



NAMBUCCA VALLEY COUNCIL

SCOTTS HEAD SLSC

ORDINARY COUNCIL MEETING

AGENDA ITEMS

11 APRIL 2024

Council has adopted the following Vision and Mission Statements to describe its philosophy and to provide a focus for the program areas detailed in its Delivery Program.

Our Vision

Nambucca Valley ~ Living at its best.

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

Our Values in Delivery

- *Professionalism:*
Show drive and motivation, innovation, risk awareness, an awareness of strengths and weaknesses and a commitment to learning.
- *Accountability:*
Take responsibility for own actions, act in line with legislation and policy and be open and honest.
- *Community Focus:*
Commit to delivering customer and community focused services in line with strategic objectives.
- *Team work:*
Be a respectful, inclusive and reliable team member, collaborate with others and value diversity.
- *Safety:*
Strive towards a safety focused workplace culture to ensure the wellbeing of staff, their families and the community.
- *Value for Money:*
Achieve results through efficient use of resources and a commitment to quality outcomes.
- *Leadership (Managers):*
Engage and motivate staff, develop capability and potential in others and champion positive change.

Council Meetings: Overview and Proceedings

Council meetings are held on the **last Thursday** of each month AND on the Thursday two weeks before the Thursday meeting. Both meetings commence at **5.30 pm**. Meetings are held in the Council Chamber at Council's Administration Centre—44 Princess Street, Macksville (unless otherwise advertised).

How can a Member of the Public Speak at a Council Meeting?

1 Addressing Council with regard to an item on the meeting agenda:

Members of the public are welcome to attend meetings and address the Council. Registration to speak may be made by application on Council's website <https://nambucca.nsw.gov.au/addressscouncil> before 11.00 am on a meeting day. The relevant agenda item will be brought forward at 5.30 pm in agenda order, and dealt with following preliminary business items on the agenda. Public addresses are limited to five (5) minutes per person with a limit of two people speaking for and two speaking against an item.

2 Public forum address regarding matters not on the meeting agenda:

Nambucca Valley Council believes that the opportunity for any person to address the Council in relation to any matter which concerns them is an important demonstration of local democracy and our values. Accordingly Council allows members of the public to address it on matters not listed in the agenda provided the request is received before publication of the agenda (registration to speak may be made by application on Council's website <https://nambucca.nsw.gov.au/addressscouncil> before 11.00 am on a meeting day) and the subject of the address is disclosed and recorded on the agenda.

In relation to regulatory or enforcement matters it needs to be understood that the Council has certain legal obligations which will generally prevent the Council from providing an immediate response to any concerns or grievances which may be raised in the public forum. In particular the Council has to provide procedural fairness and consider all relevant information.

Generally this cannot be done with matters which have come direct to Council via the public forum. So the fact that the Council may not immediately agree to the representations and seek a report instead should not be taken to indicate disagreement or disinterest.

Where the subject matter concerns an on-going complaint which has been the subject of previous investigation by Council staff and/or external bodies such as the NSW Ombudsman, the General Manager in consultation with the Mayor will decide on whether or not the person will be allowed to speak in the public forum.

Speakers should address issues and refrain from making personal attacks or derogatory remarks. You must treat others with respect at all times.

Council Meeting Audio Recordings

Council audio records all Council Meetings and the recordings are posted on the website once the Minutes are released. Please note that the audio files could be quite large and may take a while to download.

Meeting Agenda

These are available Council's website: www.nambucca.nsw.gov.au



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 11 APRIL 2024

VENUE: SCOTTS HEAD SLSC – 5PM

Acknowledgement of Country *(Mayor)*

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

Council Meeting Audio Recordings *(Mayor)*

This meeting is being webcast and those in attendance should refrain from making any defamatory statements.

AGENDA	Page
1 APOLOGIES	
2 PRAYER	
3 DISCLOSURES OF INTERESTS	
4 CONFIRMATION OF MINUTES — <i>Ordinary Council Meeting - 28 March 2024</i>	8
5 NOTICES OF MOTION	
5.1 Request for Leave 29 April to 13 May 2024 - CR Rhonda Hoban OAM.....	17
5.2 Request to Name Side Road and Correct Rural Addressing - Kosekai Road.....	18
6 PUBLIC FORUM & DELEGATIONS	
7 ASKING OF QUESTIONS WITH NOTICE	
8 QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED	
9 GENERAL MANAGER REPORTS	
9.1 Outstanding Actions and Reports	21
10 DIRECTOR CORPORATE SERVICES REPORTS	
10.1 Lease to Nambucca River Jockey Club Ltd - Bowraville Racecourse	36
11 MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS	
11.1 Undetermined Development Applications greater than 12 months, where submissions have been received, or where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation	39
11.2 Horticulture within the Nambucca Valley	42
11.3 Valla Urban Growth Area Amendment.....	50

NAMBUCCA VALLEY COUNCIL



DISCLOSURE OF INTEREST AT MEETINGS

Name of Meeting: _____

Meeting Date: _____

Item/Report Number: _____

Item/Report Title: _____

I _____ declare the following interest:
(name)

☐

Pecuniary – must leave chamber, take no part in discussion and voting.

☐

Non Pecuniary – Significant Conflict – Recommended that Councillor/Member leaves chamber, takes no part in discussion or voting.

☐

Non-Pecuniary – Less Significant Conflict – Councillor/Member may choose to remain in Chamber and participate in discussion and voting.

For the reason that _____

Signed _____

Date _____

Council's Email Address – council@nambucca.nsw.gov.au

(Instructions and definitions are provided on the next page).

Definitions

(Local Government Act and Code of Conduct)

Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

(Local Government Act, 1993 section 442 and 443)

A Councillor or other member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Council or other member must not take part in the consideration or discussion on the matter and must not vote on any question relating to that matter. *(Section 451).*

Non-pecuniary – A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

If you have declared a non-pecuniary conflict of interest you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interest in at least one of these ways.

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or visa-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

- 1 This form must be completed using block letters or typed.
- 2 If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.25 of the Code of Conduct – Councillors and 4.37 of the Code of Conduct - Council for the Nambucca Valley Council (the Codes of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Codes of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Codes of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Codes of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests byin the matter of
 which is to be considered at a meeting of the

 to be held on the.....day of 20

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature:

Date:

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

The following document is the minutes of the Ordinary Council meeting held **28 MARCH 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 11 April 2024 and therefore subject to change. Please refer to the minutes of 11 April 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Martin Ballangarry OAM
Cr David Jones

Cr James Angel
Cr Ricky Buchanan
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

Bede Spannagle (General Manager)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

Matthew Sykes (Director Corporate Services)
Evan Webb (Chief Financial Officer)

APOLOGIES

Cr Susan Jenvey
Daniel Walsh (Manager Development Environment)

Cr Troy Vance

ABSENT

Nil

ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements

PRAYER

Minister Gary White from the Nambucca River Presbyterian Churches offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 14 MARCH 2024

85/24 **RESOLVED:** (Jones/Buchanan)

That the minutes of the Ordinary Council Meeting of 14 March 2024 be confirmed.

DELEGATIONS

86/24 **RESOLVED:** (Jones/Wilson)

That the following delegations be heard:

Item 10.4 Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing

i Tamara McWilliam - Against the recommendation

Item 10.4 Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing

i Tamara McWilliam addressed Council with notes placed on 15770/2024 SF 3424.

ITEM 10.4 SF2911 280324 Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing.

87/24 **RESOLVED:** (Hoban/Angel)

THAT Council:

- 1 Note the termination of the current licence with Nambucca Valley Tourism Association for tourism marketing in the Nambucca Valley Council Local Government Area and for the operation of the Nambucca Valley Visitor Information Centre effective 2 April 2024.
- 2 Note the interim arrangements for tourism marketing in the Nambucca Valley Council Local Government Area and for the operation of the Nambucca Valley Visitor Information Centre. Those arrangements being retaining the employment of a casual Tourism Volunteer Coordinator for 3 hours per week by Nambucca Valley Council and the oversight of other tourism functions by Nambucca Valley Council's Community Development Officer. Both arrangements have nil impact on the 2023/24 budget as these costs are offset by not paying the 1 April 2024 to 30 June 2024 quarterly contribution to the licensee of \$17,250.
- 3 Council receive a further report exploring options 2 and 3 and the proposal from the Valley Hub.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

There were no questions for Closed Meeting where due notice has been received.

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	280324	Outstanding Actions and Reports
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88/24 RESOLVED:	(Angel/Wilson)
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THAT the list of outstanding actions and reports be noted and received for information by Council.

ITEM 9.2	PRF73	280324	Council Nominations for Gaagal Wanggaan National Park Board of Management
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89/24 RESOLVED:	(Wilson/Buchanan)
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THAT Council seek two nominations from Councillors for each position of Member and Deputy on the Gaagal Wanggaan National Park Board of Management.

90/24 **RESOLVED:** (Hoban/Buchanan)

THAT Council staff seek advice and notify all Councillors of the details of meeting times and frequency and any interested Councillor put forward their name prior to the next Council meeting for Council endorsement.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1	SF3358	280324	Investment Report to 29 February 2024
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91/24 RESOLVED:	(Angel/Wilson)
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THAT Council:

- 1 Note the Chief Financial Officer's report on Investments for the period February 2024.**
 - 2 Adopt the certification of the Responsible Accounting Officer for the period of February 2024.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

ITEM 10.2 SF3334 280324 Donations Program (Section 356) 2023/2024 - LATE Applications
for Approval

92/24 **RESOLVED:** (Angel/Buchanan)

THAT Council approve the two (2) late eligible applications for monetary donation requests, received for the Donations Program, totalling \$730.00, up to the capped amount of \$500.00 each, or a lesser amount as requested.

ITEM 10.3 SF1031 280324 Draft Land Acquisition Policy

93/24 **RESOLVED:** (Jones/Angel)

THAT Council:

- 1 Endorse the attached draft Land Acquisition Policy G 46 and place it on public exhibition for 28 days.**
- 2 Note after Public Exhibition, the draft Land Acquisition Policy G 46 will be reported back to Council for adoption.**

94/24 **RESOLVED:** (Hoban/Jones)

When staffing resources permit, Council review the Policy and Procedures Framework Policy.

ITEM 10.4 dealt under delegations.

ITEM 10.5 SF298 280324 Annual General Meeting Minutes Argents Hill Hall Committee of
Management 7 February 2024

95/24 **RESOLVED:** (Angel/Wilson)

THAT Council note the Minutes of Agents Hill Hall Committee of Management's Annual General Meeting held on 7 February 2024 and thank ongoing members for their efforts over the past twelve months.

ITEM 10.6 SF251 280324 Schedule of Council Meetings - 11 April 2024 to 29 August 2024

96/24 **RESOLVED:** (Jones/Buchanan)

THAT Council note the schedule of meeting dates for 11 April 2024 to 29 August 2024.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF1406 280324 Nominations for Northern Regional Planning Panel (NRPP)

97/24 **RESOLVED:** (Angel/Buchanan)

THAT Council appoint Kempsey Shire Council's:

- 1 **Mayor - Leo Hauville and Strategic & Environmental Planning Manager - Peter Orr as Nambucca Valley Council's members on the Northern Regional Planning Panel.**
- 2 **Group Manager Development and Compliance - Retha du Preez, Principal Planner - Melissa Ziade, and Development Services Manager - Adam Costenoble as alternate members on the Northern Regional Planning Panel.**

ITEM 11.2 SF3410 280324 Undetermined Development Applications greater than 12 months, where submissions have been received, or where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation

98/24 **RESOLVED:** (Wilson/Buchanan)

THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 20 March 2024, and development applications determined from 7 March to 20 March 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.3 SF1545 280324 Budget Variation for Pound Upgrades

99/24 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 **Allocate an additional \$30,000 in the 2023/24 budget to facilitate the first stage of upgrades to Council's Pound.**
- 2 **Note the allocation of \$120,000 in the 2024/25 draft budget to facilitate the second stage of upgrades to Council's Pound.**

ITEM 11.4 SF1148 280324 Council's Rangers' Report and Penalties Issued for February 2024

100/24 **RESOLVED:** (Buchanan/Wilson)

THAT Council:

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

- 1 Receive the Rangers' Impounding Statistics for the month of February 2024.
- 2 Note the penalties issued for the month of February 2024.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

101/24 **RESOLVED:** (Buchanan/Angel)

- 1 That Council consider any written representations from the public as to why the Meeting should not be Closed to the public.
- 2 That Council move into Closed Meeting to discuss the matters for the reason(s) listed below.

Reason reports are in Closed Meeting:

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF2905 280324 Consideration of Rural Fire Service Tender RFT 10063341 - Valla and Newee Creek Building Projects

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 280324 T007/2023 - Tender for Provision of Security Services

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 280324 Land Acquisition/Disposal - Lower Buckra Bendinni Road

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

ITEM 12.4 SF3420 280324 Matters Regarding Realised or Potential Losses

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:08 PM.

RESUME IN OPEN MEETING

102/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:31 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF2905 280324 Consideration of Rural Fire Service Tender RFT 10063341 - Valla and Newee Creek Building Projects

103/24 **RESOLVED:** (Angel/Buchanan)

THAT Council accept the Tender submitted by Level Projects Pty Ltd at a combined price of \$2,103,040.25 (including GST) as per the *Local Government (General) Regulation 2021 Section 178 (1)(a)*.

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, M Ballangarry and Wilson
	Total (6)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 280324 T007/2023 - Tender for Provision of Security Services

104/24 **RESOLVED:** (Angel/Buchanan)

That Council decline to accept any of the tender submissions as per *Local Government (General) Regulation 2021 Section 178 (1)(b)* and cancel the proposal for the contract as per *Local Government (General) Regulation 2021 Section 178 (3)(a)* for Tender T007/2023 for Provision of Security Services due to:

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

- a MME Security who was the previously approved successful tenderer rejecting the tender offer on the basis that they now do not have the capacity to take on the tender, and
- b The price difference between the first placed tenderer and the second placed tenderer.

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, M Ballangarry and Wilson
	Total (6)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 12.3	SF3420	280324	Land Acquisition/Disposal - Lower Buckra Bendinni Road
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105/24 **RESOLVED:** (Jones/Wilson)

THAT Council approve the agreement for land exchange as detailed in the attached document being acquisition of 236.6m2 from Lot 11 DP 1287883 Lower Buckra Bendinni Road in exchange for 236.7m2 of dedicated road reserve to be closed and transferred to Lot 1 DP 1263688 Lower Buckra Bendinni Road in full and adequate compensation, pursuant to clause 377 (1) (h) of the *Local Government Act 1993*.

For Confidential Business Paper in Closed Meeting

ITEM 12.4	SF3420	280324	Matters Regarding Realised or Potential Losses
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106/24 **RESOLVED:** (Jones/Buchanan)

THAT Council note the information concerning incidents where there is a realised or potential loss of funds and/or reputation.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:36 PM.

Confirmed and signed by the Mayor on **28 MARCH 2024**

**Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)**

NOTICE OF MOTION

ITEM 5.1 SF3422 110424 REQUEST FOR LEAVE 29 APRIL TO 13 MAY 2024 - CR
RHONDA HOBAN OAM

AUTHOR/ENQUIRIES: Rhonda Hoban OAM, Councillor

SUMMARY:

Cr Rhonda Hoban OAM has requested leave for the period 29 April 2024 to 13 May 2024 inclusive.

RECOMMENDATION:

That Cr Rhonda Hoban OAM be granted leave of absence in accordance with Section 234(d) of the *Local Government Act 1993* for the period of 29 April 2024 to 13 May 2024 inclusive.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

There are no direct or indirect impacts on current and future budgets.

ATTACHMENTS:

There are no attachments for this report.

NOTICE OF MOTION

ITEM 5.2 SF3422 110424 REQUEST TO NAME SIDE ROAD AND CORRECT RURAL ADDRESSING - KOSEKAI ROAD

AUTHOR/ENQUIRIES: Rhonda Hoban OAM, Councillor

SUMMARY:

Attention has been drawn to anomalies in the rural road numbering for properties on Kosekai Road and an unnamed side road that runs off Kosekai Road which services several properties. It became a particular issue during the 2019 fires.

When numbered correctly, the rural road numbering system is an invaluable means of getting help to properties quickly in an emergency.

Some local residents have already offered suggestions for naming the unnamed side road but it will require further consultation and adherence to the requirements of the Guidelines for the Naming of Roads by the Geographical Names Board:

Wanbro (pronounced Wombro. Wanbro was a Gumbaynggirr man who is buried in a cave on Whip Mountain))
Dunggir (Dunggir National Park is nearby)
Mistake (Mistake State Forest is nearby)

If the side road is named the properties on it will need new rural road numbers and regardless of whether the side road is named there is still a need to correct numbering on Kosekai Road which will require consultation with affected residents.

RECOMMENDATION:

THAT Council:

- 1 Consult affected residents to name the side road that runs off Kosekai Road and seek their view on a preference of Wanbro, Dunggir and Mistake in that order or any other name they might suggest.**
- 2 Consult all affected residents on both the side road and Kosekai Road regarding correcting the rural road numbering to aid accurate location for visiting traffic and in particular emergency services.**
- 3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option

DISCUSSION:

Council staff have undertaken a check of all current addresses and listed below is a table of current and proposed address allocations for properties on Kosekai Road and the side road. Three new addresses/rural road numbers will be assigned to the "New Road"

ITEM 5.2 REQUEST TO NAME SIDE ROAD AND CORRECT RURAL ADDRESSING - KOSEKAI ROAD

Current Address	New Address	Note
4 Kosekai Road	4 Kosekai Road	Property address unchanged
46 Kosekai Road	46 Kosekai Road	Property address unchanged
81 Kosekai Road	136 Kosekai Road	New Rural Road Number assigned to property
59 Kosekai Road	174A Kosekai Road	New Rural Road Number assigned to property
61 Kosekai Road	174B Kosekai Road	New Rural Road Number assigned to property
63 Kosekai Road	362 Kosekai Road	New Rural Road Number assigned to property
83 Kosekai Road	27 "New Road Name"	New Rural Road Number assigned to property
Property not addressed	44 "New Road Name"	Rural Road Number assigned to property
84 Kosekai Road	67 "New Road Name"	New Rural Road Number assigned to property

A Rural Road Number (based on the "NSW Address Policy and User Manual" see attachment) was assigned to all rural properties in Council starting in 1999.

The attachment titled "Rural addressing for NSW" is the document GIS supply to owners/tenants when asked about or querying their Rural Road Number or rural street address, this document explains the Rural Addressing system used throughout Australia.

Naming of the new road will require consultation with the owners of the three properties on "New Road Name" and will need to be done in accordance with the Roads Act 1993, Roads (General) Regulation 2008 and the provisions of Guidelines for the Naming of Roads by the Geographical Names Board.

If approved Council's Senior GIS Officer will then inform the State Government, Telstra, and Australia Post of new addresses. The owners or tenants of properties will be required to update their address details for drivers licences, Medicare, passports, banks, utilities etc.

CONSULTATION:

Consultation will be required with;

- Geographical Names Board
- Affected residents

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Minor cost of road signs and rural road numbering.

Some staff time involved in the consultation and the process for road naming through the Geographical Names Board.

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan





Nil

Service level changes and resourcing/staff implications

Will provide a better level of service for the residents with accurate rural addresses and locating ability during emergency situations.

ITEM 5.2 REQUEST TO NAME SIDE ROAD AND CORRECT RURAL ADDRESSING - KOSEKAI ROAD

ATTACHMENTS:

- 1  16335/2024 - Final Rural Road Numbers A3L Aerial Photo
- 2  16336/2024 - Final Rural Road Numbers A3L
- 3  16337/2024 - Fact Sheet Rural Addressing for NSW
- 4  16339/2024 - NSW Address Policy and User Manual 2021-3

GENERAL MANAGER**ITEM 9.1 SF959 110424 OUTSTANDING ACTIONS AND REPORTS**

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager; Matthew Sykes, Director Corporate Services; David Moloney, Director Engineering Services; Evan Webb, Chief Financial Officer; Keith Williams, Manager Technical Services; Joanne Hudson, Manager Human Resources; Daniel Walsh, Manager Development and Environment; Stephen Saunders, Manager Economic Development

The following table is a report on all outstanding resolutions and questions from Councillors (except development consents, development control plans & local environmental plans). Matters noted or received, together with resolutions adopting rates, fees and charges are not listed. Where matters have been actioned, they are indicated with strikethrough and then removed from the report to the following meeting. Please note that the status is updated one week before the Council meeting.

RECOMMENDATION:

THAT the list of outstanding actions and reports be noted and received for information by Council.

	FILE NO	COUNCIL MEETING	SUMMARY OF MATTER	ACTION BY	STATUS
MARCH 2022					
1	SF2143	31/03/22 13/10/22	That an Asbestos Management Register for all Council buildings be prepared once a funding source is obtained.	DES	<p>19/07/22 – Manager of Assets has advised that there are registers/management plans for all sites containing asbestos. These will be available through QR codes at each site.</p> <p>06/09/22 – Further investigation into feasibility of required actions to be undertaken.</p> <p>17/10/22 – Timeframe for establishment of register to be determined and copies of plans to be sent to each Committee.</p> <p>14/11/22 – No further update.</p> <p>05/12/22 – Management Plans to be sent out by the end of December, register anticipated to be finalised by the end of the financial year.</p> <p>01/02/23 – Plans to be sent out as soon as possible.</p> <p>13/02/23 – Plans are being sent out. Registers anticipated to be finalised this financial year.</p> <p>08/03/23 – Included in draft budget to fund remaining works.</p> <p>20/03/23 to 20/09/23 - No further update.</p> <p>04/10/23 – Budget allocation is for an audit of the registers via a contractor yet to be engaged.</p> <p>18/10/23 – No further update.</p> <p>06/11/23 to 22/11/23 - No further update.</p> <p>05/12/2023 – Works currently in progress.</p> <p>10/01/24 – A/MAF arranging a consultant to progress works.</p> <p>8/2/24 to 20/03/24 – Request for Quote (RFQ) now being prepared by LGP.</p> <p>27/3/24 – We hold good information related to buildings but insufficient information in the Water & Sewer space. A brief to a</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					suitable consultant has been commenced but not completed due to conflicting priorities with limited resources.
MAY 2022					
2	DA202 2/115	26/5/22	<p>2 Once the proposed lots are registered, Council gives public notice of a proposed resolution to reclassify Lot 2 from operational land back to community land in accordance with section 34 of the Local Government Act 1993.</p> <p>3 A report on any submissions to Council's public notice of a proposed resolution to reclassify proposed Lot 2 from operational land back to community land be presented to Council after the exhibition period.</p>	MDE	<p>08/06/22 – Waiting on registration of the Lots.</p> <p>05/07/22 – As part of the registration of the plan of subdivision, it was intended to dedicate Coronation Street as public road. Currently it is partly located within Crown land and Council land. The Crown have advised Council that this can't occur unless Council compulsory acquires the section of Crown land. In addition to this, the Bowra Hub development intend to locate their power lines within the Crown land to supply the Hub. The Crown have advised that this cannot occur until a licence is obtained for the placement of the electricity line within Crown land.</p> <p>Council is in the process of obtaining a licence for the placement of the electricity line within the Crown Land and the compulsory acquisition of the section of Crown land. This will be reported to Council separately.</p> <p>To finalise the plan of subdivision, it will be registered without Coronation Street as a public road. A right of carriageway will be created benefiting the Hub development across Council land.</p> <p>19/07/22 – Awaiting concurrence from NSW LALC to enable licence application to be lodged.</p> <p>17/08/22 – Still awaiting concurrence. NSW LALC have advised concurrence is not a certain outcome and will be presented to a board meeting.</p> <p>06/09/22 – Plan in the process of being registered.</p> <p>04/10/22 – No further update.</p> <p>19/10/22 – Plan having final amendments made before being sent for pre-examination.</p> <p>02/11/22 – Final amendments still being made.</p> <p>16/11/22 – Lodged on 14 November 2022 for pre-examination.</p> <p>05/12/22 –Subdivision Certificate issued and documents to be executed prior to registration.</p> <p>01/02/23 – Delays due to resignation of Registered Surveyor.</p> <p>13/02/23 – Surveyors are doing final markings on site prior to lodgement of plans of registration.</p> <p>08/03/23 – No further update.</p> <p>22/03/23 – Plan/s88B in process of being signed by Essential Energy. Once done it can be sent for registration.</p> <p>05/04/23 - No further update.</p> <p>19/04/23 – 9/8/23 – Waiting for Essential Energy.</p> <p>23/8/23 – Amendments to plans being</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>done to satisfy Essential Energy requirements.</p> <p>06/09/23 – 18/10/23 – Amendments being finalised.</p> <p>07/11/23 – Amended plans sent to Essential Energy for signing.</p> <p>22/11/23 – 6/12/23 - No further update.</p> <p>10/01/24 – 20/03/24 - All documents have been signed for registration. Once registered the public notice will be made and reported back to Council.</p> <p>3/04/24 – plans registered, reclassification to go on exhibition.</p>
3	SF3168	13/10/22	That in consultation and possible partnership with Bellingen Shire Council, Nambucca Valley Council seek a meeting or meetings with nearby Councils (Port Macquarie-Hastings, Kempsey, Bellingen, and Coffs Harbour) to discuss potential options for waste arrangements post early 2027 when the current Coffs Coast Waste contracts are due to expire.	MDE	<p>19/10/22 – Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022.</p> <p>02/11/22 – Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022 and seek agreement to meet with Port Macquarie-Hastings, Kempsey.</p> <p>15/11/22 – Meeting with General Manager of Bellingen Shire and agreed to organise further meetings with General Managers of Bellingen, Kempsey, Port Macquarie Hastings Councils.</p> <p>Regional Waste Strategy Reference Group meeting has been deferred until Wednesday 30 November 2022.</p> <p>01/02/23 – Meeting being arranged with Bellingen, Kempsey and Port Macquarie Hastings Councils.</p> <p>16/02/23 – Virtual meeting arranged for 22 March 2023.</p> <p>20/3/23 – Outcomes of discussions with surrounding Councils will be reported back to Council as part of a future options report once all options have been investigated.</p> <p>22/03/23 – Meeting to be held 22 March 2023 with Bellingen, Kempsey, Nambucca Valley and Port Macquarie Councils.</p> <p>30/03/23 – Item to remain open at the request of Cr Jenvey.</p> <p>05/04/23 – Refer to separate report. Note that a future report will be referred to Council once all options for Councils future waste strategy has been finalised.</p> <p>13/04/23 – Resolution 133/23 that Council not enter into an agreement to accept any residue waste from City of Coffs Harbour Council.</p> <p>14/04/23 – Correspondence sent to GM City of Coffs Harbour Council (CoCH) advising NVC not in a position to offer access to our landfill at this point in time.</p> <p>19/04/23 – Meeting to be arranged by EPA.</p> <p>03/05/23 - The EPA proposed joint procurement facilitation service and the regional group will email EPA to seek their application process to move forward with investigations into the establishment of a regional entity.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>17/05/23 to 07/06/23 Waiting for response from EPA.</p> <p>21/06/23 to 04/07/23 – Meeting held with Clarence Valley Council and Bellingen Shire Council on 09/06/23. Discussions to continue.</p> <p>19/07/23 – Discussions are continuing with Bellingen, Port Macquarie, Kempsey, and Clarence. Coffs have previously advised that they are not wanting to discuss green or yellow processing. A feasibility study regarding processing green and yellow bin waste at Clarence's facilities is currently being undertaken.</p> <p>09/08/23 – No further update.</p> <p>23/8/23 – Refer to separate report with update.</p> <p>06/09/23 to 3/04/24 – No further update.</p>
4	SF1092	13/10/22	<p>1 Request approval from the Minister Administering the Crown Lands Management Act 2016 to approve the draft Plan of Management for Wellington Park Nambucca Heads Reserve 81262 Part Lot 7016 DP 1056524</p> <p>2 Upon approval from the Minister Administering the Crown Lands Management Act 2016, amend the draft Plan of Management if required by the Minister and place it on public exhibition as per Section 38 of the Local Government Act, 1993.</p>	MED	<p>19/10/22 – PoM lodged with the Minister for approval.</p> <p>01/11/22 – No further update.</p> <p>15/11/22 – No further update.</p> <p>08/12/22 – No further update.</p> <p>11/01/23 – No response to date.</p> <p>01/02/23 – No further update.</p> <p>09/02/23 – Crown Lands has advised there is a considerable backlog at this point in time.</p> <p>Council requires the PoM to be completed for the renewal of the existing licence by Dec 2024.</p> <p>08/03/23 - No further update.</p> <p>22/03/23 – No further update.</p> <p>05/04/23 - Matter has been referred to DoPE Crown Lands for further information, and the Crown are yet to respond.</p> <p>19/04/23 to 03/05/23 - DoPE Crown Lands have are yet to provide a detailed response.</p> <p>16/05/23 - Followed up with LANDSAS who are facilitating the processing of the report on Council's behalf. Expecting a progress update by the end of the month.</p> <p>07/06/23 – LANDSAS yet to provide the response.</p> <p>20/06/23 – Dept Crown Lands confirmed PoM held for review.</p> <p>04/07/23 – LANDSAS has been asked to make minor clarification amendments on the encroachment area in the plan and resubmit to Crown Lands (CL).</p> <p>19/07/23 to 06/09/23 – No further update.</p> <p>20/09/23 – Dept CL have requested further amendments to the PoM. Landsas have challenged the request citing they are</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>inconsistent with the CLM Act 2016.</p> <p>Amendments include: removal of Caravan Park encroachment licence to be managed by the Crown and removal of various authorisations. Meeting with CL scheduled for 29/09/23 to discuss further.</p> <p>04/10/23 – A/MED on leave therefore meeting with CL to be scheduled for a later date.</p> <p>17/10/23 – Meeting (Teams) held between Dept Crown Lands representatives, Landsas and Council's AMED on 14 October 2023 to clarify comments made by Dept CL on PoM under review. Dept CL have now provided explanation for their position, and Landsas will amend and progress PoM as a result. Once approved by the Minister, this will be brought back to Council accordingly.</p> <p>02/11/23 – LANDSAS have addressed issues raised by DoPE Crown Lands and now resubmitted to the Minister for review. Currently with DoPE.</p> <p>22/11/23 – 05/02/24 - No further update, awaiting a response from DoPE.</p> <p>20/02/24 –Email sent to LANDSAS seeking progress update.</p> <p>04/03/24 - No further update.</p> <p>12/03/24 – 20/03/24 – LANDSAS have addressed latest concerns raised by Department of Planning Housing and Infrastructure (DoPHI)/Crown Lands and have resubmitted for ministerial review.</p> <p>02/04/2024 – PoM has been received, and will be placed on public exhibition 05/04/24</p>
MAY 2023					
5	SF2524	25/05/23	Council as Crown Land Manager execute the 21-year lease to Nambucca Heads RSL Club Limited over Lots 1 and 2 in DP 866932 Reserve 85113 under Council seal.	MED	<p>31/05/23 - Followed up with NHRSL Club who will revert with decision on acceptance of lease by 2/6/23.</p> <p>07/06/23 - meeting with RSL representatives to be held 07/06/23.</p> <p>20/06/23 – Councillors updated at meeting</p> <p>15/06/23 - NHRSL Club advised of Council's position. No response to hand at this stage.</p> <p>04/07/23 – NHRSL Club has responded requesting a further meeting with Nambucca Valley Council.</p> <p>19/07/23 – A meeting took place on 11 July 2023 with the RSL to organise a meeting between the RSL Board and Council.</p> <p>09/08/23 - Lease not yet executed. Awaiting completion of Council's stormwater remediation project to be commenced imminently.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>23/08/23 – The General Manager met with the RSL on 18 August 2023 and the lease will be discussed at their Board Meeting 30 August 2023.</p> <p>The stormwater is 50% completed.</p> <p>06/09/23 - NHRSLCL have advised they will suspend signing the lease due to new issue presented during the stormwater rectification project – being a sinkhole and large cavity requiring remediation. Council's Project Manager is liaising with RSL's Stakeholder Liaison from C2Hills Consultancy and seeking involvement from NSW Public Works.</p> <p>20/09/23 – Manager Projects is waiting on formal response from NSW Public Works confirming their contribution to works required.</p> <p>04/10/23 – Manager Projects has advised that NSW Public Works have undertaken their first review of Council's submission for funding. PWA have said that they will cover:</p> <ul style="list-style-type: none"> - The full length of stormwater pipe replacement except for the first 12m - The asphalt concreting of the 2.4m (excavator width) on the full 60m long trench - The concrete carpark for 3 car parking bays out of 7. <p>This is pending the final review by PWA which could be in 2 weeks.</p> <p>17/10/23 - The Club have advised they do not wish to proceed with execution of the new licence until the current carpark works being done by Council are completed, or at least have progressed significantly.</p> <p>Council has had verbal commitment from NSW PWA (Public Works) to provide partial, but significant funding to the rectification works, however an executed funding deed has not yet been received. Once written confirmation has been received, Council will proceed to engage the contractors to undertake the identified works – including the sink hole cavities presented once the stormwater project commenced. This step will enable focus back to progressing the execution of the new licence agreement.</p> <p>02/11/23 – Meeting on-site with NHRSL CEO and Project Manager; AMED & Manager Projects to walk through issues identified with sink holes, cavities and current rectification works. Need has been identified that there is a much larger problem in the sub-surface which needs full</p>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>investigation prior to any re-surfacing. Engineers to undertake proper and full investigation, project to rectify to be scoped; responsibilities of works to be clearly delineated; funding for project to be sought. Report to be brought back to Council on status once fully understood.</p> <p>22/11/23 - DoPE Crown Lands have advised they are completing independent Native Title Advice to be supplied to Council, however require 2 additional purposes to be added to the reserve purposes being Access, and Tourist Services. These will need to be gazetted and will provide approval for the existence of access to the boardwalk and boat ramp, and for the kiosk and café.</p> <p>The progressing of the new lease will be subject to the outcome of the exploration works with the stormwater rectification project works, then confirming our negotiated position with the RSL Club.</p> <p>05/12/23 to 05/02/24- No further action. Awaiting completion of works at premises (estimated to be completed by the end of this financial year given the funding parameters set by TfNSW who have funded a large portion of the required works), and native title advice from DoPE Crown Lands.</p> <p>20/02/24 – Dept Crown Lands have advised they have reviewed and will no longer require Council to add the 2 previously identified purposes to the Reserve, and accordingly will no longer be undertaking a Native Title Assessment. Council may continue with the leasing process which remains subject to completion of the civil works being done to remediate the stormwater infrastructure.</p> <p>04/03/24 – Stormwater works project to recommence late April 2024, to be completed by 30 June 2024.</p> <p>12/03/24 - Project Engineer advised Surveyors will stake boundaries end of March. This will assist with discussion and planning moving forward.</p> <p>02/04/2024 – No further update.</p>
JUNE 2023					
6	SF3303	29/06/23	As part of our support for the Voice to Parliament Nambucca Valley Council will convene a meeting of its Aboriginal Advisory Committee and extend its stakeholder engagement if necessary to produce a Reconciliation Plan to be linked to Council's	DCS	<p>06/07/23 – Placed on website</p> <p>19/07/23 – awaiting replacement of the Manager Community Development position to undertake the actions of:</p> <ul style="list-style-type: none"> • convene a meeting of Council's Aboriginal Advisory Committee and extend Council's stakeholder engagement if necessary to produce a

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>Community Strategic Plan.</p> <p>Council policies such as initiatives of Aboriginal place naming to be part of the Reconciliation Plan between Nambucca Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council's support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation's performances, art and culture in Council facilities.</p>		<p>Reconciliation Plan to be linked to Council's Community Strategic Plan.</p> <ul style="list-style-type: none"> • Council policies such as initiatives of Aboriginal place naming to be part of the Reconciliation Plan between Nambucca Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council's support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation's performances, art and culture in Council facilities. <p>09/08/23 report to this Council meeting on staff structure related to Community Development.</p> <p>22/08/23 - Community Development Officer position to be recruited.</p> <p>06/09/23 - Applications for Community Development Officer position close 24.09.23</p> <p>18/09/23 – no further update</p> <p>04/10/23 to 18/10/23 – Interviews for Community Development Officer position to be held 20/10/23.</p> <p>08/11/23 to 22/11/23 Community Development Officer to commence 4 December 2023.</p> <p>06/12/2023 - Community Development Officer (CDO) commenced 4 December 2023.</p> <p>03/01/2024 – CDO has:</p> <ul style="list-style-type: none"> • researched into why previous committee meetings ceased in 2012 (interest waned to a point where the lack of a quorum resulted in meetings being abandoned), • attended a meeting of the Local Government Aboriginal Network, and • scheduled a meeting with Council's three indigenous councillors on the 18th January 2024. <p>01/02/2024 – CDO is currently working through a consultation phase to engage with key aboriginal stakeholders (to date it has included meeting with two aboriginal councillors and a meeting with Jaanyimili Bawrungga Association. The CDO has also reached out to Unkya Aboriginal Land Council to seek a meeting) regarding re-establishing the Aboriginal Advisory Committee and creating a Reconciliation Action Plan (RAP). RAP's of other</p>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>organisations are being reviewed to determine the appropriate format/content. Over coming weeks the CDO is seeking meetings with: Nambucca Aboriginal Land Council, Bowraville Land Council, Muurbay Language and Cultural Cooperative, Miimi Aboriginal Corporation and Ngurrala Aboriginal Corporation. The CDO has also recently had consultation with the key stakeholders involved in the development of the new Gumbaynggirr Keeping Place. CDO is also liaising with local community stakeholders to gain an understanding of what the issues and challenges are for our indigenous community.</p> <p>20/02/24 – no further update.</p> <p>05/03/24 – A letter has been drafted to organise the reconvening of a meeting of Council's Aboriginal Advisory Committee and to extend its stakeholder engagement if necessary to produce a Reconciliation Action Plan to be linked to Council's Community Strategic Plan. The CDO has also been writing a grant application to fund activities through NAIDOC week (7-14/7/2024).</p> <p>15/03/24 – A letter has been sent to Council's Aboriginal Stakeholder database inviting representatives to a meeting scheduled for 28 March 2024. The CDO has also engaged in mentoring to improve his understanding and skills in facilitating meetings with aboriginal communities. The CDO will also attend the screening of a Cultural Burns Journey 2024 in Macksville on the 27 March 2024.</p> <p>28/03/24 - A meeting was scheduled for aboriginal stakeholders to discuss the re establishment of the Aboriginal Advisory Committee and the potential development of a Reconciliation Action Plan. Following the original invitation which was sent by mail on the 4th March, a reminder email was sent on the 21st of March. Council did not receive any response to these invitations. The stakeholders invited were:</p> <p>Nambucca Aboriginal Land Council, Bowraville Aboriginal Land Council, Unkya Aboriginal Land Council, Jaanyмили Bawrrungga Association, Muurbay Aboriginal Language and Cultural Cooperative, Ngurrala Aboriginal Corporation and Miimi Aboriginal Corporation. The apparent lack of interest in the meeting was discussed with Cr Barrangarry on the 27 March and a list of invitees was forwarded to him. He advised that he will discuss the opportunity with these groups.</p>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					04/04/24 – No further update
JULY 2023					
7	SF396	27/07/23	Housekeeping amendment to Nambucca Local Environmental Plan 2010 1 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination. 2 Following community consultation, Council staff report the planning proposal back to Council for consideration of submissions received and a final decision as to whether Council will proceed to make the amended plan.	MDE	09/08/23 – Refer to separate report. Once a decision is made on these matters the planning proposal will be finalised and sent to the Minister for Gateway Determination. 23/08/23 – Planning proposal being finalised for submission to the Minister for Gateway Determination. 06/09/23 to 21/2/24– Amendments requested by the Minister prior to Gateway determination being finalised for resubmission. 6/3/24 – Amended planning proposal resubmitted and accepted for assessment. 20/3/24 – 3/4/24 – Waiting for gateway determination.
AUGUST 2023					
8	LF5363	31/08/23	Council to receive a report addressing the matter raised by and on behalf of the Save the River Group and the Nambucca Heads Island Golf Club in relation to the causeway to Stuarts Island Nambucca Heads. (45604/2023 & 46082/2023)	DES	06/09/23 - Submission received and report to be prepared accordingly. 20/09/23 – No further update. 04/10/23 – Options investigation commenced. 18/10/23 – No further update. Investigations will take time to develop. 06/11/23 to 22/11/23 – No further update. 5/12/23 to 07/02/24 – Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024. 20/02/24 – 3/04/24 – Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting.
SEPTEMBER 2023					
9	SF2278	28/09/23	Electric Vehicle (EV) Charging Stations That Council: 2 Consider all alternate locations including Nambucca Heads as a focus point (Main Street, Anzac Park near the garden centre, Bellwood Park and V-Wall). 3 Investigate grant funding opportunities for paid EV Chargers	MDE	04/10/23 – No further update. 18/10/23 to 6/2/24 – Staff are investigating suggested sites. 6/2/24 – Possible grant funding through “Community Energy Upgrades Fund Round 1” \$100m of funding over 2 funding rounds ran over 3 years from 2024/25, must be completed by March 2027. Council must contribute to 50% of the costs of the total project. Council staff to make submissions. 21/2/24-6/03/24 – No further update. 20/3/24 – 3/4/24 – To be reported to an April meeting.
10	SF3190	28/09/23	Warrell Creek land Lots 9, 17 and 18 DP 884316:	MED	04/10/23 – No further update

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>2 Issue letters to relevant parties advising that Council will not be proceeding with the subdivision as originally planned and will not be proceeding to contract for the sale of land</p> <p>3 Survey the land boundaries with Lot 1 DP 374127 and Lot 6 DP 748478 to identify if there are any encroachments from these lots.</p> <p>4 Report the findings of the encroachment survey to Council with options for the potential subdivision of the land.</p>		<p>18/10/23 - AGM and AMED to prepare and hand deliver letters to current landowners advising Council will not be progressing to contract for sale of earlier proposed lots, and staff are currently attending to further survey of the land to inform subdivision options to be presented to Council as per resolution.</p> <p>02/11/23 - A/MED phoned affected landowners to advise situation and delivered letters in confirmation of Council not proceeding to contract of sale.</p> <p>Review of the subdivision plan by internal stakeholders completed and 3 options are being sketched to bring through the Land Development Committee, then brought to Council for direction on which option to proceed with.</p> <p>22/11/23 - report on northern Lot subdivision to 30 November Council Meeting.</p> <p>05/12/2023 - Subdivision options presented to Land Development Committee 30 November and Committee chose Option 1. Staff to proceed to draft subdivision in accordance with chosen option and bring back to Council for resolution to proceed further.</p> <p>Report on northern lots deferred from Council meeting of 30 November and will be brought to Council meeting of 14 December accordingly.</p> <p>10/01/24 - Investigation progressing on southern lots</p> <p>01/02/24 - Investigation continuing, requested information on OSSM.</p> <p>05/02/24 - Meeting with OSSM consultant scheduled early February to define lot size/shape possibilities</p> <p>20/02/24 - Final report expected from Consultant by end of February, then report can be prepared for subsequent Council meeting.</p> <p>04/03/24 - 20/03/24 Final OSSM report not yet received. Issues around existing property encroachments being reviewed. Solutions being sought.</p> <p>02/04/2024 - No further update.</p>
OCTOBER 2023					
12	SF3303	26/10/23	Request for funding for funding allocation - Design of Shared Pathway - Hyland Park to Mann Street	CFO	06/11/23 - No reserve funds or unallocated funds available in the budget. Council will be applying for grant funds through the "Get NSW Active" program that opened on

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>THAT:</p> <p>1 If staff can identify sufficient available funds in reserves or the adopted 2023/2024 budget Council allocate those funds at the September 2023 Quarterly Budget Review to engage an external consultancy to prepare a design for a shared pathway from Hyland Park to Mann Street, Nambucca Heads.</p> <p>2 When a new round of Transport for NSW's Get NSW Active program opens or any other suitable grant funding opportunity arises Council apply for funding for an external consultancy to prepare a design for a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</p> <p>3 If sufficient funding cannot be identified in reserves or the current budget and no new grant funding opportunity has opened or if a grant funding application remains undetermined or has been unsuccessful Council consider a funding allocation in the 2024/2025 budget to engage external consultants to design a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</p> <p>4 The design encompass multi modal trip for cycle friendly infrastructure.</p>		<p>31/10/23 for the design of the cycleway.</p> <p>22/11/23 – Council receiving ongoing letters of support and quotations received for survey design. Application to be lodged in December 2023.</p> <p>5/12/23 – Application will be made prior to 12 December 2023 through NSW Get Active program.</p> <p>10/01/24 – Grant application made and budget bid to be added to 24/25 budget process.</p> <p>21/02/24-20/03/24 – No further update.</p> <p>20/03/24 – included in draft budget, waiting on adoption by Council.</p>
13	SF1358	26/10/23	<p>That the amended report – Proposed Changes to the Organisation Structure be deferred until the December 2023 meeting.</p>	GM	<p>22/11/23 - Will be part of design if grant application is successful.</p> <p>5/01/24 to 03/04/24 - no change.</p> <p>22/11/23 - No further action.</p> <p>06/12/23 to 19/03/24 – Structure review will be undertaken in conjunction with budget process under the new General Manager.</p>
NOVEMBER 2023					
14	SF2381	16/11/23	<p>THAT Council:</p> <p>1 Actively seek to minimise land use conflict between different types of farming through the use of buffer zones, planning changes, and better definitions of 'productive farmland' etc.</p> <p>2 Receive a report on the</p>	MDE	<p>22/11/23 – Action yet to be taken.</p> <p>6/12/23 – 10/01/24 – Report to be provided to Council once the legal advice is received.</p> <p>6/2/24 – The legal advice is expected to be received before the end of this month, in which case the report will be presented to Council at either the 29 February or 14 March 2024 meeting.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>proposal to submit a planning proposal to the Planning Minister which seeks to amend the Nambucca LEP 2010 to make intensive plant agriculture permissible with development consent in the RU1 and RU2 zones.</p> <p>4 Seek legal advice to clarify if development application is required prior to the erection of Netting and Greenhouses associated with horticulture (blueberries) in Rural Zones; and if a development application is not required, seek legal advice as to which changes are needed to make it so, using the experience of the Coffs Harbour Council.</p> <p>5 Receive a report on a Rural Land Use Strategy.</p>		<p>21/02/24 – 6/03/24 – Advice yet to be received.</p> <p>20/3/24 – Advice received. To be reported to 11 April meeting.</p> <p>3/4/24 – Refer to separate report.</p>
DECEMBER 2023					
15	SF3190	14/12/23	<p>1 Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted.</p> <p>2 Approves the preparation of the newly created proposed Lot 2 DP 657578 to market for sale, noting any negotiated sale to be brought back to Council for formal approval.</p>	MED	<p>10/01/24 to 05/02/24 registration of subdivision underway as per Council resolution.</p> <p>20/02/24 to 20/03/24 – No change, registration process underway at NSW Land Registry Service.</p> <p>02/04/2024 – No further update.</p>
JANUARY 2024					
16	SF3424	18/01/24	<p>Council report back on the need for regular community meetings on land use conflicts and the intensive plant agriculture</p>	MDE	<p>7/2/24 to 6/03/24 – Will be reported back to Council with Item 14.</p> <p>20/3/24 – To be reported to 11 April meeting.</p> <p>3/4/24 – Refer to separate report.</p>
17	PRF53	18/01/24	<p>River Street Toilet Block Relocation</p> <p>1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;</p> <p>2 Engage an architect to progress the design of the proposed new amenities and report back to Council.</p>	DES	<p>6/2/24 to 06/03/24 - Planned layouts still being determined. Once complete, the architect will be engaged.</p> <p>20/03/24 – 3/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 - Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

18	T006/2023	18/01/24	Nambucca Valley Sporting Fields Subsoil Drainage Program 1 Seek additional funds from future grants to complete the works to the small field of the EJ Biffin Playing Fields	DES	6/2/24 – Funding has been identified with LRCI phase 4 grant with some grant administration to be completed. 21/02/24 to 3/04/24 - No change LRCI projects have not been finalised.
FEBRUARY 2024					
19	SF3424	15/02/24	That subject to staff resources and workloads Council receive a report on the cost and benefits of accessing the Mid North Coast Joint Organisation's Simtable for our Community and how this might be achieved.	GM	21/02/24 to 3/04/24 – No further update.
MARCH 2024					
21	SF843	14/03/24	Minutes of the Vehicular Access to Beaches Committee Meeting - 9 February 2024 THAT Council: 1 Note the minutes of the Vehicular Access to Beaches Committee meeting held on 9 February 2024. 2 Approve the purchase of 4 motion-sensing cameras for the purpose of monitoring 4WD access on the beaches. 3 Approve the installation of "keep clear" lettering immediately prior to the Swimming Creek bridge to enable emergency vehicle access. 4 Alter the pedestrian access "access by design" to Swimming Creek by adding bollards and directional signage into the picnic area. 5 Staff attend to the pruning of vegetation at Swimming Creek to improve visibility for both pedestrians and 4WD vehicles. 6 Approve NPWS to install a "no dogs" sign on the western side of the end of Forsters Beach, Scotts Head.	MDE / DES	 03/04/24 – cameras to be purchased. Anticipate being purchased and operational for April 2024 school holiday period. 03/4/24 Contractor contacted and will provide a quotation (KW) 28/3/24 Sign has been installed.
22	SF2911	28/03/24	Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing. 3 Council receive a further report exploring options	CDO	3/04/24 – no further update.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			2 and 3 and the proposal from the Valley Hub.		
23	PRF73	28/03/24	<p>Nominations for Gaagal Wanggaan National Park Board of Management</p> <p>1 THAT Council seek two nominations from Councillors for each position of Member and Deputy on the Gaagal Wanggaan National Park Board of Management.</p> <p>2 THAT Council staff seek advice and notify all Councillors of the details of meeting times and frequency and any interested Councillor put forward their name prior to the next Council meeting for Council endorsement.</p>	GM	3/04/24 – email sent to councillors requesting nominations and advising councillors of time and frequency of meetings.
24	SF1031	28/03/24	<p>Draft Land Acquisition Policy:</p> <p>When staffing resources permit, Council review the Policy and Procedures Framework Policy.</p>	MED / DCS	3/04/24 – To be placed on exhibition for 28 days by 12/04/24

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF695 110424 LEASE TO NAMBUCCA RIVER JOCKEY CLUB LTD - BOWRAVILLE RACECOURSE

AUTHOR/ENQUIRIES: Andrea Baillie, Property Officer

SUMMARY:

Council is Crown Land Manager for dedicated Crown Land – Whole Dedication R540002 for Public Recreation known as the Bowraville Racecourse. The land has been leased to the Nambucca River Jockey Club Ltd for 10 years, and the lease has now expired.

The Club has indicated their intention to enter into a new lease and although the Plan of Management for this land is yet to be adopted, Council as Crown Land Manager is authorised to proceed with a new lease under clause 70(2)(c) of the *Crown Land Management Regulation 2018*.

This report seeks Council resolution to proceed with a new lease to the Nambucca River Jockey Club Ltd accordingly.

RECOMMENDATION:

THAT Council:

- 1 Agrees to proceed with the offer of a new 21 year lease over Crown Land R540002 being Lot 75 DP 755549 known as the Bowraville Racecourse to the Nambucca River Jockey Club Ltd, being subject to a 28 day public exhibition period.**
- 2 Authorises the draft lease to the Nambucca River Jockey Club Ltd of Crown Land R540002 being Lot 75 DP 755549 known as the Bowraville Racecourse to be placed on public exhibition for not less than 28 days as per Section 38 of the *Local Government Act 1993*.**
- 3 Acknowledges a report will be brought back to Council addressing any submissions received during the public exhibition period requesting resolution to formalise the new lease.**

OPTIONS:

- 1 Per recommendation.
- 2 Consider alternative use and occupation of the dedicated Council managed Crown Land.
- 3 Reject the recommendations and take over management and maintenance of the Council managed Crown land.

BACKGROUND:

Council is Crown Land Manager for dedicated Crown Land – Whole Dedication R540002 for Public Recreation known as the Bowraville Racecourse. The land has been leased to the Nambucca River Jockey Club Ltd for 10 years, and the lease has now expired.

Under the *Crown Land Management Act 2016*, Council as Crown Land Manager must prepare and adopt a Plan of Management (PoM) for the Crown land under its control. The Plan of Management will authorise activity and occupation of the Dedicated or Reserved land, including leasing and licensing.

Until such time as the Plan of Management is adopted, Council as Crown Land Manager can grant leases and licenses in certain circumstances, as set out in clause 70(2)(a)-(f) of the *Crown Land Management (CLM) Regulation 2018*. Clause 70 only applies until Council adopts its first PoM for the land under the *Crown Land Management Act 2016*.

Council staff have prepared a Plan of Management for the subject land known as the Bowraville Racecourse, and at its meeting of 17 August 2023 Council resolved to forward the draft PoM to the

ITEM 10.1 LEASE TO NAMBUCCA RIVER JOCKEY CLUB LTD - BOWRAVILLE RACECOURSE

Minister for Crown Lands for review. It is noted that the PoM will authorise the lease of the premises to the Nambucca River Jockey Club Ltd. This process is still underway, meaning the PoM is not yet adopted, and therefore clause 70 of the CLM Regulation 2018 applies.

The clause allows for a new lease or licence for an existing permitted use for up to 21 years. Minister's consent is not required with the applying condition being a lease or licence must have been in effect prior to 1 July 2018, and the proposed tenure cannot add permitted uses that were not in the previous lease or licence. This criterion is met in this instance.

DISCUSSION:

The Bowraville Racecourse has long been identified as the area set aside for local shows and events. The land was Dedicated 13 May 1887 as Public Recreation Ground.

The Bowraville Show Committee put on their first Agricultural Show in 1907 held on the site of the present racecourse. The first race meeting was held as part of this show. Many Agricultural shows and Race days have been held since that time, and the land has developed into the racecourse we know today, with regular race events held each year including the Bowraville Cup.

The Nambucca River Jockey Club Ltd has had formal tenure of the Dedicated Reserve for many years, which continues to-date. The Club continues to manage the premises for the permitted purpose of "Racecourse and associated activities and Public Recreation and associated activities" maintaining the property and providing public events for the community.

Now that the current lease has expired and is holding over (the old lease maintains the formalised occupation), the Club has indicated their intention to enter into a further lease of the premises subject to Council approval and the formal process to be undertaken. The commencement date of the proposed draft lease is 9 September 2023 because as given this is Crown Land, it is beneficial to show continued formal occupation of a property – i.e. start the new agreement the day after the old one expires. Backdating of leases is common practice.

Regarding the rent rebate, all Crown Land agreements must show a market rate, then a rebate if deemed suitable. In this case, the Jockey Club has always paid a minimum rental – roughly equivalent to the Crown lands statutory minimum. This is proposed to continue. Although this is a commercial operation, there is not enough income from this country racetrack to justify commercial rent. The premises need a lot of upkeep to attract and host events. The rebate is the difference between the market and actual rent.

Should Council not proceed with leasing to the Club, the choices faced will be to seek alternate occupancy of the property, or to take over management and maintenance of the facility. This option would require the engagement of additional resources to proceed, which is not deemed practical at this time (see Risk Analysis section).

CONSULTATION:

Nambucca River Jockey Club Ltd
NSW Department of Planning, Housing and Infrastructure – Crown Lands – Crown Land Management Regulation

SUSTAINABILITY ASSESSMENT:**Environment**

The Racecourse has been long established and the property is well maintained. Adoption of the recommendations will have no environmental impact.

ITEM 10.1 LEASE TO NAMBUCCA RIVER JOCKEY CLUB LTD - BOWRAVILLE RACECOURSE

Social

The Nambucca River Jockey Club Ltd have a long history of utilising the demised premises for provision of organised events for the community and the public. Adoption of the recommendations will have no further social impact.

Economic

The new lease will be a continuation of existing tenure. Adoption of the recommendations will have no further economic impact.

Risk Analysis

A further lease to the Nambucca River Jockey Club Ltd is maintaining the status quo and is authorised under clause 70(2)(c) of the *Crown Land Management Regulation 2018*. There is no identified risk in adoption of the recommendations.

Risk in this instance would be financial, and presented if Council does not proceed with a further lease to the Club. This would result in Council managed Crown Land without an authorised tenure, leaving Council to manage and maintain the premises, and to consider the future use and occupation of the Crown Reserve. This would have a financial impact on Council's budget in allowing for the ongoing management and maintenance costs. These costs are not currently allowed for in Council's adopted budget.

Delivery Program Action

CC1 - Using a variety of tools, engage with the community in ways that are accessible and transparent

LW6 - Maintain Sporting Facilities

PP9 - Manage Crown Land Plans of Management

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

Adoption of the recommendations will have no perceived direct or indirect impact on current and future budgets.

Working funds – justification for urgency and cumulative impact

Adoption of the recommendations will have no impact on working funds.



Impacts on 10 Year Long Term Financial Plan

Adoption of the recommendations will have no impact on the 10 Year Long Financial Plan.

Service level changes and resourcing/staff implications

No changes to existing service levels and resourcing is required as a result of adopting the recommendations.

ATTACHMENTS:

- 1  15656/2024 - DRAFT Lease to Nambucca River Jockey Club Ltd - Bowraville Racecourse
- 2  15659/2024 - Fact Sheet granting leases and licences on Crown reserves 2022

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.1 SF3410 110424 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

This report contains information in relation to Development Applications which have been undetermined for over 12 months, undetermined Development Applications which have received submissions and Development Application determined where an application to vary a development standard was approved.

In accordance with Minute 848/08 from Council's meeting of 18 December 2008, should any Councillor wish to "call in" an application a motion is required specifying the reasons why it is to be "called in". If an application is not called then it will be determined under delegated authority if the delegations permit.

In the interests of transparency, all Development Applications determined under delegation, where an application to vary development standards under Clause 4.6 of the Nambucca Local Environmental Plan 2010 was approved, are reported to Council for information.

RECOMMENDATION:

THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 3 April 2024, and development applications determined from 21 March to 3 April 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

OPTIONS:

In addition to the above recommendation, Council may choose to "call in" any or all of the development applications referred to in this report, or any other development application not yet determined under delegation by Council staff. Please see information in the summary above regarding how to "call in" a development application.

DISCUSSION:

TABLE 1: UNDETERMINED DEVELOPMENT APPLICATIONS IN EXCESS OF 12 MONTHS OLD
Nil.

TABLE 2: UNDETERMINED DEVELOPMENT APPLICATIONS WITH SUBMISSIONS

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/291	24 October 2023	Change of Use – Truck Depot	Lot 157 DP 755539, 45 Warrell Waters Road, Gumma
Thirty-two submissions and a petition have been received. Exhibition period closed on 13 November 2023.			
STATUS: Awaiting legal advice.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/281	23 October 2023	Dwelling, Pool & Change of use from three dwellings to tourist accommodation	Lot 101 DP 755550, 62 Lumsdens Lane, North Macksville
Two submissions have been received			
STATUS: Awaiting NSW RFS general terms of approval prior to determination.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/028	7 February 2024	Secondary Dwelling	Lot 458 DP 755550 - 36 Riverside Drive, Nambucca Heads
One submission has been received			
STATUS: Exhibition finished. Assessment being undertaken, with issues relating to privacy and view sharing			

ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

impacts to be resolved.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/213	28 February 2024	Modification to dwelling setbacks and design	42 Jellico Street, Macksville – Lot 12 Sec E DP 8624
One submission received. Public exhibition period closed.			
STATUS: Assessment being undertaken.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/048	6 March 2024	Alterations & additions to existing dwelling	52 Waratah Street, Scotts Head – Lot 15 Sec A DP 17707
Two submissions received. Public exhibition period closed.			
STATUS: Assessment being undertaken.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/053	8 March 2024	Continued use of existing deck	7 Vernon Street, Scotts Head – Lot 17 Sec G DP 20823
One submission received. Public exhibition period closes 5 April 2024.			
STATUS: Assessment being undertaken.			

TABLE 3: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATION WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NLEP WAS APPROVED

No development applications were determined between 21 March – 3 April 2024 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

To be undertaken in assessment of individual development applications.

Social

To be undertaken in assessment of individual development applications.

Economic

To be undertaken in assessment of individual development applications.

Risk Analysis

None identified.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current budgets

Nil.

**ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS,
WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO
VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP
2010 WAS APPROVED UNDER STAFF DELEGATION**

Working funds – justification for urgency and cumulative impact

Nil.

Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.2 SF2381 110424 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment**Summary:**

This report addresses previous resolutions of Council relating to the permissibility of horticulture within the rural zones of the Nambucca Valley and the land use conflicts which can occur between horticulture, surrounding sensitive receivers and the environment.

NOTE: This matter requires a “Planning Decision” meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.

RECOMMENDATION:**THAT:**

- 1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, which includes the following amendments to the Nambucca Local Environmental Plan 2010:**
 - a. The relocation of ‘horticulture’ from ‘permitted without consent’ in the land use table for the RU1 Primary Production and RU2 Rural Landscape zones to ‘permitted with consent’.**
 - b. The inclusion of the RU1 Primary Production and RU2 Rural Landscape zones in Schedule 2 so that the specified forms of ‘horticulture’ become exempt development in the same manner that they currently are in the R5 Large Lot Residential zone and add the prohibition of structures to support the exempt horticultural activity.**
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.**

OPTIONS:

- 1 Do nothing. This will result in horticulture remaining permissible without development consent in the rural zones.**
- 2 Proposed recommendation.**
- 3 Remove the exempt provisions relating to horticulture in Schedule 2 of the Nambucca Local Environmental Plan 2010 (LEP).**

BACKGROUND:

On the meeting held on 16 November 2023 Council made the following resolution:

THAT Council:

- 1 *Actively seek to minimise land use conflict between different types of farming through the use of buffer zones, planning changes, and better definitions of ‘productive farmland’ etc.***

ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

- 2 *Receive a report on the proposal to submit a planning proposal to the Planning Minister which seeks to amend the Nambucca LEP 2010 to make intensive plant agriculture permissible with development consent in the RU1 and RU2 zones.*
- 3 *Write to the Minister for Water and the Environment requesting assurances that greater resources be allocated to State agencies responsible for monitoring legislative compliance within the Nambucca Valley horticulture industry associate with water testing, water harvesting, clearing of native Vegetation and Pollution.*
- 4 *Seek legal advice to clarify if development application is required prior to the erection of Netting and Greenhouses associated with horticulture (blueberries) in Rural Zones; and if a development application is not required, seek legal advice as to which changes are needed to make it so, using the experience of the Coffs Harbour Council.*
- 5 *Receive a report on a Rural Land Use Strategy.*

Council then made the following resolution at the meeting on 18 January 2024:

That Council report back on the need for regular community meetings on land use conflicts and the intensive plant agriculture.

Since the above resolutions were made Council staff have obtained the required legal advice, written to and received responses from the relevant Ministers and have worked with the NSW Environment Protection Authority (EPA) to gain a greater insight into the level of water pollution generated by blueberry/vegetable farms within the Nambucca Valley.

There has also been a high level of public interest in this matter which have given the berry industry concerns regarding misconceptions about their industry. **Attachment 1** of this report contains a submission from Oz Group which seeks to address community concerns regarding the growth, sustainability and impact of berry farms in the Nambucca Valley.

DISCUSSION:

The above resolutions made by Council are addressed below as follows:

Actively seek to minimise land use conflict between different types of farming through the use of buffer zones, planning changes, and better definitions of 'productive farmland' etc.

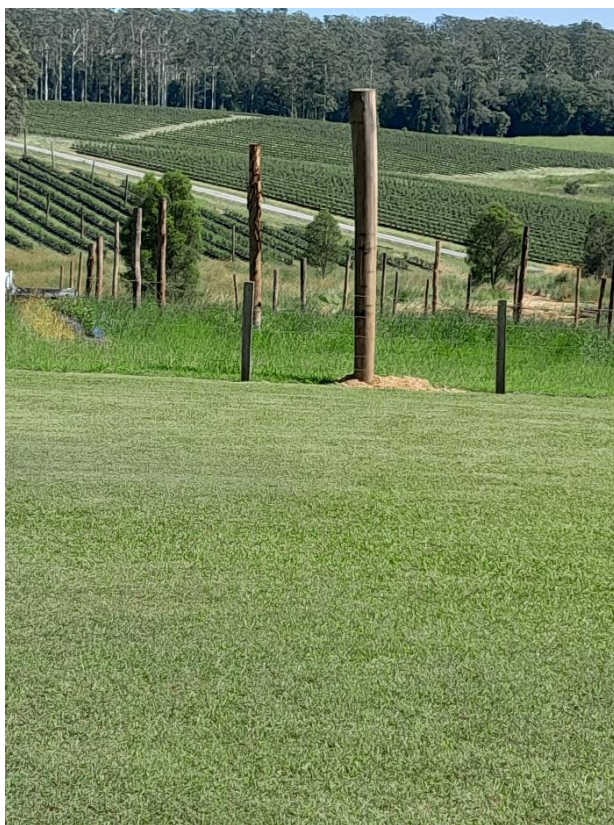
Staff Comment – The only ability for buffer zones to be enforced is if there is a statutory requirement for a buffer to be implemented. Currently, there is not any legislation which requires buffers to be implemented between horticulture and surrounding land uses within the RU1 Primary Production and RU2 Rural Landscape zones (rural zones) in the Nambucca Valley.

The only ability for Council to implement statutory requirements for buffers to be provided is through an amendment to the LEP which makes development consent a requirement for horticulture in the rural zones. While some may think the requirement to lodge a development application and obtain consent is too onerous for farmers, there is no other way for Council to enforce land use buffers. Given horticulture is an identified land use within the land use tables of the LEP, it is considered that its regulation through the development application/consent process is the most appropriate method of enforcement. Council cannot alter definitions within the LEP to separate different types of horticulture or specify areas within the rural zones where horticulture can and cannot be undertaken.

Since this matter was last considered by Council it has become evident that a blueberry farm in Eungai Creek has planted blueberry plants approximately 10m from the boundary of two adjoining residential properties. This can be seen in the aerial photo below.

ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

The farmer has then proceeded to erect posts to support netting less than 1m from the dividing boundary. The reason for this would be to enable machinery within the netted area to move between the rows of blueberry plants. This removes the ability for any form of landscape buffer to be planted as part of the blueberry farm to assist mitigate potential land use conflict, with the adjoining dwellings living areas 15m from the netting. Photos of the netting posts proximity to the boundary can be seen in the below photos.



ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

This lack of any form of buffer comes at a time where the concerns relating to social and economic impacts of land use conflict associated with horticulture has been made very clear to the blueberry industry by Council and parts of the community. Since this matter was last considered by Council, staff have consulted the EPA on their experience with land use conflict arising from horticulture who have advised that complaints about spray drift have been received from people within the Nambucca Valley and other local government areas and that the implementation of some form of buffer would assist in mitigating these impacts.

In 2017 Council considered whether the LEP should be amended to require development consent for horticulture within the rural zones. One of the reasons Council opted not to require development consent was due to the creation of a draft industry code of conduct prepared by the Australian Blueberry Growers Association. The draft code of conduct presented to Council was intended to promote best practice operations and included the following with regards to buffers:

“Site development and design – Design and development of the site should consider appropriate buffer distances and proximity to existing buildings/residences, roads, and other neighbouring land uses. When designing an appropriate set-back, the grower should consider the topography, the distance, and the type of vegetation used in a vegetated buffer. Growers should also consider the purpose of the set-back or buffer to assess its effectiveness. The site should be laid out to reduce the potential for spray drift, minimise soil erosion and nutrient run-off (including slope, drainage and vegetation buffers), and enable effective access for maintenance and harvest (including access roads, turning circles and drainage). Growers should also consider safe machinery operations when designing their orchard layouts. A well designed orchard will ensure a more profitable and easier to run farm as well as reduce the potential for land use conflict.”

The current Code of Practice adopted by the Association includes a provision to the above effect. The lack of buffer illustrated in the above photos is contrary to the above provisions of the draft code previously presented to Council and the current code of practice adopted by the Association. When asked if anything could be done to increase the setback to provide a buffer to the adjoining dwelling which is 15m from the boundary/netting, representatives from both Oz Group and Berries Australia advised that there was no ability for them to require the farmer to implement a buffer despite the provisions of the code of practice.

The position presented to Council in 2017 by the industry was not to require development consent for horticulture because it is already over regulated and they should be given time to implement their code of conduct. While it is acknowledged that there is existing legislation in place which can be used to regulate the potential impacts of horticulture; there is no legislation to enforce appropriate buffers to mitigate the potential social and economic impacts on surrounding properties which is considered best practice by the industry themselves.

The intent of the LEP is to specify what land uses are permissible without consent, with consent and which ones are prohibited. The purpose of this is to ensure land uses are appropriately located and operated so that they do not have any significant impacts on the natural, social or economic environments of the site they are located on or the surrounding area. For a land use to be permitted without development consent, Council should be satisfied that the land use will not result in any of these impacts or can be regulated under other legislation if they are not carried out appropriately.

It is agreed with the industry that not providing adequate land use conflict buffers is not best practice horticultural farming as it can result in significant impacts on the natural, social and economic environments of surrounding land. Given there is no other regulation to enforce appropriate buffers, it is not considered appropriate for horticulture to be permitted without consent in the rural zones. With appropriate buffers in place it is considered that horticulture can be appropriately carried out in the rural zones. As such, it is considered that the LEP should be amended to make horticulture permissible with consent in the rural zones.

Receive a report on the proposal to submit a planning proposal to the Planning Minister which seeks to amend the Nambucca LEP 2010 to make intensive plant agriculture permissible with development consent in the RU1 and RU2 zones.

ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

Staff Comment – As outlined above, it is considered that the LEP should be amended by relocating 'horticulture' from 'permitted without consent' in the land use tables for the RU1 Primary Production and RU2 Rural Landscape zones to 'permitted with consent'. Given the group term 'intensive plant agriculture' is already only permitted with 'development consent' and includes 'horticulture'; the amendment would be done by deleting horticulture from the 'permitted without consent' section of the land use tables.

Not only will the recommended LEP amendment assist with the implementation of land use conflict buffers, it can also assist with preventing environmental harm resulting from inappropriate farm establishment. Currently, regulation of environmental impacts such as water pollution is reactive to inappropriate farm establishment and operation, with considerable resources allocated by the State Government to provide education to farmers and undertake regulatory action. The requirement for development consent for horticulture would provide the opportunity for regulation to become proactive by ensuring farms are set out and established in accordance with best practices promoted by the industry themselves and state agencies such as NSW Local Land Services and the NSW Department of Primary Industries.

While some may view this as overburdening farmers, it is considered that if a farm is designed in accordance with best practice then there should be no reason consent is not granted, while resulting in a decrease in environmental impacts and drain on the resources of regulatory agencies trying to get environmental pollution rectified.

After consultation with the EPA it is evident that they have been very active with inspections of blueberry/vegetable farms within the Nambucca Valley, focusing on the use of chemicals and monitoring their impacts on water quality.

The table below is a summary of the pesticide sampling data recorded from water sampling taken from nine Nambucca Valley catchment locations on 4 March 2024. The sampling found some low-level pesticide detections at three of the nine sites.

Sample Site	Pesticide concentration	Australian water quality guideline limit	Comment
Eungai Creek	Nil Detections		
Snakey Creek	Atrazine: 0.01 ug/L Metolachlor: 0.09 ug/L	13ug/L guideline 0.46ug/L guideline	Low level detections below guidelines for aquatic ecosystem protection. Both are widely used agricultural herbicides. EPA inspecting catchment properties in week commencing 25 March 2024.
Taylors Arm	Nil Detections		
South Creek, Bowraville	Nil Detections		
Nambucca River, Bowraville	Nil Detections		
Blackbutt Creek, near Wilson Rd bridge	Imidacloprid: 0.07 ug/L	No guideline limit	Low-level detection of common horticultural insecticide. EPA currently undertaking investigations at upstream horticultural operation.
Newee Creek	Nil Detections		
Deep Creek	Nil Detections		
Oyster Creek	Imidacloprid: 0.01 ug/L	No guideline limit	Low-level detection of common horticultural insecticide. EPA currently undertaking investigations at upstream horticultural operation.

96 different pesticides were tested at each site, including common agricultural herbicides, fungicides and insecticides. Of these, only 3 pesticides were detected which were at low levels and below national water quality guideline limits. Whilst there has only been one set of data collected, this is positive news for the broader Nambucca River catchment.

ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

Sites where pesticides have been detected are currently the subject of ongoing EPA investigations and regulatory action. What has been observed to date is that horticultural operations can be undertaken in a manner which does not impact water quality. This was evident in the testing of blueberry farm catchment dams which returned no recordings of chemicals.

However, there will inevitably be farms established which do not follow best practice that will impact on water quality and require regulation from the EPA. It is considered that demonstrating that a farm will be established meeting best practice guidelines before the farm is established will be a more proactive approach to protecting the environment rather than react once an issue has evolved.

It is for this reason and for the inability to enforce land use conflict buffers as outlined above that it is recommended that the LEP be amended to require development consent for horticulture.

It is noted that in 2017 Council resolved to require development consent for horticulture within the R5 Large Lot Residential zone as it was previously permitted without consent. When considering the proposal at that time Council had concerns that the development consent requirement would be too onerous for less impactful horticultural operations such as potatoes, pumpkins, etc. which were planted in a paddock and removed during harvest. To address this concern Council included the following exemption in schedule 2 of the LEP:

Horticulture in Zone R5

- (1) Must be on land in Zone R5 Large Lot Residential.*
- (2) Must involve a crop with a productive duration of less than 12 months.*
- (3) Must remove entire plant during harvest.*

The above means that although development consent is identified as being required for horticulture within the land use table for the R5 zone, development consent is not required if the horticultural operation meets the above exempt provisions.

The retention of this exemption and expansion to include the rural zones is not opposed. However, an additional provision which restricts the use of farm buildings or structures to directly support the exempt horticulture operation should be included. The reasons for this is that wastewater from greenhouses has been found to be problematic to deal with and the major contributor to water pollution from horticultural operations. The inclusion of this provision would ensure that all horticulture operations which are located within buildings are the subject of development applications.

Alternatively, Council could seek to remove the horticulture exemption from Schedule 2.

Write to the Minister for Water and the Environment requesting assurances that greater resources be allocated to State agencies responsible for monitoring legislative compliance within the Nambucca Valley horticulture industry associate with water testing, water harvesting, clearing of native Vegetation and Pollution.

Staff Comment – Staff have written to the relevant Ministers with the responses received included within **attachments 2 and 3.**

Seek legal advice to clarify if development application is required prior to the erection of Netting and Greenhouses associated with horticulture (blueberries) in Rural Zones; and if a development application is not required, seek legal advice as to which changes are needed to make it so, using the experience of the Coffs Harbour Council.

Staff Comment – Legal advice has been obtained and has been included within **attachment 4.** In addition to the above resolution, legal advice was also sought to confirm that the establishment of a fruit or vegetable farm (including blueberries) is classified as horticulture under the LEP and that development consent is currently not required. This was requested as some members of the community are of the belief that development consent is already required for blueberry farms in rural zones under the LEP.

ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

The legal advice confirms that the growing of fruit and vegetables commercially is classified as horticulture under the LEP and that development consent is not currently required.

It also advises that development consent is not required for the erection of netting or tunnels over plants as they are considered ancillary to the horticultural use. However, it is advised that development consent is required for the erection of greenhouses as these structures are not considered to be ancillary structures.

It should be noted that the attached legal advice is not a ruling of the court. As it suggests, whether or not the netting, tunnels or greenhouses are ancillary would be arguable should a dispute arising from these structures be the subject of court proceedings. However, the advice directs Council on the appropriate position Council should take with regards to regulation of such structures and in any court proceedings.

Should the recommendation be adopted any potential dispute over whether development consent is required for the structures will be irrelevant. This is because horticulture will require development consent and any ancillary structure will also require development consent.

When the City of Coffs Harbour changed their position to require development consent for structures supporting horticulture, their position was to undertake regulatory action on those structures erected after their change in position. It is the intention of staff to replicate this approach from the date of this report.

Receive a report on a Rural Land Use Strategy.

Staff Comment – Undertaking a Rural Land Use Strategy to inform a potential amendment to the LEP is not recommended as it will only delay the imposition of measures which will enable the potential impacts of horticulture operations to be minimised. The preparation of a Rural Land Use Strategy would take approximately 12 months and would need to be outsourced as staff do not currently have the capacity to take on this work. There is currently no budget allocation for the preparation of a strategy.

It is considered to be clear what impacts can result from horticulture if not undertaken following best practices and that the imposition of land use conflict buffers cannot be enforced by Council unless development consent is required.

Having regard to the above, it is considered more appropriate for Council to decide if it wants to enforce land use conflict buffers and enable more proactive regulation to the impacts of horticulture. If it does then proceeding with the recommendation will enable this to occur, rather than deferring to prepare a strategy to advise what is already known.

That Council report back on the need for regular community meetings on land use conflicts and the intensive plant agriculture.

Staff Comment – The recommendation is to amend the LEP. If Council supports the recommendation updates on the amendments progress will be made public in Councils business paper twice a month in the Councils Outstanding Actions Report, with discussion able to be had at each meeting on that item.

Irrespective of Councils decision on the LEP amendment, regular community meetings are not recommended as it is not considered that there would be any more valuable dialog other than what could be achieved by dealing with individual reports of noncompliance as they arise or giving updates on the progress of the amendment.

CONSULTATION:

Lawyers
EPA
Oz Group

SUSTAINABILITY ASSESSMENT:**Environment**

There will be environmental benefits from the recommended LEP amendment as outlined in this report.

ITEM 11.2 HORTICULTURE WITHIN THE NAMBUCCA VALLEY

Social

There will be social benefits from the recommended LEP amendment as outlined in this report.

Economic

While the LEP amendment would result in a cost to the farmer with regards to DA fees, it is not considered that these would be substantial.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Impacts as identified in report	M/H	H	Recommendation	H

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

Nil.

Working funds – justification for urgency and cumulative impact

N/A





Impacts on 10 Year Long Term Financial Plan

N/A

Service level changes and resourcing/staff implications

It is not considered that the recommendation will result in adverse impacts on Councils staffing resources.

ATTACHMENTS:

- 1  15404/2024 - Oz Group Submission
- 2  15406/2024 - Letter from Water Minister Delegate
- 3  15407/2024 - Letter from Environment Minister
- 4  15409/2024 - Legal Advice

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.3 SF3477 110424 VALLA URBAN GROWTH AREA AMENDMENT

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment**Summary:**

This report relates to a recommended amendment to the Nambucca Local Environmental Plan 2010 (LEP) to amend the zoning of the Valla Urban Growth Area so that it is consistent with the masterplan prepared and adopted as part of the Valla Urban Growth Area Development Control Plan 2018 (DCP).

NOTE: This matter requires a “Planning Decision” meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.

RECOMMENDATION:**THAT:**

- 1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan.**
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.**

OPTIONS:

- 1 Not alter the zoning of the Valla Urban Growth Area. If Council chose this option, the Development Control Plan should also be amended so that it is consistent with the zoning of the land.**
- 2 Proposed recommendation with or without changes.**

BACKGROUND:

The Valla Urban Growth Area (VUGA) was first zoned in 2012 under amendment 9 of the Nambucca Local Environmental Plan 2010 (LEP).

Clause 6.2 of the LEP restricts development consent from being granted to a development application within the VUGA until a Development Control Plan has been created which addresses the matters in that clause.

In 2018 Council prepared and adopted the Valla Urban Growth Area Development Control Plan 2018 (DCP) as required by the above clause 6.2 of the LEP. The DCP is contained within **attachment 1**. As part of the preparation of the DCP it was evident that a more appropriate urban design could be achieved compared to what the existing zoning of the LEP permitted. This was reflected in the adopted Master Plan within the DCP.

Council then obtained development consent for the first stage of developing the VUGA. This included an industrial subdivision within the eastern section fronting the Pacific Highway. Given the substantial amount

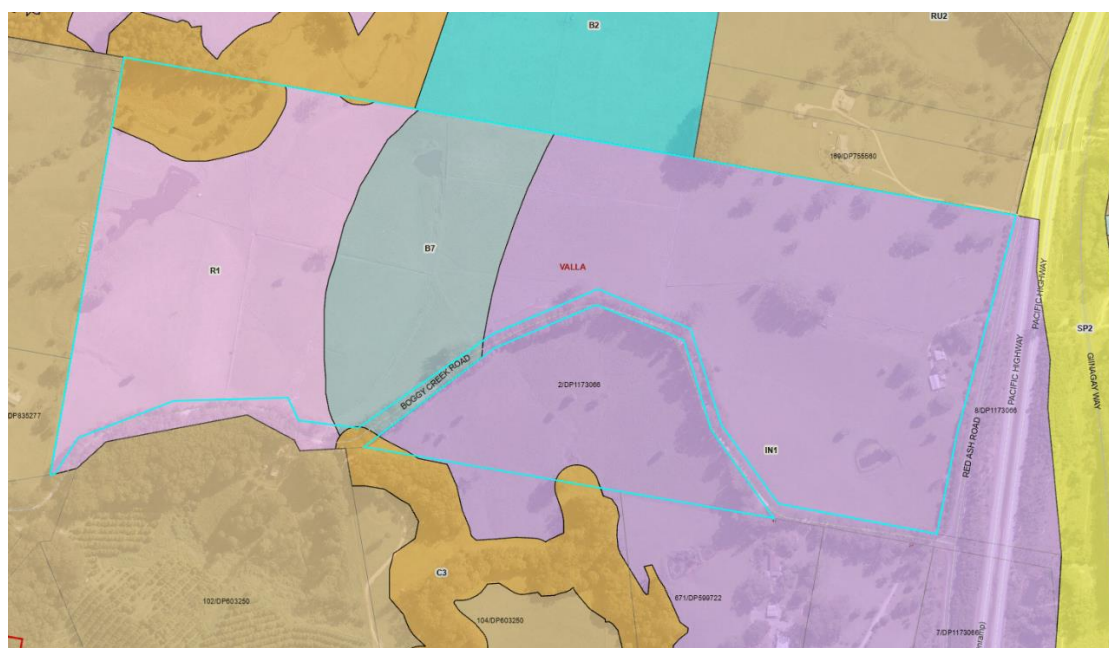
ITEM 11.3 VALLA URBAN GROWTH AREA AMENDMENT

of residue industrial land behind the approved subdivision, it was decided not to pursue an LEP amendment when the DCP was created as it was considered there would be substantial time before physical development would reach the amended area, thereby minimising the potential for multiple LEP amendments and subsequent administrative burden as a result of any changing ideas/plans.

DISCUSSION:

Council has recently submitted a grant application for increased funding to deliver the first industrial stage of the VUGA as well as funding to commence delivery of some of the residential zoned land. The grant funding application is based off the DCP masterplan. If the funding application is successful, part of the residential component will not be able to obtain development consent until the section of land has been rezoned.

The existing LEP zoning of VUGA is shown below. Note, the proposed amended zoning only relates to the lot owned by Council which is outlined blue below.



The adopted masterplan included within Figure 2.1 of the DCP is shown below.



The medium density residential area shown in the DCP map above, as well as the section of the low density residential area directly below; are located within the business and industrial zones mapped B7

ITEM 11.3 VALLA URBAN GROWTH AREA AMENDMENT

and IN1 on the above LEP map. It is these areas that are proposed to be rezoned as outlined within the planning proposal contained within **attachment 2**.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:**Environment**

Outlined in planning proposal.

Social

Outlined in planning proposal.

Economic

Outlined in planning proposal.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Inability to deliver part of the residential land if funding awarded	H	M	Proceed with planning proposal	M

Delivery Program Action

CE1 - Provide diverse, sustainable, adaptable and affordable housing options through effective land use planning

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

Nil.

Working funds – justification for urgency and cumulative impact

N/A



Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

It is not considered that the recommendation will result in adverse impacts on Councils staffing resources.

ATTACHMENTS:

- 1  15880/2024 - DCP
- 2  11021/2024 - Planning Proposal