Reply to Kyogle. Dep. & ched to Kyogle

Bal Council.

2.1

1. We repeat the being

2.11.a This is a previously Council matter – as council covers!

b ditto

c is done via FCANPWS

d local matter – repeat above

e this is a regional matter but does not effect Kyogle – view of typography. No shortage of water even in K

f. these are a regional matter. What does Kyogle want

public or private

g. Regional matter – with Elec. Com.

h. What does Kyogle want

i. Regional matter.

j ~~not agree~~ agree that it is not a 'plan' but disagree that it is a collection of restrictive rules & policies.

~~It is~~ This statement is a contradiction of itself

It is We agree it is to a large extent a collection of what exists now. hence in present form is no more 'restrictive' than is imposed by Council. In its present form will not endure & inhibit 'dev.' any more than Council does now of MO game.

~~In some~~ ways the REP ~~will~~ has the potential to bring freedom & light to develop.

****

SUBMISSION BY THE

R U R A L R E S E T T L E M E N T T A S K F O R C E

ON THE

N O R T H C O S T

DRAFT REGIONAL ENVIRONMENTAL PLAN

D.E.P - 1987

****

DRAFT July 14th.

Coments and suggestions invited as soon as possible and by July 22 at the latest.

(Note. Submissions are to be in the DEP Grafton office on or before July 31 and that the Lismore Council will not accept submissions.)

NP

****

CONTENTS

****

2.12 If we agree that the REP does not go far enough to require other govt depts but this would be interference, would it not.

2.13 - if it is seen by Kyogle - please enlighten

3(a) - appeal on mapping

---

cl 8 of 'may' for shall

10. .. then why allow it?
sour grapes.
The REP invokes a subdivision strategy

11 terminology.

20 not so
then why restrict so

para 3 - it does

24 No

34 No

38 ✓
67 ✓
77 ✓

KYOGLE REP

S117 Direction now covered by REP should be withdrawn.

Write DEP:
Request second exhibition of REP where amendments made?

****

CONTENTS

****

****

Part A. ABBREVIATIONS

****

ABBREVIATIONS

DCP	Development Control Plan
DEP	Dept. of Environment and Planning
DREP	Draft Regional Environmental Plan
EIS	Environmental Impact Statement
MO	Multiple Occupancy

---------- End of Part A ----------

File

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. BOX NO. 11
KYOGLE, 2474.

PVK:PEB

Mr Knight
CONTACT.....
FOR FURTHER ENQUIRIES

KYOGLE SHIRE COUNCIL

ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE. N.S.W. 2474.
TELEPHONE: KYOGLE 32 1611
FAX 066 32 2226

IN YOUR REPLY
PLEASE QUOTE:
T.3-1

KYOGLE SHIRE COUNCIL

NORTH COAST DRAFT REGIONAL ENVIRONMENTAL PLAN

Submission to the Secretary, Department of Environment and Planning - Section 48, Environmental Planning and Assessment Act, 1979.

1. SUMMARY:

Council is deeply concerned with the some of the possible affects of the Draft North Coast Regional Environmental Plan.

The Regional Environmental Plan does not provide an overview of the future direction of urban development and other landuse on the North Coast nor does it provide a framework for establishment of the necessary physical infrastructure required for the future.

What we do have is a mixture of ad hoc policies and controls that will restrict development and economic growth; interfere with the day to day management of farms; deny persons the choice to live in rural areas; and introduce another layer of bureaucratic controls, many of which will duplicate those of other departments.

The cost to local Councils and ratepayers to administer these extra planning controls is alarming.

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If this action is not to be taken, Council would seek to have many of the Regional Environmental Plan Clauses deleted or amended to remove some of the more restrictive and unreasonable planning controls.

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These problems illustrate the danger of carrying out mapping for one purpose and then using it for a means of statutory control for another unrelated purpose. If when the mapping was carried out there had been more public involvement and landowners had known of its ultimate purpose there would have been more questioning and objections to the methodology used and competance of those carrying out the mapping.

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This situation is not the case in areas further from the coast such as Kyogle Shire. In these areas the prime cause of fragmentation has been 40ha subdivisions and sale of existing portions. Typical viable farm sizes range from 100ha to 1000ha, the integrety of these holdings is not destroyed by the subdivision of small 2ha lots, but, it is seriously damaged by creation of the same number of 40ha lots or selling off existing parish portions.

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Council submits that the primary function of co-operative farm holdings is agricultural production and the residential component is ancillary to this purpose. The residential component should not have to be consistent with a residential land release strategy as this is irrelevant to the primary function of co-operative farms. Clause 11(b) could result in a viable farming venture being prevented for no logical reason. Clause 11(b) should, therefore be deleted.

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Council submits that houses in multiple occupancies have almost identical effect on demand for services etc as rural residential houses and, therefore, both types of rural housing should be controlled by the same planned strategy.

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This Clause seems to suggest that all future rural housing on small lots has to take place in planned and fully serviced rural residential subdivisions. The overwhelming demand in Kyogle Shire over the past 10 years has been for dwellings on small lots scattered throughout the general rural area. These people generally desire to be part of a normal country area and to segregate them into a rural residential ghetto would defeat the whole purpose of moving to the country.

It is not argued that such persons should be required to pay full costs for services and that small rural subdivisons and housing should be located in a manner that does not prejudice commerical farming, but, is considered that any proposal to require all persons who desire rural living (except commerical farmers and multiple occupants) to live in zoned rural residential subdivisions is absurd.

It is considered that Clause 20 should acknowledge that a rural land release study can allow for scattered rural residential development throughout the rural areas of a Local Government area provided the creation of such lots does not prejudice the viability of commerical farms, adequate services are available, and the provisions of Clause 20 (2)(e) are enforced.

It is submitted that an additional Clause 20 (3) should be added as follows:

"(3) The strategy referred to in Subclause (1) may provide for creation of scattered rural residential lots provided:

(a) All lots created have frontage to an all weather road connecting them to the nearest population centre.

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This Clause could have unforeseen effects. Take the case of existing vacant concessional lots on prime agricultural land. It is unlikely that the Department of Agriculture could ever certify that a dwelling house "is necessary to maintain efficient, sustainable agricultural production" on such lots. This Clause would deny owners of such lots, who have purchased them in good faith, their existing right to construct one dwelling. This is unfair and unjust and Clause 21(1) should be deleted. Clause 20 could be altered to discourage creation of further rural residential lots on prime agricultural land.

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Council submits that this Clause should be qualified to ensure that multiple occupancy is subject to the same controls and restrictions as rural residential dwellings.

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Clause 24(c) should not be mandatory as when low key L.E.P.'s are prepared without the aid of an environmental study these areas are not identified and not able to be included in such zones.

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Clause 34(d)

Clause 34(d) forbids urban expansion on land which has conservation value. This blanket ban is not logical. The conservation value of a piece of land is a major factor to be considered when contemplating development, but, there can be cases when other factors may be more important. Each case must be considered on its merits.

Clause 34(d) should be deleted and substituted with:
"(d) Discourage urban expansion on land with significant conservation value."

Clause 38(d)

This Clause seems unreasonable if it is meant to apply to small villages. The Clause should be clarified to exclude this provision from residential development in small villages.

Cl 41 - Include 'to' after 'tourism' at line 1

Clause 67

This Clause requires tourist accommodation on farms to be secondary to and ancillary to the continuing use of the land for agriculture. This is unnecessarily restrictive. In some cases the tourist use of the land could end up being the major function. Council can see nothing wrong with this and it could lead to substantial investment and employment creation in the region. The clause should be modified so cases can be judged on their merits.

Clause 77(b)

This Clause requires Councils to include open space, special uses zones or reservations in L.E.P.'s when requested by public authorities. This blanket requirement should be deleted as there are circumstances when an authority's desire for a certain piece of land may be a matter of dispute in the community or may not have received adequate environmental assessment. Councils must have the right to judge each case on its merits.

✓ Env Centre.
✓ Webster

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Council submits that this Clause should be deleted.

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Clause 34(d) forbids urban expansion on land which has conservation value. This blanket ban is not logical. The conservation value of a piece of land is a major factor to be considered when contemplating development, but, there can be cases when other factors may be more important. Each case must be considered on its merits.

Clause 34(d) should be deleted and substituted with:
"(d) Discourage urban expansion on land with significant conservation value."

Clause 38(d)

This Clause seems unreasonable if it is meant to apply to small villages. The Clause should be clarified to exclude this provision from residential developlment in small villages.

CC 41 - Include 'to' after 'tourism' at line 1

Clause 67

This Clause requires tourist accommodation on farms to be secondary to and ancillary to the continuing use of the land for agriculture. This is unnecessarily restrictive. In some cases the tourist use of the land could and be being the major function. Council can see nothing wrong with this and it could lead to substantial investment and employment creation in the region. The clause should be modified so cases can be judged on their merits.

Clause 77(b)

This Clause requires Councils to include open space, special uses zones or reservations in L.E.P.'s when requested by public authorities. This blanket requirement should be deleted as there are circumstances when an authority's desire for a certain piece of land may be a matter of dispute in the community or may not have received adequate environmental assessment. Councils must have the right to judge each case on its merits.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. BOX NO. 11
KYOGLE. 2474.

PVK:PEB

CONTACT Mr Knight
FOR FURTHER ENQUIRIES

KYOGLE SHIRE COUNCIL

ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE. N.S.W. 2474.
TELEPHONE: KYOGLE 32 1611
FAX 066 32 2226

IN YOUR REPLY
PLEASE QUOTE:
T.3-1

KYOGLE SHIRE COUNCIL

NORTH COAST DRAFT REGIONAL ENVIRONMENTAL PLAN

Submission to the Secretary, Department of Environment and Planning - Section 48, Environmental Planning and Assessment Act, 1979.

1. SUMMARY:

Council is deeply concerned with the some of the possible affects of the Draft North Coast Regional Environmental Plan.

The Regional Environmental Plan does not provide an overview of the future direction of urban development and other landuse on the North Coast nor does it provide a framework for establishment of the necessary physical infrastructure required for the future.

What we do have is a mixture of ad hoc policies and controls that will restrict development and economic growth; interfere with the day to day management of farms; deny persons the choice to live in rural areas; and introduce another layer of bureaucratic controls, many of which will duplicate those of other departments.

The cost to local Councils and ratepayers to administer these extra planning controls is alarming.

Council therefore strongly submits that the present Draft Regional Environmental Plan should be scrapped.

If this action is not to be taken, Council would seek to have many of the Regional Environmental Plan Clauses deleted or amended to remove some of the more restrictive and unreasonable planning controls.

2. General Comments:

2.1 Council submits that the "Draft North Coast Regional Environmental Plan" (Draft R.E.P.) should be rejected in its entirety for the following reasons:

2.11 The Draft R.E.P. fails to be a plan which sets a framework for future growth, development and landuse of the North Coast Region. It fails to set guidelines for:

- Distribution, function and size of major urban area development.
- Location of major industry including noxious and hazardous industry.

- Areas to be set aside for regional parks, recreation areas, foreshore and riverside reserves and any proposed alterations to National Parks.
- Areas for treatment and disposal of sewerage from major urban areas.
- Sites for major water supply source, storage and treatment.
- Aerodromes, ports, railways and principal roads.
- Sites for mining and extractive industries.
- Areas to be preserved for commercial timber production.
- Sites for power stations and major transmission lines.
- Sites for major public institutions, goals, mental hospitals, etc.

In other words it does not provide a "plan" at all, what it does provide is a collection of ill considered restrictive rules and policies which will not "guide" development, but, will confuse and inhibit development.

2.12 The Draft R.E.P. has failed to plan the future landuse and physical infrastructure of the region because it has failed to require other government departments to submit to the regional planning process. Other government departments are all doing their own thing regarding planning of future public facilities and infrastructure and resist being brought under one planning umbrella. Faced with this lack of authority and co-operation the D.E.P. have resorted to abandoning their planning function and instead have compiled the collection of restrictive rules and policies we now have in the Draft R.E.P.

2.13 The Draft R.E.P., in its present form, because of poor drafting will restrict development activities not intended or foreseen by its authors.

2.14 The Draft R.E.P. seeks to compel Councils to regulate activities (particularly rural activities) that are not now controlled. Councils have not sought these powers and the cost to administer and police these controls could lead to a reduction in funds available to essential services such as road and bridge maintenance.

2.15 In 1980 the Minister, Paul Landa, introduced the Environmental, Planning and Assessment Act. It was stated that the environmental study and plan preparation process would result in "plans which give a much clearer guide to development and environment protection needs. This, in term, shall reduce the emphasis on the development control process by bringing the major considerations forward for resolution in the plan".

The Draft R.E.P. has failed this test. It does not address major landuse issues and in fact places far more emphasis on control and restriction at the development control stage.

2.16 The language in many sections of the R.E.P. is vague and ambiguous. As such it is open to wide interpretation by D.E.P. Officers when reviewing L.E.P.'s from Council's and on matters of direct R.E.P. development control.

This could lead to possible abuse by over zealous D.E.P. Officers and conflict with Councils regarding interpretation. The R.E.P. should not have been exhibited until these Clauses had been rewritten or deleted.

2.17 The Draft R.E.P. is a means by which bureaucratic planning controls will be imposed on normal, accepted farming practices.

2.18 The Draft R.E.P. in common with many State Environmental Planning Policies seeks to further the intrusion of the State Government into local planning matters. This subverts the objectives of the Act and robs Councils of their planning powers.

2.19 The Draft R.E.P. in several areas seeks to duplicate controls, already in place by other Government departments.

2.2 Council submits that after the rejection of the current Draft R.E.P. that any future Draft shall be preceeded by a comprehension environmental study followed by a public exhibition and submission phase to properly identify the real planning issues which affect our region.

Any future Draft R.E.P. should include projected landuse and infrastructure plans such those contained in the Hunter Region R.E.P.

2.3 If the current Draft R.E.P. is not rejected in its entirety, Council submits that many of the restrictive rules and policies should be removed to reduce the negative impact of the R.E.P. These alterations and amendments are detailed in Section 3 of this Submission.

3. Draft R.E.P. - Deletions and Amendments:

Council submits that if the draft R.E.P. is not rejected in its entirety then the following deletions and amendments should be made.

Clause 2 - Aims of Plan.
Council submits that Item (c) should be the top priority and that Item (a) relating to the natural environment should have a lower priority in the R.E.P.

Clause 7 - Objectives, Agricultural Resources.
Council has no argument with these objectives, but, does not consider the means proposed to do this will be fair to landowners or effective is achieveing these objectives.

Clause 8
(a) The R.E.P. does not provide for the fact that mapping of "Prime Agricultural Land" is less than perfect and that within land classified as prime there are often sections of land that do not justify this classification. As the R.E.P. has chosen this mapping as a means of controlling and restricting development on land so classified, there should be some means of appeal against the classification and some acknowledgement that the lands classified are not always homogenous. Further, restrictions should not apply to sections of land within the prime classification area which are not necessarily of that standard.

(b) Anomalies also arise from the scale of maps used and where for convenience prime land classification boundaries have followed property boundaries which are not necessarily true boundaries of the prime land.

These problems illustrate the danger of carrying out mapping for one purpose and then using it for a means of statutory control for another unrelated purpose. If when the mapping was carried out there had been more public involvement and landowners had known of its ultimate purpose there would have been more questioning and objections to the methodology used and competance of those carrying out the mapping.

(c) Clause 8(a)(i) is considered to be too restrictive and not allow any merit judgement of factors other than agriculture. The word "prevent" should be replaced with "discourage".

Clause 8(a)(ii) allows no discretion to Council in this matter. The word "advice" should be replaced with "consultation with" as, it is conceivable that Council could on occasions dispute advice from the Department of Agriculture and support this action with reasoned argument. The D.E.P. can then arbriate the matter at the Section 69 stage.

Clause 8(b)(ii) delete "the advice" and substitute with "consultation with" for same reasons as stated in (c).

Clause 10

Council objects to this Clause and submits that it should be deleted.

There is a perception within the D.E.P. and Department of Agriculture that consessional lots have been the major cause of the fragmentation of viable agricultural concerns. This may be the case in coastal areas where holdings are traditionally very small in size and concessional lots have represented a large proporation of the original holding.

This situation is not the case in areas further from the coast such as Kyogle Shire. In these areas the prime cause of fragmentation has been 40ha subdivisions and sale of existing portions. Typical viable farm sizes range from 100ha to 1000ha, the integrety of these holdings is not destroyed by the subdivision of small 2ha lots, but, it is seriously damaged by creation of the same number of 40ha lots or selling off existing parish portions.

Concessional lots have had a benefical effect in preventing the fragmentation of viable farms. If there is a demand for say 100 rural residential lots per year this can be satisfied by concessional lots at an average size of say 5ha resulting in 500ha being withdrawn from commercial agriculture. To satisfy the same demand in 40ha lots will result in 4000ha being withdrawn from commercial agriculture. Experience has shown that many 40ha lots purchased for rural residential purposes are larger than required by owners and the majority of each lot is unutilized and subject to neglect.

Clause 11

Council submits that the primary function of co-operative farm holdings is agricultural production and the residential component is ancillary to this purpose. The residential component should not have to be consistent with a residential land release strategy as this is irrelevant to the primary function of co-operative farms. Clause 11(b) could result in a viable farming venture being prevented for no logical reason. Clause 11(b) should, therefore be deleted.

Clause 12

This Clause is ambiguous and could be construed to require development consent for normal farm practices such as converting pasture to crop land, removing or pruning orchard trees, farm earthworks, spraying and fertilizing crops and construction of farm buildings. The Clause should be reworded to clearly state that development consent is not required for agriculture with perhaps the exceptions of intensive animal establishments and traffic generating development such as roadside dairies and roadside loading ramps.

Clause 17

This Clause assumes all L.E.P.'s are comprehensive detailed plans. Low key L.E.P.'s without environmental studies as are prepared by many rural Council's do not identify detail such as envisaged in Clause 17(a). The word "shall" in the second line of Clause 17 should be deleted and substituted with "may".

Clause 19

Council submits that houses in multiple occupancies have almost identical effect on demand for services etc as rural residential houses and, therefore, both types of rural housing should be controlled by the same planned strategy.

Clause 19(b) should be deleted and after the word "lots" in the second line of Clause 19(a) the following words should be added "and multiple occupancy".

Clause 20

This Clause seems to suggest that all future rural housing on small lots has to take place in planned and fully serviced rural residential subdivisions. The overwhelming demand in Kyogle Shire over the past 10 years has been for dwellings on small lots scattered throughout the general rural area. These people generally desire to be part of a normal country area and to segregate them into a rural residential ghetto would defeat the whole purpose of moving to the country.

It is not argued that such persons should be required to pay full costs for services and that small rural subdivisons and housing should be located in a manner that does not prejudice commerical farming, but, is considered that any proposal to require all persons who desire rural living (except commerical farmers and multiple occupants) to live in zoned rural residential subdivisions is absurd.

It is considered that Clause 20 should acknowledge that a rural land release study can allow for scattered rural residential development throughout the rural areas of a Local Government area provided the creation of such lots does not prejudice the viability of commerical farms, adequate services are available, and the provisions of Clause 20 (2)(e) are enforced.

It is submitted that an additional Clause 20 (3) should be added as follows:

"(3) The strategy referred to in Subclause (1) may provide for creation of scattered rural residential lots provided:

(a) All lots created have frontage to an all weather road connecting them to the nearest population centre.

(b) Lots are not created on prime agricultural land.

(c) The creation of the lots will not, in the opinion of the Department of Agriculture, render the balance of the farm commerically unviable.

(d) The lots created are suitable for on site disposal of sewerage, sullage and solid waste.
(e) There is access to an adequate water supply or local rainfall is such that rainwater tanks will supply adequate water.
(f) The strategy limits the portion of any holding, and the aggregate area on any holding that may be used to create scattered rural residential lots.
(g) The subdivider is required to meet full cost of all necessary services.
(h) All lots created are within walking distance of an existing school or school bus service.
(i) The land is physically suited for rural housing.
(j) The number of lots created is controlled in accordance with (2)(b) and (c)."

Clause 21(1)

This Clause could have unforeseen effects. Take the case of existing vacant concessional lots on prime agricultural land. It is unlikely that the Department of Agriculture could ever certify that a dwelling house "is necessary to maintain efficient, sustainable agricultural production" on such lots. This Clause would deny owners of such lots, who have purchased them in good faith, their existing right to construct one dwelling. This is unfair and unjust and Clause 21(1) should be deleted. Clause 20 could be altered to discourage creation of further rural residential lots on prime agricultural land.

Clause 22

Council submits that this Clause should be qualified to ensure that multiple occupancy is subject to the same controls and restrictions as rural residential dwellings.

Multiple Occupancy should not be given preferential treatment over other forms of rural housing.

Clause 24

Clause 24(c) should not be mandatory as when low key L.E.P.'s are prepared without the aid of an environmental study these areas are not identified and not able to be included in such zones.

Clause 24(c) should be prefixed by "may" rather than "shall".

Clause 25

Clause 25 requires Council approval for "large scale vegetation clearance" and requires Council take into account affect on soil erosion, wildlife and endangered species. It is considered this Clause is an unnecessary intrusion into the management of rural properties. Controls already exist for steep land and along streams under the Protected lands legislation administered by the Soil Conservation Service and if other significant areas need clearing control they can be included in environmental protection zones. Blanket control as envisaged by this Clause is unnecessary, objectionable to landowners and would be a nightmare for Councils to administer.

Council submits that this Clause should be deleted.

Clause 34(d)

Clause 34(d) forbids urban expansion on land which has conservation value. This blanket ban is not logical. The conservation value of a piece of land is a major factor to be considered when contemplating development, but, there can be cases when other factors may be more important. Each case must be considered on its merits.

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PH File Duplicates

TOWN PLANNERS REPORT TO TOWN PLANNING & BUILDING COMMITTEE TO BE HELD AT 3:00p.m., MONDAY, JUNE 16, 1986 AT KYOGLE.

7. Unauthorised Building - Legal Action.

At the Ordinary Meeting held March 3, 1986, Council resolved "This Committee to be requested to investigate the legal options open to Council to deal with unauthorised buildings and recommend appropriate action to Council within a period of 3 months".

This matter was discussed informally by the Committee March 17, but no recommendation was made by Council.

I would request members of the Committee to refer to the reports and supporting papers presented to the Planning & Building Meeting March 17, 1986.

At this stage around 30 letters have been sent out to owners of illegal dwellings (April 29 & May 29) and Councillors have a copy of the standard letter sent which requires the appending owners to commence procedures to legalise their building situations within a period of 3 months from the date of the letter.

I am hopeful that the majority of owners of illegal buildings will comply with Council's request. However if there is a case where owners refuse to take any action I am in favour of the issueing of a demolition order under Section 317B(1A) of the Local Government Act. If owners consider this action unwarranted they have the right to appeal and have the Land and Environment Court determine the matter and at least they will be required to comply with the Courts directions regarding the status of this dwelling.

The other alternative is to prosecute under the Environmental Planning and Assessment Act for continuing break of the Act in using unauthorised development. This procedure has several drawbacks being:-

1. Council must spend valuable resources in initiating the action in the Court.
2. This method is not applicable for single dwelling on lots of 40ha or more.

DA not reqd over 40ha

The advantage of the Section 317B(1A)demolition order is that it only requires a Council resolution and the onus is on the recipient to want the Court challenge and further it is applicable to all illegal dwellings.

Any such action is of course distastful and could cause much trauma to both the owners of illegal buildings, Councillors and Staff, however, the owners of illegal buildings are being given every opportunity to get their act together and 3 months is more than sufficient to initiate action to legalise their situation. I consider that Council must demonstrate it can make difficult unpopular decisions on the illegal building situation or else abandon building/planning control altogether in rural areas.

Yes. Demo "Order 90 Days.

THIS IS PAGE NUMBER FOUR AND FINAL PAGE OF TOWN PLANNING AND BUILDING COMMITTEE REPORT NO. 10.86, SUBMITTED TO THE PLANNING COMMITTEE ON MONDAY, JUNE 16, 1986.

.....SHIRE CLERK.....CHAIRMAN.

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The other alternative is to prosecute under the Environmental Planning and Assessment Act for continuing break of the Act in using unauthorised development. This procedure has several drawbacks being:-

1. Council must spend valuable resources in initiating the action in the Court.
2. This method is not applicable for single dwelling on lots of 40ha or more.

The advantage of the Section 317B(1A)demolition order is that it only requires a Council resolution and the onus is on the recipient to want the Court challenge and further it is applicable to all illegal dwellings.

Any such action is of course distastful and could cause much trauma to both the owners of illegal buildings, Councillors and Staff, however, the owners of illegal buildings are being given every opportunity to get their act together and 3 months is more than sufficient to initiate action to legalise their situation. I consider that Council must demonstrate it can make difficult unpopular decisions on the illegal building situation or else abandon building/planning control altogether in rural areas.

.....SHIRE CLERK.....CHAIRMAN.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MONDAY, MARCH 17, 1986.

9. Unauthorised Buildings - Legal Options.

The Council meeting held march 3, 1986, has requested this Committee "to investigate the legal options open to Council to deal with unathorised buildings and recommend appropriate action to Council within a period of 3 months".
Attached to this report is a letter from Solicitors, Mcdonell, Moffit, Dowling Taylor dated September 21, 1984 regarding this subject. The letter was sent specifically concerning the Everest case, but, the priciples outlined cover unathorised buildings in general.

All unauthorised dwellings are offences against the building provisions of the Local Government Act, 1919. Some are also offences against the Environmental, Planning and Assessment Act, 1979. Rural Dwellings that do not require planning approval are one or the first dwelling on a parcel of land of 40ha or more all other Rural dwellings require planning approval.

The Solicitors letter outlined four types of legal action, these are:-

(a) Environmental Planning & Assessment Act.	(b) Building Provisions of Local Government Act.
1(a) Prosecute for breach of Act, resulting in fine. Must be commenced no later than 6 months after offence	1(b) Prosecute under S. 317(1) of Act resulting in fine. Must be commenced no later than 12 months after offence

.....SHIRE CLERK.....CHAIRMAN.

INFORMATION REPORT SUBMITTED TO THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF KYOGLE, HELD ON MONDAY, APRIL 17, 1986.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MONDAY, MARCH 17, 1986.

9. Unauthorised Buildings - Legal Options. Con't.

2(a) Obtain restraining order in Land & Environment Court for orders restraining use and requiring demolition of dwellings.	2(b) Order under S. 317B (1A) of Act requiring either demolition or as alternative such work as is necessary to make building comply with Act and Ordinances. Such order issued by Council is subject to appeal in Land & Environment Court.

The above options should only be required when a owner refuses to voluntarily regularise his illegal building situation. Options 1(a) and 1(b) do not seem applicable because of the time limit. This leaves 2(a) and 2(b). If the object of the exercise is to force persons to come to Council then 2(b) may be preferable as it applies to all unauthorised dwellings. At least this will force the offending owners to come to Council with proposals to regularise their situation or at worst force them to appeal to the Land & Environment Court. Once they have done this, they are locked into the system and it will be settled one way or another.

A more difficult problem is what to do with those who do come to Council. On the planning side they can be required to submit a Development Application and this can be processed in the normal way.

The Health Surveyor can give more details on the building side however, I understand that retrospective approval is not strictly legal, despite this however it may be the fairest procedure, as long as the people involved are prepared to go along with it. Final building approval however, may exclude items such as footings which cannot be inspected after the event.

This item is submitted mainly for discussion, which may lead to formulation of a policy on these matters.

Also annexed to this report is a copy of Section 317A and 317B of the Local Government Act.

.....SHIRE CLERK.....CHAIRMAN.

317A or nothing.

McDONELL MOFFITT DOWLING TAYLER
SOLICITORS

8th FLOOR, LOMBARD HOUSE
9 BLIGH STREET, SYDNEY, 2000
PHONE: 233 1188

SYDNEY 207
MB2165.1

OUR REF: DF:8
YOUR REF: 3004M

21 September, 1984

The Director
Administration Division
Shires Association of
New South Wales
DX 1346 SYDNEY

Dear Sir,

Re: KYOGLE SHIRE COUNCIL - Unauthorised Dwellings

Thank you for your letter of 12 September received by us on 18 September, 1984.

We have set out the remedies available to Council in cases such as the present in our letter of 10 June, 1983.

However, to summarise the following remedies would appear to be available to Council on the information available to us:-

1. Council could prosecute the persons who erected the buildings or caused their erection pursuant to Section 317(1) of the Local Government Act. Any prosecution must be commenced within twelve (12) months after the date on which the building work was done. A prosecution may result in a maximum fine of $200.00. Of course, a prosecution would not cause the removal of the unauthorised structures if this is Council's objective.

2. Council could prosecute the person who erected the structures for a breach of the Environmental Planning and Assessment Act, 1979, namely erecting the dwellings without the consent of Council or in the face of a prohibition contained in the planning instrument. Such a prosecution, if commenced in a Court of Petty Sessions, would result in a maximum fine of $2,000.00. If proceedings were to be commenced in the Land and Environment Court, the written consent of the Minister would be required and there would be available a maximum penalty of $20,000.00. Any prosecution would require to be commenced no later than six (6) months after the offence was allegedly committed. The offence appears to

have been committed more than six (6) months ago, although use of the premises in breach of the planning instrument is a continuing offence so that a prosecution could be commenced in relation to the continuing use.

However, any prosecution would not, of course, result in the removal of the offending structures nor necessarily in the cessation of the use thereof.

3. Council could commence proceedings in the Land and Environment Court for orders restraining the use of the dwellings and requiring the demolition of the dwellings. In our view, such proceedings would, on the information available to us, have good prospects of success and is the preferable course of action.

4. Council could serve an order requiring demolition of the cottages pursuant to Section 317(1)(a) of the Local Government Act, 1919. However, an appeal is available against such an order in the Land and Environment Court and should the order work and be confirmed by the Court it may be still necessary for Council to commence proceedings for mandatory orders if the demolition order was not complied with.

We await any further instructions.

Yours faithfully,
McDONELL MOFFITT DOWLING TAYLER,

per:

Lyell

TOWN PLANNERS REPORT TO TOWN PLANNING & BUILDING COMMITTEE TO BE HELD AT 3:00p.m., MONDAY, JUNE 16, 1986 AT KYOGLE.

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I am hopeful that the majority of owners of illegal buildings will comply with Council's request. However if there is a case where owners refuse to take any action I am in favour of the issueing of a demolition order under Section 317B(1A) of the Local Government Act. If owners consider this action unwarranted they have the right to appeal and have the Land and Environment Court determine the matter and at least they will be required to comply with the Courts directions regarding the status of this dwelling.

The other alternative is to prosecute under the Environmental Planning and Assessment Act for continuing break of the Act in using unauthorised development. This procedure has several drawbacks being:-

1. Council must spend valuable resources in initiating the action in the Court.
2. This method is not applicable for single dwelling on lots of 40ha or more.

The advantage of the Section 317B(1A)demolition order is that it only requires a Council resolution and the onus is on the recipient to want the Court challenge and further it is applicable to all illegal dwellings.

Any such action is of course distastful and could cause much trauma to both the owners of illegal buildings, Councillors and Staff, however, the owners of illegal buildings are being given every opportunity to get their act together and 3 months is more than sufficient to initiate action to legalise their situation. I consider that Council must demonstrate it can make difficult unpopular decisions on the illegal building situation or else abandon building/planning control altogether in rural areas.

.....SHIRE CLERK.....CHAIRMAN.

PH file

INFORMATION REPORT SUBMITTED TO THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF KYOGLE, HELD ON MONDAY, APRIL 7, 1986.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MONDAY, MARCH 17, 1986.

10. Council v W. Everest.

At the Class 1 appeal by W. Everest, Council was required to submit Conditions in case the Assessor granted approval.

86/TP32 RESOLVED: That the conditions be confirmed as:-

1. Council will not undertake to improve roads, services or Community facilities in the area as a result of demand created by this development with the exception of those services or facilities provided by developer contributions.
2. Consent if for a maximum of five (5) dwellings to be constructed on the holding to be located in accordance with appended plan.
3. Fire breaks, fire trails, hazard reduction, , water storeage and other necessary bush fire fighting facilities are to be constructed and maintained in accordance with the written directions of Council's Fire Control Officer. All facilities must be completed prior to October 1986.
4. Cedar Getters Creek Road is to be rendered all weather standard by the applicant to Council's satisfaction. In addition the applicant is to contribute $1,700 per workers dwelling for Council to upgrade the road to allow for increased traffic caused by the development.
5. Applicant to contribute $70 per workers dwelling for provision of recreation facilities and amenities.
6. A solid waste disposal area is to be established and maintained on the site to the satisfaction of Council's Health Surveyor. This site is to be availabe at all times to occupants of the property.
7. The internal road system is to be designed and constructed in accordance with the advice of the N.S.W. Soil Conservation Service to minimize risk of soil erosion or land slip.
8. House sites and site excavation are to be selected and excavated in accordance with the advice of the N.S.W. Soil Conservation Service.

.....SHIRE CLERK.....CHAIRMAN.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MONDAY, MARCH 17, 1986.

10. Council v W. Everest. Con't.

9. A programme is to be prepared for COuncil's approval within 12 months of the date of consent, in conjunction with the Far North Coast County Council and carried out for the eradication of noxious weeds.

10. No temporary or moveable dwelling shall be erected or placed on the site without the prior approval of Council.

11. All dwellings shall be accessible to 4 Wheel Drive bush fire tanker and tanker turnarounds shall be placed near each dwelling to the Fire Control Officer's satisfaction.

12. A minimum storage of 1 megalite of water, accessible to fire tanker, shall be maintained at all times.

13. Each dwelling shall have a piped water supply to the kitchen and ablution areas. Each dwelling shall have storage of potable water of at lease 4,000 litres.

14. Each dwelling shall be served by an earth closet, septic system or approved equivalent.

All such closets or septic systems shall be in conformity with the requirements of the N.S.W. Health Commission and Council's Health Department. Septic system must have an adequate water supply.

No closet, sullage or septic effluent absorption trench shall be located within 50m of any watercourse. No sullage water shall be discharged direct onto the ground.

15. No building shall be constructed until building approval has been obtained from Council under Part XI of the Local Government Act, 1919.

Moved R. Standfield / S. Johnston.

11. K. Holmes - Multiple Occupancy

D.M.R. has forwarded three conditions to be attached to the development consent. These Are:-

1. The access is located such that stopping sight distance of 160M (80kph Design Speed) is available in Main Road No. 141.

2. Discharge from culverts under the drains in Main Road No. 141 is contained within an easement.

.....SHIRE CLERK.....CHAIRMAN.

THE FOLLOWING HAVE FAILED TO CONTACT K.S.C. WITH REGARD TO DWELLINGS.

LETTERS SENT OUT FOR UNAUTHORISED DWELLINGS

LETTERS SENT APRIL 29, 1986: 3 MONTHS IS NOW UP.

DEMO ORDERS

NO CONTACT.	J. & D.E. Jonge, 5 Wotherspoon Street, LISMORE. 2480.	✓	Lot 7, D.P. 710079, Parish of Boorabee, Back Creek Road.	X
12.6.86 9/86 TEMP. DWELLER LICENSE	S.R. & M.R. Hume, Doohans Road, Back Creek, BENTLEY. 2480.		Lot 2, D.P. 263312, Parish of Boorabee, Doohans Road.	
DWELLING SINCE BURNT DOWN — TOLD TO PUT PLANS IN ON NEW DWELLING	Mr P. & Mrs P.M. Pav, Doohans Road, Back Creek, BENTLEY. 2480.	✓	Lot 4, D.P. 263312, Parish of Boorabee, Doohans Road.	X
TEMP DWELLING NO CONTACT. NO D.A. REQUIRED	M/s C. Forbes, Taylors Creek Road, Collins Creek, VIA KYOGLE. 2474.	27.7.86 15/86.	Por. 86 & R.P. 1919/21, Parish of Warrazambil, Taylors Creek Road.	
NO PLANS - VISITED COUNCIL.	Mr D.R. & Mrs V.R. Reason, Collins Creek, VIA KYOGLE. 2474.	APPLIED FOR TEMP. DWELLING. BUILDINGS AS PER RESOLUTION HAVE NOT BEEN GROUPED/CLUSTERED AT COUNCIL	Lot 122, D.P. 715206, Parish of Warrazambil, Collins Creek.	
SUBMITTED LETTER NO PLANS NO D.A.	Nabam El Safah Pty Ltd, C/- Mrs K.M. Shields & Mr H.G. Calver, "Clear Springs", Collins Creek, VIA KYOGLE. 2474.		Por. 41 & 63, Parish of Warrazambil, "Clear Springs", Collins Creek.	3 wks to Submit DA
NO CONTACT.	Mr M. O'Loughlin, C/- Killiloe Road, Collins Creek, VIA KYOGLE. 2474.	✓	Por. 140, Parish of Warrazambil, Collins Creek Road.	X
21.7.86 13/86 TEMP DWELLING 6 MONTHS. D.A	W.R. & H.D. Moffatt, Smiths Creek Road, VIA KYOGLE. 2474.		Lot 1, D.P. 262903, Parish of Ettrick, Smiths Creek.	
3-6-86 TEMP DWELLERS LICENSE. 6 MONTHS. 8/86.	A.R. & K.M. Nicol, Smiths Creek Road, VIA KYOGLE. 2474.		Lot 3, D.P. 619707, Parish of Ettrick, Smiths Creek.	

NO CONTACT.

Mr F.G. Klute,
Mr P.G. & Mrs L.M. Linke,
Lot 32, Mullumbimby Road,
FEDERAL. 2480.

✓

Lot 13, D.P. 263600,
Parish of Findon,
"The Gorge", Grevillia.

X

NO CONTACT.

Mr P.L. Martin,
Grevillia,
VIA KYOGLE. 2474.

✓

Lot 12, D.P. 263600,
Parish of Findon,
"The Gorge", Grevillia.

X

LETTER. STATING UNABLE TO PAY

Mr A.G. & Mrs A.M. Martin,
Grevillia,
VIA KYOGLE. 2474.

LETTER 5 WEEKS

Lot 11, D.P. 263600,
Parish of Findon,
"The Gorge", Grevillia.

NO CONTACT.

Mr L.A. Van Den Berg,
165 Occan Street,
NORTH NARRABEEN. 2101.

✓

Lot 6, D.P. 701238,
Parish of Jiggi,
Lenna's Road.

X

Copy to: Lenna's Road, Cawongla.

NO CONTACT.

Mr A.W. Egert and M/s J.A. Gibson,
C/- 2/20 Fletcher Street,
BYRON BAY. 2481.

✓

Por. 129,
Parish of Hanging Rock,
Williams Road.

X

NO CONTACT.

Mr A. & Mrs A. Turner,
Williams Road,
CAWONGLA. 2474.

✓

Lot 4, D.P. 631016,
Parish of Hanging Rock,
Johnstons Road off Williams Road.

X

~~M/s M.L. Pedicini, NO BUILDING IN EXISTENCE~~
~~12A/2-12 Andrews Avenue,~~
~~BONDI. 2026.~~

~~Lot 6, D.P. 631016,~~
~~Parish of Hanging Rock,~~
~~Johnstons Road off Williams Road.~~

26.6.86 11/86 TEMP DWELLING 6 MONTHS

Mr H.J. & Mrs G. Basten,
Lot 5, Williams Road,
VIA KYOGLE. 2474.

26/5/1986

DEMO ON REST

Lot 5, D.P. 631016,
Parish of Hanging Rock,
Johnstons Road off Williams Road.

X

REST NOT ACCOUNTED FOR).

8-3-86 2/86 TEMP DWELLING 6 MONTHS

Mr A. Fernandez,
Williams Road,
CAWONGLA. 2474.

Lot 1, D.P. 708300,
Parish of Jiggi,
Williams Road.

21-7-86 21/86 TEMP. DWELLING 6 MONTHS (4.776 Ha)

Mr D. Turner,
Murwillumbah Road,
VIA KYOGLE. 2474.

Lot 2, D.P. 713816,
Parish of Fairymount,
Murwillumbah Road.

HDS. D.A.

YES CONTACT. NOT BUILDING FOR 10 YEARS. NOT GOING TO LIVE IN DWELLING - WEEKENDER.

Mr K. Stieler,
62 Richmond Street,
CASINO. 2470.

Lot 2, D.P. 702226,
Parish of Warrazambil,
Collins Creek.

NO CONTACT.

Mr R.G. & Mrs R.G. Muirhead,
Mr P.P. & Mrs J.R. Graf,
Horseshoe Creek,
VIA KYOGLE. 2474.

Por. 82,
Parish of Warrazambil,
Upper Horseshoe Creek.

NO CONTACT.

P.J. & K.A. Fish and J.L. Tibb,
Upper Horseshoe Creek Road,
VIA KYOGLE. 2474.

Por. 85 & 95,
Parish of Hanging Rock,
Upper Horseshoe Creek.

NO CONTACT.

Mr A.H. Masterman,
Horseshoe Creek Road,
VIA KYOGLE. 2474.

Por. 81,
Parish of Warrazambil,
Upper Horseshoe Creek.

NO CONTACT.

A.C. & K.A. Hayes,
Horseshoe Creek Road,
VIA KYOGLE. 2474.

Lot 31, D.P. 615701,
Parish of Hanging Rock,
Upper Horseshoe Creek.

YES CONTACT.
7 TEMP DWELLING LICENSES.
YES. D.A.

Black Horse Creek Pty Ltd,
Eden Creek,
VIA KYOGLE. 2474.

Lot 1, D.P. 627364,
Parish of Ettrick,
Black Horse Creek.

Building Plan
26/

Mr D.T & Mrs M.E. Hall and
M/s L. Murphy,
27 Fifth Avenue,
KATOOMBA. 2780.

Por. 63,
Parish of Hanging Rock,
Upper Horseshoe Creek.

Copy to: M/s L. Murphy,
Upper Horseshoe Creek, Via Kyogle.

21.7.86 12/86
TEMP. DWELLING.

Mr R.J. Bolton,
Horseshoe Creek Road,
VIA KYOGLE. 2474.

Lot 1, D.P. 263504,
Parish of Fairymount,
Horseshoe Creek.

NO CONTACT.

T. & G.R. Atkinson,
M. & R. Garrard, and M/s M.E. Hunt-Wade,
Horseshoe Creek,
VIA KYOGLE. 2474.

Por. 125 & Pt. Por. 124,
Parish of Fairymount,
Horseshoe Creek.

TOWN PLANNERS REPORT TO TOWN PLANNING AND BUILDING COMMITTEE TO BE HELD AT 3:00p.m., MONDAY, AUGUST 18, 1986, AT KYOGLE.

6. Development Application No. 86/89. con't.

Recommendations:

Approval be granted subject to:-

1. No improvements to existing roads, access and services will be provided by Council or any other utility authority.
2. Access to be approved by Council and constructed at applicant's expense.
3. Hall building to be minimum of 18m from road boundary.
4. Off street car parking and new access roads to be gravelled to Council's satisfaction. The spaces are to comply with Traffic Authority guidelines dimensions.
5. Any requirements of Traffic Committee to be carried out.
6. Site to be used for public purposes only.

7. Northern Rivers Electricity.

State they will be connecting electricity to W. Everest's dwellings that are to be demolished by Council.

8. Lillifield Pty Ltd.

Proposing alterations at Council's gravel pit adjoining their Multiple Occupancy.

Recommendations:

1. Council not to consider that proposal.
2. Agreement was made in November 1985 and the developer has defaulted in May 1986.
3. If land is not transferred within one (1) month, that we obtain a restraining order from Land and Environment Court to prevent any further development.

9. Department of Environment & Planning.

Landcom Multiple Occupancy.

Attached:- 1. Copy of Letter.
2. Council's conditions.

(P.V. KNIGHT),
TOWN PLANNER.

THIS IS PAGE NUMBER FIVE AND FINAL PAGE OF TOWN PLANNERS REPORT TO TOWN PLANNING AND BUILDING COMMITTEE TO BE HELD AT 3:00p.m., MONDAY, AUGUST 18, 1986, AT KYOGLE.

.....SHIRE CLERK.....CHAIRMAN.

INFORMATION REPORT SUBMITTED TO THE ORDINARY MEETING OF THE COUNCIL, OF THE SHIRE OF KYOGLE, HELD ON MONDAY, JUNE 2, 1986.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MAY 5, 1986.

7. Development Application No. 86/35. Con't.

5. Clearing is required around a very small cottage near the Common area.

The balance of the dwellings are adequately protected with surrounds well kept by mowing and gardens.

There is ample water supply on the property with two dams of large proportions which are readily accessible.

There is adequate protection for persons in a very large clearing used as a common area.

(J.D. McCARTHY),
FIRE CONTROL OFFICER.

8. Unauthorised Dwellings.

Letters were sent out to the undermentioned for these dwellings and a copy of the standard letter is attached for information.

J. & D.E. Jonge, 5 Wotherspoon Street, LISMORE. 2480.	Lot 7, D.P. 710079, Parish of Boorabee, Back Creek Road.
S.R. & M.R. Hume, Doonans Road, Back Creek, BENTLEY. 2480.	Lot 2, D.P. 263312, Parish of Boorabee, Doohans Road.
Mr. P & Mrs. P.M. Pave, Doohans Road, Back Creek, BENTLEY. 2480.	Lot 4, D.P. 263312, Parish of Boorabee, Doohans Road,
M/s. C. Forbes, Taylors Creek Road, Collins Creek, VIA KYOGLE. 2474.	Por. 86 & R.P. 1919/21, Parish of Warrazambil, Taylors Creek Road.
Mr. R.D. & Mrs. V.R. Reason, Collins Creek, VIA KYOGLE. 2474.	Lot 122, D.P. 715206, Parish of Warrazambil, Collins Creek.

.....SHIRE CLERK. .....CHAIRMAN.

INFORMATION REPORT SUBMITTED TO THE ORDINARY MEETING OF THE COUNCIL, OF THE SHIRE OF KYOGLE, HELD ON MONDAY, JUNE 2, 1986.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MAY 5, 1986.

8. Unauthorised Dwellings.

Con't.

Nabam EL Safah Pty Ltd., C/- Mrs. K.M. shidles & Mr. H.G. Calver, Collins Creek, VIA KYOGLE. 2474.	Por. 41 & 63, Parish of Warrazambil, "Clear Springs", Collins Creek.
Mr. M. O'Loughlin, C/- Killiloe Road, Collins Creek, VIA KYOGLE. 2474.	Por. 140, parish of Warrazambil, Collins Cree Road.
W.R. & H.D. Moffatt, Smiths Creek Road, VIA KYOGLE. 2474.	Lot 1, D.P. 262903, Parish of Ettrick, Smiths Creek.
A.R. & K.M. Nicol, Smiths Creek Road, VIA KYOGLE. 2474.	Lot 3, D.P. 619707, parish of Ettrick, Smiths Creek.
Mr. F.G. Klute, Mr. P.G. & Mrs. L.M. Linke, Lot 32, Mullumbimby Road, FEDERAL. 2480.	Lot 13, D.P. 263600, Parish of Findon, "The Gorge", Grevillia.
Mr. P.L. Martin, Grevillia, VIA KYOGLE. 2474.	Lot 12, D.P. 263600, Parish of Findon, "The Gorge", Grevillia.
Mr. A.C. & Mrs. A.M. Martin, Grevillia, VIA KYOGLE. 2474.	Lot 11, D.P. 263600, Parish of Findon, "The Gorge", Grevillia.
Mr. L.A. Van Den Berg, 165 Ocean Street, NORTH NARRABEEN. 2101.	Lot 6, D.P. 701238, Parish of Jiggi, Lenna's Road.
Copy to: Lenna's Road, Cawongla.	
Mr. A.W. Egert & M/s.J.A. Gibson, C/- 2/20 Fletcher Street, BYRON BAY. 2481.	Por. 129, Parish of Hanging Rock, Williams Road.
Mr. A. & Mrs. A. Turner, Williams Road, CAWONGLA. 2474.	Lot 4, D.P. 631016, Parish fo Hanging Rock, Johnstons Road off Williams Road.
M/s. M.L. Pedicini, 12A/2-12 Andrews Avenue, BONDI. 2026.	Lot 6, D.P. 631016, Parish of Hanging Rock, Johnstons Road off Williams Road.

.....SHIRE CLERK. .....CHAIRMAN.

INFORMATION REPORT SUBMITTED TO THE ORDINARY MEETING OF THE COUNCIL, OF THE SHIRE OF KYOGLE, HELD ON MONDAY, JUNE 2, 1986.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MAY 5, 1986.

8. Unauthorised Dwellings. Con't.

Mr. H.J. & Mrs. G. Basten, Lot 5, Williams Road, VIA KYOGLE. 2474.	Lot 5, D.P. 631016, Parish of Hanging Rock, Johnstons Road of Williams Road.
Mr. A. Fernandez, Williams Road, CAWONGLA. 2474.	Lot 1, D.P. 708300, Parish of Jiggi, Williams Road
Mr. D. Turner, Murwillumbah Road, VIA KYOGLE. 2474.	Lot 2, D.P. 713816, Parish of Fairymount, Murwillumbah Road.
Mr. K. Stieler, 62 Richmond Street, CASINO. 2470.	Lot 2, D.P. 702226, Parish of Warrazambil, Collins Creek.
Mr. R.G. & Mrs. R.G. Muirhead, Mr. P.P. & Mrs. J.R. Graf, Horseshoe Creek, VIA KYOGLE. 2474.	Por. 82, Parish of Warrazambil, Upper Horseshoe Creek.
P.J. & K.A. Fish & J.L. Tibb, Upper Horseshoe Creek Road, VIA KYOGLE. 2474.	Por. 85 & 95, Parish of Hanging Rock, Upper Horseshoe Creek.
Mr. A.H. Masterman, Horseshoe Creek Road, VIA KYOGLE. 2474.	Por. 81, Parish of Warrazambil, Upper Horseshoe Creek.
A.C. & K.A. Hayes, Horseshoe Crekk Road, VIA KYOGLE. 2474.	Lot 31, D.P. 615701, Parish of Hanging Rock, Upper Horseshoe Creek.
Black Horse Creek Pty Ltd., Eden Creek, VIA KYOGLE. 2474.	Lot 1, D.P. 627364, Parish of Ettrick Black Horse Creek.
Mr. D.T. & Mrs. M.E. Hall and M/s. L. Murphy, 27 Fifth Avenue, KATOOMBA. 2780.	Por. 63, Parish of Hanging Rock, Upper HOrseshoe Creek,
Copy to M/s. L. Murphy, Upper Horseshoe Creek, Via Kyogle.	
Mr. R.J. Bolton, Horseshoe Creek Road, VIA KYOGLE. 2474.	Lot 1, D.P. 263504, Parish of Fiarymount, Horseshoe Creek.

.....SHIRE CLERK. .....CHAIRMAN.

INFORMATION REPORT SUBMITTED TO THE ORDINARY MEETING OF THE COUNCIL, OF THE SHIRE OF KYOGLE, HELD ON MONDAY, JUNE 2, 1986.

MINUTES OF THE TOWN PLANNING AND BUILDING COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, KYOGLE ON MAY 5, 1985, AT KYOGLE.

8. Unauthorised Dwellings.

Con't.

T. & G.R. Atkinson, M. & R. Garrard, and M/s. M.E. Hunt-Wade Horseshoe Creek, VIA KYOGLE. 2474.	Por. 125 & Pt. Por. 124, Parish of Fairymount, Horseshoe Creek,
Mr. Jonothan Chance, Horseshoe Creek, VIA KYOGLE. 2474.	Lot 6, D.P. 263504, Parish of Hanging Rock, Horseshoe Creek.
Mr. K.V. Taranto & M/s. R.P. Mailman, KYOGLE. 2474.	Lot 2, D.P. 598292, Parish of Hanging Rock, Horseshoe Creek.

86/TP49 RESOLVED: That the report be received.

Moved S. Johnston / R. Standfield.

9. B. Ribbons.

The Committee was informed that the developer had not commenced work and the Bank Guarantee had been drawn upon as previously resolved.

10. Certificates under Section 149.

New detailed Certificates under Section 149 of the Environmental Planning & Assessment Act, 1979, are required as from May 1, 1986 at the Vendor's expense. The fee may have been reduced to $25 for all information supplied thereon.

.....SHIRE CLERK. .....CHAIRMAN.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE SHIRE CLERK
P.O. BOX NO. 11
KYOGLE. 2474.

CONTACT.....
FOR FURTHER ENQUIRIES

KYOGLE SHIRE COUNCIL

ADMINISTRATIVE OFFICE:
STRATHEDEN STREET
KYOGLE. N.S.W. 2474.
TELEPHONE: KYOGLE 32 1611 (4 LINES)

IN YOUR REPLY
PLEASE QUOTE:

Unauthorised Building

Dear Sir,

Your property ..... was visited by Council Officers at ..... a.m./p.m. on ....., 1986, and it was observed that the buildings shown on Annexure "A" have been constructed/placed on your property without the necessary written approvals of Council. A summary of the general approvals required are shown on Annexure "B".

Council is most anxious that all buildings are legally authorised and you are invited to consult with Council's Town Planning and Building Staff who will be pleased to advise you of steps which can be taken to obtain approval for your building(s). It is required, however, that you commence these steps within a period of three months from the date of this letter, otherwise, Council will take legal action.

If you have any questions or if you do not fully understand the contents of this letter please contact the Town Planning and Building Staff on (066) 32 1611.

(Shire Engineer/Town Planner: Mr P. Knight)
(Senior Engineer/Development Control Officer: Mr B. Hannigan)
(Chief Health and Building Surveyor: Mr R. Judd)
(8.00 a.m. to 8.30 a.m. (Mon-Thurs) for Mr Judd)

Yours faithfully,

(P.D. THEW),
SHIRE CLERK.

ANNEXURE "A"

PROPERTY: Location: .....
Parish: .....
Portion(s): .....

OWNER(S): .....
.....
.....

UNAUTHORISED BUILDING(S): .....
.....
.....
.....

REMARKS: .....
.....
.....
.....
.....
.....
.....
.....

ANNEXURE "B"

Approval Required for Construction/Erection or Placement of Building in Rural Areas

1. Agricultural Buildings:

Approval is not required for construction of normal farm sheds, yards, dairys, etc that are not for human habitation. The location of these buildings, however, is still governed by set back regulations from road boundaries.

Large animal housing establishments (e.g. piggeries, poultry farms, etc) sometimes require approval, depending on their size.

2. Planning Approval:

Planning approval is required for all buildings that are not used for dwelling houses, agriculture or forestry. Planning approval is required for all dwellings on properties of less than 40ha. Planning approval is not required for the first or only dwelling on a property of more than 40ha. Planning approval is required for the second and any more dwellings on a property of more than 40ha.

To obtain planning approval, submit a development application to Council (forms available at Council's Office).

3. Building Approval:

All buildings (apart from farm sheds, etc) require building approval.

Forms .../

ANNEXURE "B" (2)

3. Building Approval (Cont'd)

Forms are available at Council's Office. (It may be necessary to have previously obtained an Owner Builders Permit from the N.S.W. Builders Licensing Board, forms available from Council's Office).

4. Submission of Applications:

It is usual for single dwellings to submit the development application (if required) and building applications at the same time.

When there is more than one dwelling on a property a development application for either Multiple Occupancy or workers dwelling is required. When development approval is granted, the building applications should be submitted.

5. Contributions:

Council requires no development contributions for properties with one dwelling only.

Contributions are required for upgrading of local roads and recreation reserves for any other dwellings on a property.

The current (1986) rate of contribution is $1,770 per dwelling ($1,700 roads and $70 reserves).

The Contributions are not required with a development application, but, are required when building applications are submitted for the second and subsequent dwellings on a property.

ANNEXURE "B" (3)

6. Tents/Caravans/Temporary and Movable Dwellings:

Provided development approval has been obtained or development approval is unnecessary, as on interim measure Council may issue a license for occupation of a temporary or moveable dwelling.

Applications for temporary or moveable dwelling license are to be in writing with a fee of $25. License is for a period of six months, but, may be extended if a building application with plans, and specifications has been submitted to Council.

- - - - - -