



KYOGLÉ COUNCIL

PLANNING & ENVIRONMENT AGENDA

**TO BE HELD AT KYOGLE COUNCIL CHAMBERS, STRATHEDEN
STREET, KYOGLE**

ON MONDAY 14 NOVEMBER 2011

Commencing at 2.30 p.m.

GENERAL MANAGER: ARTHUR PIGGOTT

Dear Councillor,

In accordance with the provisions of the Local Government (Meetings) Regulation 1993, you are hereby notified of the following **Planning & Environment Committee Meeting** to be held at the Kyogle Council Chambers, on Monday **14 November 2011 at 2.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

Councillors and Senior Staff are reminded to consider whether a Pecuniary Interest exists in any matter on the Agenda for this Meeting or raised during the course of the Meeting. The term "Pecuniary Interest" should be extended to include possible "conflicts of interest" and immediately declared prior to discussion of the Agenda item. Where a direct or indirect pecuniary interest exists, the member must refrain from commenting on or voting on the subject matter and must leave the Chamber.

BUSINESS

- | | |
|--------|-----------------------------------|
| Item 1 | Apologies |
| Item 2 | Opening Prayer |
| Item 3 | Traditional Lands Acknowledgement |
| Item 4 | Declaration of Interests |
| Item 5 | Reports from General Manager |
| Item 6 | Confidential |

ARTHUR PIGGOTT
GENERAL MANAGER

COUNCIL PRAYER

"Almighty God, Ruler of all the Nations, we ask for your blessing upon this Meeting of Council.

Give us your wisdom to work in harmony and direct and prosper all that we do to the advancement of your glory and the true welfare of the People of the Council Area.

AMEN

Adopted by Council on October 21, 1991.
Resolution 91 /G 1159

Note: Council Policy is for the Mayor or Chairperson to lead the Meeting in the Prayer at the start of the first Meeting of the day.

Council acknowledges that this meeting is being held on the Traditional Lands of the Bundjalung people and we acknowledge Elders, both past and present.

Adopted by Council on 11 December 2006.
Resolution 111206/21

DISCLAIMER

The advice or information contained within the Minutes enclosed with this Business Paper is given by the Council without liability or responsibility for its accuracy. Reliance cannot be placed on this advice or information until the Minutes have been duly accepted as an accurate record and confirmed by Resolution of Council.

ARTHUR PIGGOTT
GENERAL MANAGER.

PLANNING & ENVIRONMENT AGENDA

Monday 14 November 2011

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ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 REPORTS

Item-5.1 PLANNING & ENVIRONMENT COMMITTEE DRAFT TERMS OF REFERENCE

Summary/Purpose

This item allows for discussion and completion of the Planning and Environment Committee Draft Terms of Reference.

Report

The attached draft Terms of Reference sets out the following:

- Function of the Planning and Environmental Services Committee
- Membership
- Convenor/Chair
- Procedures for Agenda Items
- Minutes & Business Papers
- Frequency of Meetings
- Quorum Requirements
- Meeting Timetable

Recommendation

1. That the report Planning & Environment Committee Draft Terms of Reference be received and noted.
 2. That the Terms of Reference for the Planning and Environment Committee be determined.
-

Attachments

1. Draft Terms of Reference

Item-5.2 QUESTIONS FROM JULY ORDINARY MEETING

Summary/Purpose

This report presents responses to questions raised at the July 25, 2011 Ordinary meeting.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life

Report

At Council's June, 2011 meeting, Cr Robert Dwyer requested a report on the cost of repairs to the Kyogle skatepark/carpark area including a new fence.'

At the July meeting Cr Dwyer requested that Council investigate possibilities of overcoming the duck pond that has developed adjacent to the skatepark.

Response

The following response to the question asked in June was provided to the July meeting: "This area has been degraded by flooding events over recent years in addition to a sustained period of wet weather and lack of drainage on the site. It has been estimated that the cost of providing repairs to the Kyogle Skate Park/Car park area including a new fence is \$45,000 comprising the following works:

- Earthworks for a formalised access, parking and turnaround area for eight vehicles, pavement and geofabric material - \$15,000;
- Drainage works - \$7,500;
- Sealing of pavement area - \$15,000;
- Fencing - \$5,000;
- Replacement of seats/bins - \$2000;
- Linemarking - \$500.
-

In response to the question asked at the July meeting a more detailed investigation has been made of the site to see whether the ponding in the carpark area can be eliminated by means of surface drainage only.

As indicated previously, the ponding of water in the area is due to the very soft and saturated subgrade between Anzac drive and the skatepark, and provision of a gravelled carparking area with sufficient gravel depth to carry vehicles is considered essential to prevent continued ponding in this area. Surface drainage from the remaining area can then be improved by forming a shallow open drain to the lagoon and filling of isolated depressions.

The estimated cost to form, gravel and seal a carpark sufficient for eight vehicles and a connecting access to Anzac drive and upgrade surface drainage at the site is \$17,000. The additional cost to replace the fencing, seats and litter bins is \$7,000 as previously advised.

Recommendation

That the Question from July Ordinary meeting be received and noted.

Item-5.3 POTENTIAL USE OF CONCRETE AND DRY FILL

Summary/Purpose

This report examines the potential for Council to provide a receival centre for the disposal of concrete slabs and dry fill for recycling

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Environmental and Planning
- Waste & Water

Previous Council Consideration

At Council's Ordinary meeting on September 27, 2010 it was resolved:

That a further report is brought to Council which addresses the potential of Council to act as a receival centre of concrete slabs and dry fill for reuse by Council.

At the August 2010 meeting the following information was provided:

Council continues to act as a receival centre for the disposal of concrete slabs, dry fill and virgin excavated material at the Kyogle and Woodenbong Landfill sites whereby

customers pay at a rate per tonne in accordance with Council's adopted fees and charges. In certain circumstances, where it has been verified by soil or material testing that loads of fill material are uncontaminated, the disposal of these forms of waste material may be accepted, by prior arrangement and agreement of either the Director Technical Services or the Manager Asset Services, at the Goodings pit site on Kyogle Road, for the purpose of rehabilitating that site.

Council notes that the previous resolution;

"That a further report brought to Council which addresses the potential of Council to act as a receivable centre of concrete slabs and dry fill for reuse by Council."

has not been finalised.

Report

From time to time, usually associated with major demolition / construction projects such as the recent supermarket development and the upgrade of Kyogle Hospital, large quantities of construction waste products are generated by contractors working in the area. The contractors are responsible for disposal of this material and usually contact Council to arrange for disposal of the material to landfill.

In recent years, Council has been recycling clean concrete waste from our own projects by stockpiling the material at the previous quarry site at Goodings Pit on Kyogle Road and arranging for the material to be crushed for use on roadworks to supplement gravel supplies. Virgin excavated material may also be used at Goodings Pit for rehabilitation of the quarry site.

An essential requirement for recycling of these materials is that they be free of contamination. This requires that testing be carried out of all materials proposed to be recycled prior to their removal from the site. If any contamination is detected, all of the material represented by that test cannot be reused and must be disposed of at the Kyogle landfill which is licenced for this purpose. Virgin excavated material used at the site for quarry rehabilitation must also be free of contaminants such as organic material, plastics, concrete, bricks, pipe fragments etc.

For Council to act as a receival centre recycling concrete slabs or dry fill it would be necessary to put in place procedures for ensuring that the material being accepted is free of contaminants. Obvious contaminants such as treated timber, floor coverings, plastic underlay or general building debris can be identified by visual inspection however other contaminants such as insecticides used for under- slab protection, cleaning agents used on the concrete during its lifetime., adhesives used to attach floor coverings or impurities which may have been present in the sand and gravel used in the concrete itself are not readily detected and may not be evident until the material has been processed. If this occurs there would be no option other than to dispose of the processed material to landfill.

It is considered that the cost to Council of providing a receival centre for recycling such products, including permanent staff to inspect and record incoming materials, laboratory testing, processing and marketing the processed product would result in higher charges than the current charge for disposing of the material direct to landfill. For this reason, the current practice of accepting these products at landfills in accordance with current fees

and charges and selective recycling by prior arrangement with the contractor for material which can be guaranteed free of contaminants is considered most appropriate. .

Recommendation

That the report Potential Use of Concrete and Dry fill be received and noted.

Item-5.4 DEVELOPMENT APPLICATION 2011.34 - PROPOSED EXTRACTIVE INDUSTRY AT CEDAR POINT

Summary/Purpose

This report presents an update on the status of the processing of Development Application (DA) 2011.31.

Community Strategic Plan Item(s)

- Environmental and Planning

Report

At the Ordinary Meeting of Council held on 24 October, 2011 Council considered an update report and resolved:

That the Development Application 2011.34 update report proposed Extractive Industry at Cedar Point report was received and noted.

On the 1 November, 2011 the Chair, Northern Joint Regional Planning Panel placed a Record of Decision on the matter on the following link <http://jrpp.nsw.gov.au/DesktopModules/JRPP/getdocument.aspx?docid=4500> which is attached.

On 3 November, 2011 Council received formal correspondence from the Chair, Northern Joint Regional Planning Panel requesting Council to provide a supplementary report addressing the issues as outlined in the attached copy of correspondence.

Whilst there are some minor amendments to be made by Council Officers in the Assessment Report, the matters referred to are predominantly to be addressed by the applicant, following which Council will be in a position to assess and prepare a supplementary assessment report as required by the Panel. Council will not be in a position to advise if it can meet the anticipated timeframe as outlined by the Panel, i.e. provision of a supplementary assessment report to the Regional Panel by 17 February, 2012 until mid to late January 2012, following the submission of additional data/reports by the applicant.

Recommendation

That the Development Application 2011.34 – Proposed Extractive Industry at Cedar Point report is received and noted.

Attachments

1. Record of Decision endorsed by Chair, Northern Joint Regional Planning Panel, dated 1 November, 2011. (Separately attached)
2. Correspondence from the Chair, Northern Joint Regional Planning Panel, dated 1 November, 2011.

Item-5.5 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD OCTOBER 1, 2011 TO OCTOBER 31, 2011

Report

2007/161

Property: Lot 1 DP 529272 Fairy Mount Parish, Rous County
Address: Kyogle Rd Kyogle
Applicant/Owner: Newton Denny Chapelle / GF & CJ Rogers
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Applicant to advise

2007/188

Property: Lot 32 DP 1047834 Queebun Parish, Rous County
Address: Carruthers Rd Doubtful Creek
Applicant/Owner: John Joseph Hession / Tasmanian Plantation Pty Ltd
Proposal: Subdivision
Received: Referred to Department of Lands & RFS for Comment
Status: Consultant to advise

2008/87

Property: Lot 1 DP 820659 Peacock Parish, Buller County
Address: Station Road, Bonalbo
Applicant/Owner: Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Applicant to advise

2008/88

Property: Lot 54 DP 751074 Peacock Parish, Buller County

Address: Station Road, Gorge Creek
Applicant/Owner: Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Applicant to advise

2008/125

Property: Lot 101 DP 881876 Fairy Mount Parish, Rous County
Address: Green Pigeon Rd Green Pigeon
Applicant/Owner: Allan Clarke / The Secretary, Green Pigeon Pty Ltd
Proposal: 4 Commercial Sheds
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2010/58

Property: Lot 1 DP 17828 Fairy Mount Parish, Rous County.
Address: Greer St Kyogle
Applicant/Owner: GM Project Development & Management / C Viel & RC Endres
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Applicant to advise

2010/80

Property: Lot 5 DP 1122813 Boomi Parish, Buller County.
Address: Boomi Creek Rd Boomi Creek
Applicant/Owner: Glenda Joy Stace / DP & GJ Stace
Proposal: Tourist Cabin
Received: Referred To DMP For Comment
Status: Applicant to advise

2010/95

Property: Lot 7002 DP 96390 Sandilands Parish, Drake County.
Address: Bruxner Hwy Mallanganee
Applicant/Owner: West of the Range Pony Club / NSW Dept of Lands
Proposal: Storage Shed
Received: Referred To DMP For Comment
Status: Awaiting Applicant's Comments

2010/132

Property: Lot 102 DP 755707 Fairy Mount Parish, Rous County.
Address: Walters Rd Horseshoe Creek
Applicant/Owner: Kyogle Dirt Bike Club / KE & V Kook
Proposal: Trail Bike Rides
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/13

Property: Lot 1 DP 790288 Tabulam Parish, Rous County.
Address: Clarence Way Tabulam
Applicant/Owner: Murray David Ings
Proposal: Quarry
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/20

Property: Lot 13 DP 1081723 Fairy Mount Parish, Rous County.
Address: Kyogle Rd Homeleigh
Applicant/Owner: Coastline Building Certification / PJ & SJ Owen
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/30

Property: Lot 21 DP 869244 Sandilands Parish, Drake County.
Address: Bruxner Hwy Mallanganee
Applicant/Owner: Ardill Payne & Associates / FK & JB Holmes
Proposal: Quarry Extension
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/34

Property: Lot 12 DP 582916 Stratheden Parish, Rous County.
Address: Edenville Rd Cedar Point
Applicant/Owner: Rodney John Graham / PA Carlill
Proposal: Quarry
Received: Referred to JRPP
Status: Peer review completed

2011/39

Property: Lot 3 DP 260848 Etrick Parish, Rous County.
Address: Afterlee Rd Smiths Creek
Applicant/Owner: D & J Lamberton / DA Lamberton & Jonathan
Proposal: Multiple Occupancy
Received: Referred To DMP For Comment
Status: Subject to Land Environment Court Appeal

2011/79

Property: Lot 6 DP 623399 Runnymede Parish, Rous County.
Address: Summerland Way Kyogle
Applicant/Owner: Stephen Fletcher & Associates / Mr Fr Vary
Proposal: Subdivision (staged) to create 124 industrial lots
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/80

Property: Lot 11 DP 1101053 Hanging Rock Parish, Rous County.
Address: Williams Rd Barkers Vale
Applicant/Owner: GM Project Development / GA Little & GF Behrend
Proposal: Expansion of a Landsharing Community
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/84

Property: Lot 24 DP 755750 Unumgar Parish, Rous County.
Address: Hildebrands Road, Dairy Flat
Applicant/Owner: Riordans Consulting Surveyors / H & H Tribolet
Proposal: Subdivision by Boundary Adjustment
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/85	Property:	Lot 1 DP 626397 Bonalbo Parish, Buller County.
	Address:	Dyraaba Street Bonalbo
	Applicant/Owner:	JA Lord / JA Lord
	Proposal:	Dwelling
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions
2011/89	Property:	Lot 2 DP 811042 Fairy Mount Parish, Rous County.
	Address:	Ettrick Street Kyogle
	Applicant/Owner:	BA Taylor / MJ & BA Taylor
	Proposal:	Shed
	Received:	Referred To DMP For Comment
	Status:	Awaiting additional information
2011/99	Property:	Lot 2 DP 263202 Jiggi Parish, Rous County.
	Address:	Oxbow Road Cawongla
	Applicant/Owner:	L Trantino / L Trantino & D Trantino
	Proposal:	Multiple Occupancy
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2011/101	Property:	Lot 52 DP 1076878 Geneva Parish, Rous County.
	Address:	Ettrick Street Kyogle
	Applicant/Owner:	AR Davie / BE & IM McGrath
	Proposal:	Shed addition
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2011/102	Property:	Lot 11 DP 1058287 Fairy Mount Parish, Rous County.
	Address:	Andrew Street Kyogle
	Applicant/Owner:	DW McNamara / McNamara & Tierney Pty Ltd
	Proposal:	Change of use for landscaping/storage
	Received:	Referred To DMP For Comment
	Status:	Awaiting additional information
2011/103	Property:	Lot 5 Sec 2 DP 17765 Robertson Parish, Rous County.
	Address:	Carey Street Bonalbo
	Applicant/Owner:	JA Bradshaw / JH Weir
	Proposal:	Shed
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions
2011/105	Property:	Lot 10 DP 1135559 Runnymede Parish, Rous County.
	Address:	Summerland Way Kyogle
	Applicant/Owner:	RD Hanby & Associates Pty Ltd / SM & JM Scarrabelotti
	Proposal:	Shed, fence and retaining structure
	Received:	Referred To DMP For Comment

Status:	Awaiting DMP Comments
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2011/108	
Property:	Lot 8 DP 249222 Geneva Parish, Rous County.
Address:	Omagh Road Geneva
Applicant/Owner:	Newton Denny Chapelle / JR & JD Singh
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/109	
Property:	Lots 22, 23, 48 & 49 DP 751069 Lindsay Parish, Rous County.
Address:	Clarence Way Urbenville
Applicant/Owner:	Newton Denny Chapelle / BA & HJ Hill
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	For Council consideration
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2011/120	
Property:	Lot 1 DP 1161835 Runnymede Parish, Rous County.
Address:	Summerland Way Kyogle
Applicant/Owner:	LW Rixon
Proposal:	Relocated dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/124	
Property:	Lot 141 DP 1035844 Geneva Parish, Rous County.
Address:	Afterlee Road, Horstation Creek
Applicant/Owner:	JR & KA Burley / HG Mueller & JR & KA Burley
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/125	
Property:	Lot 42 DP 751062 Evans Parish, Rous County.
Address:	Lower Bottle Creek Road, Bottle Creek
Applicant/Owner:	Newton Denny Chapelle / JT & RS McMahon
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/126	
Property:	Lot 24 DP 755750 Unumgar Parish, Rous County.
Address:	Hildebrands Road Dairy Flat
Applicant/Owner:	Riordans Consulting Surveyors / H & H Tribolet
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting additional information
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2011/128	
Property:	Lot 22 DP 751062 Evans Parish, Rous County.
Address:	Clarence Way Bottle Creek
Applicant/Owner:	Envirolink Consulting / Darcy Dancer Co Pty Ltd

Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/132

Property: Lot 1 DP 1091730 Fairy Mount Parish, Rous County.
Address: Groom Street Kyogle
Applicant/Owner: JC Harley
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/134

Property: Lot 46 DP 755704 Dyraaba Parish, Rous County.
Address: Pigman Road Dyraaba
Applicant/Owner: Newton Denny Chapelle / JG & FJ Lindstrom
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/135

Property: Lot 1 DP 708624 Geneva Parish, Rous County.
Address: Old Cob'o'Corn Road, Horse Station Creek
Applicant/Owner: DC Clark / DC & KT Clark
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/141

Property: Lot 79 DP 6317 Fairy Mount Parish, Rous County.
Address: Gardner Lane Kyogle
Applicant/Owner: PA Lewis / D & KJ Ambler
Proposal: Relocated dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/147

Property: Lot 290 DP 755732 Queebun Parish, Rous County.
Address: Eggins Road Doubtful Creek
Applicant/Owner: Newton Denny Chapelle / JG & FJ Lindstrom
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/148

Property: Lot 241 DP 1055836 Wyndham Parish, Rous County.
Address: Olympian Road Wyneden
Applicant/Owner: Newton Denny Chapelle / WJ & KJ Farrah
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Awaiting additional information

2011/149

Property: Lot 103 DP 1018683 Loadstone Parish, Rous County.

Address: Fernhill Drive Gradys Creek
Applicant/Owner: Newton Denny Chapelle / Ozwide Formwork Pty Ltd & AJ Parker
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Awaiting additional information

2011/150

Property: Lot 46 DP 755708 Findon Parish, Rous County.
Address: Terrace Road Terrace Creek
Applicant/Owner: Riordans Consulting Surveyors / AE & LG Maclean
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Awaiting DMP Comments

2011/162

Property: Lot 51 DP 805297 Warrazambil Parish, Rous County.
Address: Collins Creek Road Collins Creek
Applicant/Owner: DJ Burt
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/163

Property: Lot 18 Sec G DP 1160578 Robertson Parish, Rous County.
Address: Gill Street Bonalbo
Applicant/Owner: KJ & GA Gooding
Proposal: Relocated dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/164

Property: Lot 22 DP 1091117 Fairy Mount Parish, Rous County.
Address: Fawcetts Plain Road Fawcetts Plain
Applicant/Owner: MA Sneath / AG, JR, MA & RL Sneath
Proposal: Private Quarry
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/165

Property: Lot 12 DP 1160578 Runnymede Parish, Rous County.
Address: Durhams Road Cedar Point
Applicant/Owner: CH & LJ Stevenson
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/166

Property: Lot 296 DP 793288 Wyndham Parish, Rous County.
Address: Apple Gum Road West Wiangaree
Applicant/Owner: JK Nobes
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/167

Property: Lot 147 DP 4517 Fairy Mount Parish, Rous County.
Address: Irwin Street Kyogle
Applicant/Owner: GN & DA Capon
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/168

Property: Lot 5 Sec 4 DP 759111 Donaldson Parish, Rous County.
Address: Lindsay Street Woodenbong
Applicant/Owner: DJ & DM O'Shannessy
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/169

Property: Lot 118 DP 44795 Wiangaree Parish, Rous County.
Address: Summerland Way New Park
Applicant/Owner: Kyogle Showground Trust
Proposal: Advertising Structure
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/170

Property: Lot 19 Sec 22 DP 758944 Tabulam Parish, Rous County.
Address: Barnes Street Tabulam
Applicant/Owner: Uniting Aboriginal & Island Christian Congress / Uniting Church Property Trust
Proposal: Dwelling demolition
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/171

Property: Lot 1 DP 12117 Fairy Mount Parish, Rous County.
Address: Kyogle Road Kyogle
Applicant/Owner: GJ Heatley
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/172

Property: Lot 14 Sec 7 DP 759088 Wiangarie Parish, Rous County.
Address: Worendo Street Wiangaree
Applicant/Owner: SJ Brosnan / TM Wright
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/173

Property: Lot 27 DP 31724 Geneva Parish, Rous County.
Address: Pratt Street Geneva
Applicant/Owner: DM Tough & CC Murray
Proposal: Shed
Received: Referred To DMP For Comment

Status:	Awaiting DMP Comments
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2011/174	
Property:	Lot 7005 DP 1055056 Donaldson Parish, Rous County.
Address:	Lindsay Creek Road Woodenbong
Applicant/Owner:	Woodenbong Progress Association / Dept of Lands
Proposal:	Bicycle event
Received:	Referred To DMP For Comment
Status:	Awaiting Owner's Consent
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2011/175	
Property:	Lot 154 DP 812491 Donaldson Parish, Rous County.
Address:	Lindsay Creek Road, Woodenbong
Applicant/Owner:	KH Hughes
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/176	
Property:	Lot 103 DP 873398 Geneva Parish, Rous County.
Address:	Omagh Road Cedar Point
Applicant/Owner:	SJ Reeves
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/177	
Property:	Lot 2 DP 870731 Jiggi Parish, Rous County.
Address:	Kyogle Road Cawongla
Applicant/Owner:	IM Hackett
Proposal:	As built dwelling & additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/178	
Property:	Lot 1 DP 608207 Hanging Rock Parish, Rous County.
Address:	Gabal Road Lillian Rock
Applicant/Owner:	Nmbngee Community Co-Op Ltd
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/179	
Property:	Lot 1 DP 305744 Fairy Mount Parish, Rous County.
Address:	Anzac Drive Kyogle
Applicant/Owner:	Stephen P McElroy & Associates Pty Ltd
Proposal:	Demolition
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/180	
Property:	Lot 105 DP 752395 Sandilands Parish, Rous County.
Address:	Bruxner Highway Mallanganee
Applicant/Owner:	Bonalbo Past & Futures Committee / L Strain

Proposal: Sign
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/181

Property: Lot 51 DP 755719 Loadstone Parish, Rous County.
Address: Gradys Creek Road Gradys Creek
Applicant/Owner: Newton Denny Chapelle / SM Sherman
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/182

Property: Lot 1 DP 388473 Fairy Mount Parish, Rous County.
Address: Sherwoods Road Collins Creek
Applicant/Owner: Panguna Management Pty Ltd
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

Recommendation

1. That, with the exception of the following items in which Councillors
and have declared an interest,
 - Cr..... 10B.1 Development Applications
Received, Determined and Outstanding DA.../... - Reason for Declaration -
 - Cr.....10B.1 Development Applications
Received, Determined and Outstanding DA.../... - Reason for Declaration -

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October 2011 to 31 October 2011 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October 2011 to 31 October 2011 only in relation to DA.../... and DA.../.... In which Councillors have declared an interest be received and noted.

ITEM 6 CONFIDENTIAL

Item-6.1 FUNDING FOR SECTION 94 WORKS

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

PLANNING & ENVIRONMENT COMMITTEE

ON 14 NOVEMBER 2011

Item-5.1

PLANNING & ENVIRONMENT COMMITTEE DRAFT TERMS OF REFERENCE



Kyogle Council

Planning and Environment Committee

Terms of Reference

1 Function of the Planning and Environment Committee

The Function of the Governance Committee is to consider issues associated with the following activities of Council:

- Forum for consultation with developers or potential developers
- Point of contact for proponents prior to DA lodgement
- Local Environmental Plans (LEPs)
- Environment and Development Related Policy
- Car Parking
- Other planning issues
- Other Environmental issues

2 Membership

The Planning and Environment Committee shall be comprised of:

The Mayor and two (2) Councillors

The General Manager

Director Planning and Environmental Services

Senior Town Planner

Environmental Health Officer

Manager Asset Services

Other members of the Development Management Panel as required

A member ceases to be a member of a Committee if the member (other than the Mayor):

- a) has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
- b) has been absent from at least half of the Meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

Note: The expression "year" means the period beginning July 1 and ending the following June 30.

Vacancies on the Committee will be filled as soon as possible after they occur.

A Councillor who is not a member of a Committee of a Council is entitled to attend, and speak at, a meeting of the Committee. However, the Councillor is not entitled to:

- (a) give notice of business for inclusion in the agenda for the meeting, or
- (b) move or second a motion at the meeting, or
- (c) vote at the meeting.

3 Convenor/Chair

The Chairperson of the Committee must be:

- a) the Mayor, or
- b) if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council, or
- c) If the Council does not elect such a member: a member of the Committee elected by the Committee.

The Committee may elect a Deputy Chairperson.

If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the Meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, an acting Chairperson is to be elected by the Committee to preside at the Meeting.

4 Agenda Items

All Committee agenda items must be forwarded to the Director of Planning and Environmental Services by close of business eight (8) working days prior to the next scheduled meeting.

The General Manager must send to each member, at least three (3) days before each meeting of the Committee, a notice specifying:

- (a) the time and place at which and the date on which the meeting is to be held; and
- (b) the business proposed to be transacted at the meeting.

Notice of less than 3 days may be given of a meeting called in an emergency.

5 Minutes & Business Papers

The minutes of each Kyogle Council Planning and Environment Committee Meeting will be prepared by the Director of Planning and Environmental Services.

Full copies of the Minutes, including attachments, shall be provided to all Planning and Environment Committee members as part of the Business Paper for the following Committee meeting.

6 Frequency of Meetings

The Committee shall meet on the second Monday of each month as required.

The Mayor, in consultation with the General Manager, may call additional meetings to complete business as needed or to deal with any item of urgency.

7 Quorum Requirements

Councillors are the only voting members on the Committee. A minimum of at least two (2) Councillors is required for the meeting to be recognised as an authorised meeting.

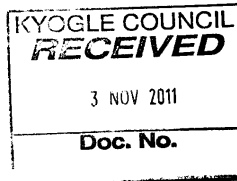
8 Maintenance of Order

The provisions of the Local Government Act and its Regulations relating to the maintenance of order in Council Meetings apply to meetings of Committees of the Council in the same way as they apply to Meetings of the Council.

Joint Regional
Planning Panels

1 November 2011

Mr Arthur Piggott
General Manager
Kyogle Council
PO Box 11
Kyogle NSW 2474



Ref: 2011NTH004

Dear Mr Piggott,

Thank you for your recent advice to the Panel Secretariat concerning the Cedar Point Quarry development application and outcomes of the recent peer review of Kyogle Council's assessment report. A copy of your advice and the response from the applicant has been forwarded to all regional panel members.

The regional panel recently met via electronic means to discuss and decided on how to proceed with the matter. At this meeting, the Regional Panel resolved:

The Northern Joint Regional Planning Panel, having considered the Peer Review and responses from the Applicant and Council, requires Council to address the assessment issues summarised below in a supplementary assessment report. The report is to be provided to the Regional Panel by 17 February 2012. If the timeframe can not be met, Council must advise the Panel Secretariat of anticipated timeframes at its earliest convenience.

Accordingly, I would like to request the Council to provide a supplementary report as outlined above by 17 February 2012.

Upon receipt of that report the Regional Panel will consider the application at a Panel Meeting as soon as possible.

The Regional Panel has summarised the issues as raised in the peer review report that seek further clarification in the Council's supplementary report provided in **Attachment A**.

Should you have any enquiries about this matter, please contact Paulina Hon, Manager, Regional Panel Operations, on telephone number 93832104.

Yours sincerely,

Garry West
Chair, Northern
Joint Regional Planning Panel

PANEL SECRETARIAT
Level 13, 301 George Street SYDNEY, NSW 2000
GPO Box 3415, SYDNEY NSW 2001
Tel: 02 9383 2121
Fax: 02 9299 9835
Email: jrppenquiry@jrpp.nsw.gov.au

ATTACHMENT 1

Issues requiring further assessment

The following summarises the key assessment issues that the Umwelt peer review report identified as needing further consideration. The table also summarises the applicant's response to each of the key issues (letter dated 4 October 2011):

<p>Zoning of the site – Clarification on the zoning of the site</p>	<p>Applicant considers the site is zoned Non Urban 1(A) and not the 2(V) village zone.</p>
<p>Proposed development details - Confirmation of proposed development details, including the total resource to be extracted, production rate, quarry design and staging, in light of the assessment to date and outcomes of the further assessment outlined below.</p>	<p>Applicant confirmed the proposed development is for an extraction rate of 47000 cubic metres over the life of 43 years, equating to 2.021 million cubic metres of material to be extracted.</p>
<p>Noise Assessment – Further noise assessment, by a qualified noise specialist, in accordance with relevant guidelines, to provide adequate certainty in relation to the predicted effects on private residences, confidence in relation to the likely success of proposed noise attenuation and mitigation measures, and a sound basis for compliance monitoring if the proposed development is approved.</p>	<p>Applicant confirmed background noise data collection was in accordance with Office of Environment and Heritage (OEH) guidelines. Applicant will not conduct further assessment.</p>
<p>Air Quality Assessment – additional air quality assessment, including predictive modelling by an appropriately qualified air quality specialist, in accordance with relevant guidelines</p>	<p>Applicant will not conduct further assessment.</p>
<p>Blast Design – provision of further detail in relation to the assessment conducted in relation to the proposed blast design, and confirmation of the quarry and blast design that ensures that relevant criteria can be met at each of the nearest surrounding private residences. Confirmation of the proposed approach to avoiding safety hazard from blast flyrock.</p>	<p>No further information provided on assessment conducted in relation to blast design. Applicant confirmed that they are agreeable to conditions of consent being imposed which require notification and measures to ensure there are no safety risks posed by flyrock on private properties or public roads within</p>

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<p>Upgrade and replacement of Edenville Road (Cedar Point) Bridge – resolution of the trigger for, and funding of, the upgrade or replacement of Edenville Road Bridge. Further traffic assessment in relation to Council's proposed reduction in production until such time the bridge is upgraded or replaced, and confirmation of the road upgrades that are required at such a reduced level of traffic, if this approach is adopted. Clarification of heavy vehicle haulage contributions.</p>	<p>500m of blasting operations.</p> <p>Applicant considers requirements are adequate.</p> <p>Applicant proposes to undertake work at the intersection of Edenville Road and Summerland Way on the increase of production rates to that of 47,000 cubic metres.</p>
<p>Offsite water discharge – Further assessment of the need for, and nature of, any proposed off site water discharge, including further clarity on location, volume, impacts and proposed controls for such discharge.</p>	<p>Additional comments provided by applicant.</p>
<p>Aboriginal and non-Aboriginal Heritage - Further consultation with relevant Aboriginal stakeholders in accordance with the OEH (2010) Aboriginal Cultural Heritage consultation Requirements for Applicants, and assessment of cultural significance of the site. Assessment of non-Aboriginal Heritage of the site.</p>	<p>No further consultation with Aboriginal stakeholders has been undertaken. Applicant will not be conducting assessment of non-Aboriginal heritage.</p>
<p>Ecological Assessment – Clarification of the detail of ecology survey methodology, further assessment of potential koala habitat, and completion of 'tests of significance' in accordance with Section 5A of the Environmental Planning and Assessment Act. Review of the biodiversity offset package and confirmation that it meets the relevant OEH principles for ecological offsets.</p>	<p>Applicant indicated that it would undertake ecological assessment, but has not indicated the level of detail to be included.</p>
<p>Project Justification – Further project justification in terms of existing and future demand and supply for quarry products.</p>	<p>Additional comments provided by applicant on project justification but details on existing supply and future demand provided.</p>