again when asked we were informed that the information was unavailable.

Yours faithfully,



Peter Allen

Linda Allen

JR Harrison
PO Box 110
Kyogle NSW 2474
8 February 2016

The General Manager
Council Chambers
Stratheden Street
Kyogle

Dear Sir

Re your reference DA 2015/72

I refer to the proposed DA under reference.

I note that the land the subject of the proposed da is in near proximity to my land, which is on the northern side of Anzac Drive.

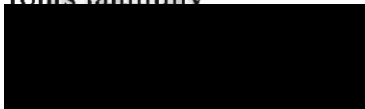
I can not have any objection to the proposed DA, of which you have given me notice, on the grounds that there are no conditions in it that either directly or indirectly affect my land.

However should the proposed DA be amended at any time and such amendments require the use of or access to any part of my land for any purpose whatsoever then, under no circumstances whatsoever will I agree to any such use of or access to my land.

Furthermore I will not consent now or at any time in the future for any use to be made of my land, or any part of it for any purpose including but not limited to drainage of water from any land through my land or drainage and control of water run off from Anzac Drive or for sewerage works of any kind whether or not such use is sought by council, or an individual or individuals or any other entity.

I look forward to receiving your written acknowledgement of the receipt of this letter by return mail

Yours faithfully

A black rectangular redaction box covering the signature of Jeffery Harrison.

Jeffery Harrison

JR Harrison
PO Box 110
Kyogle 2474
9 February 2016

The General Manager
Council Chambers
Stratheden Street
Kyogle

Dear Sir

Re your reference DA 2015/72

Further to my written submission 8-2-16 I refer to the proposed DA under reference. After further study of the DA and the proposal provided to me by council I object to the proposed development on the grounds, on the information provided to date, the proposed development could not proceed without adversity and interference to my land, shown on the proposal on the northern side of Anzac Drive.

I submit the information provided with the above DA is insufficient, what items stipulated by council as having to be done by the applicant and what council requires in relation to drainage, easements, restrictions on site etc., notwithstanding no drainage plans are available.

Yours faithfully


Jeff Harrison

General Manager
Kyogle Council
PO Box 11
KYOGLE NSW 2474

KW & JS Smith
and
GD & KL Jolliffe
P.O. Box 100
KYOGLE NSW 2474

7th February 2016

Dear General Manager,

Re: DA2015/72

Thank you for your letter of 15th January 2016 in regard to this proposal.

We wish to make a joint submission for your consideration, based on the fact that our two properties that adjoin the piece of land proposed to be developed are in fact, part of a block of land that is fenced and managed as a larger family grazing business. This is not reflected in the documents supporting this application.

LAND	OWNER	ADDRESS	AREA
Lot 21 & 23 DP 814607	KW & JS Smith	53 Anzac Drive GENEVA	4.6670 ha
Lot 22 DP 814607	GD & KL Jolliffe	51 Anzac Drive GENEVA	3850 m2
Lot 1 DP 547338 Lot 5 DP 781573	TK Smith	13-19 Morgans Road GENEVA	4.4690

This block of land has been owned and grazed by our family for four generations (approximately 100 years)

It is noted with concern that at pages 12 & 13 of the LUCRA; the applicants assert that the northern area of our block does not need to be considered in assessing grazing buffers, and in the southern section, we are said to run a low scale grazing operation with 6 cows together with calves, on a life style lot.

We warrant that we utilise the whole of this block of land for our grazing operation (with the exception of the three areas fenced off for our family homes, and bus sheds) and, depending on the variable seasonal and market conditions, we often run up to 15 head of grown cattle, as well as calves.

Page 13, LUCRA, point 4.3.3 seeks a concession in the need to comply with the buffer setback requirements. In deciding on this concession, Council need to be aware that we garage our school buses on this block and have done so for the twenty three years that we have been in this business.

We have not had any complaints in regard to any aspect of our operations from any of our neighbours in our time here; we ask Council to consider the proximity of this development and the adequate protection of our right to enjoy our assets, livelihood and freedom to operate.

Page 3, Subdivision, point 1.4 states that the applicant is operating under instructions to design the subdivision to "maximise the lot yield": we believe that it is fair to interpret this instruction to in fact mean, maximise profit. Whilst this intent is completely understandable, we do not believe that we should be unfairly disadvantaged by this motivation.

Legal advice given to us is that unless we are protected by appropriate restrictive covenants in regard to fencing the common boundary, we would be liable for half of the cost of that fencing

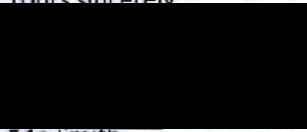
under the Dividing Fences Act 1991. We believe that this would be a direct cost impost on us, created by this subdivision; a transfer of funds from ourselves to the owners of this subdivision.

We therefore request that any approval that Council may make in this matter is subject to appropriate restrictive covenants being placed on lots 9, 17 and 18 in regard to the western boundary of each block.

Similarly, the house at 51 Anzac Drive GENEVA has just been renovated (without any knowledge of this proposed development) with an emphasis on the open view from the kitchen/dining room area to the north east, overlooking the area proposed to be developed.

We request that any approval that Council may grant be conditional on a restrictive covenant being placed on Lot 18, limiting the building height to a single story, with no under floor storage/development.

Yours sincerely

A large black rectangular redaction box covering the signature of Ken Smith.

Ken Smith

For and on behalf of
K.W. & J. S. Smith
And
G.D. & K.L. Jolliffe