



Nambucca Shire Council

Planning Proposal Nambucca LEP Amendment No. 18

Reclassification of multiple land parcels in the Nambucca Local Government Area

Prepared by:
*Development and Environment Section
Nambucca Shire Council*

Dated: 2 June 2014

File: SF1977

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1.0 Preliminary

1.1 Context

This planning proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, and 'A guide to preparing planning proposals' (DoP, 2012). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This Planning Proposal applies to the following Council owned lots.

Lot 24 DP 841964, Cockburn Street Valla Beach
Lot 1 DP 794375, Banyandah Road Hyland Park
Lot 1 DP 789967, Max Graham Drive Valla Beach
Lot 96 DP 1099538 Seaforth Drive Valla Beach
Lot 97 DP 1099538, Seaforth Drive Valla Beach
Lot 11 DP 867138, Alexandra Drive Nambucca Heads
Lot 102 DP 1076306, Kylie Street Macksville
Lot 1 DP 712999, Matthew Street Scotts Head
Lot 1 DP794376, Gregory Street Valla Beach
Lot 5 DP 836673, Doncaster Place Hyland Park
Lot 313 DP 836989, Preston Drive Macksville
Lot 99 DP 263680, Banksia Crescent Nambucca Heads
Lot 132 DP 710507, Banksia Crescent Nambucca Heads
Lot 3 DP 786358, Bellingen Road Bowraville
Lot 1 DP 790002, 92A Mann Street Nambucca Heads
Lot 6 DP 844170, Acacia Road Gumma
Lot 2 DP 710419, South Pacific Drive Scotts Head
Lot 12 DP 598325, Uriti Road Macksville
Part Lot 1 DP1004209 Fred Brain Avenue (EJ Biffin Field)

1.3 Current Zoning and Use

The following table identifies the current zone and land use of each parcel.

Lot	Zone	Landuse
Lot 24 DP 841964, Cockburn Street Valla Beach	R1 General Residential	Pump Station
Lot 1 DP 794375, Banyandah Road Hyland Park	R1 General Residential	Pump Station
Lot 1 DP 789967, Max Graham Drive Valla Beach	R1 General Residential	Pump Station
Lot 96 DP1099538, Seaforth Drive Valla Beach	R1 General Residential	Pump Station
Lot 97 DP1099538, Seaforth Drive Valla Beach	RE1 Public Recreation	Pump Station

Lot 11 DP 867138, Alexandra Drive Nambucca Heads	E3 Environmental Management	Pump Station
Lot 102 DP 1076306, Kylie Street Macksville	IN1 General Industrial	Pump Station
Lot 1 DP 712999, Matthew Street Scotts Head	RE1 Public Recreation	Pump Station
Lot 1 DP794376, Gregory Street Valla Beach	RE1 Public Recreation	Pump Station
Lot 5 DP 836673, Doncaster Place Hyland Park	R1 General Residential	Pump Station
Lot 313 DP 836989, Preston Drive Macksville	R1 General Residential	Pump Station
Lot 99 DP 263680, Banksia Crescent Nambucca Heads	RE1 Public Recreation	Pump Station
Lot 132 DP 710507, Banksia Crescent Nambucca Heads	RE1 Public Recreation	Pump Station
Lot 3 DP 786358, Bellingen Road Bowraville	RU1 Primary Production	Bore Pump
Lot 1 DP 790002, 92A Mann Street Nambucca Heads	SP2 Infrastructure	Vacant
Lot 6 DP 844170, Acacia Road Gumma	R5 Large Lot Residential	Water Reservoir
Lot 2 DP 710419, South Pacific Drive Scotts Head	R1 General Residential	Pump Station
Lot 12 DP 598325, Uriti Road Macksville	RE1 Public Recreation	Pump Station
Part Lot 1 DP1004209 Fred Brain Avenue (EJ Biffin Field)	RE1 Public Recreation	Vacant (public recreation)

1.4 Background

Forsyths Chartered Accountants completed an audit of Nambucca Shire Council's Financial Statements for the period ending 30 June 2013. During the course of the audit of the classification of Council's land Forsyths noted that there are a number of land parcels for pump stations which have been incorrectly included in the Community Land category. They have recommended that Council correct the classification in accordance with the code of accounting practice.

Also, in proceeding with LEP Amendment No. 15 and reclassification of part of EJ Biffin Fields for the purposes of a Health Services Facility, an additional portion of land needs to be reclassified to allow the land as proposed in the DA and original amendment to be disposed of. The details of this error are discussed later in this proposal.

To change the classification of Council land an LEP amendment to the Nambucca LEP 2010 is required as well as a public hearing. This planning proposal aims to reclassify nineteen (19) full or part lots.

The matter was reported to Council on 15 May 2014 and Council resolved the following:

- 1 Pursuant to the Clause 55 of the *Environmental Planning and Assessment Act 1979*, Council prepare a Planning Proposal to support an amendment to reclassify all the land as described in this report, excluding Lot 101 DP 1063490, 74 Grassy Road Bowraville.**
- 2 The Planning Proposal and associated material be submitted to the Minister for Planning for consideration under Clause 56 of the Act.**

Part 1 Objectives or Intended outcomes

The primary objective of this LEP amendment is to achieve the land classifications described below:

Lot 24 DP 841964, Cockburn Street Valla Beach

This parcel encompasses Valla Beach Pump Station 2, has an area of 78.2 square metres and is bounded by Cockburn Street, residential land and public reserve bushland.

The land was dedicated to Council as a drainage reserve in 1994 during the subdivision of Lot 102 DP 835964.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 1 DP 794375, Banyandah Road Hyland Park

This parcel encompasses Hyland Park Pump Station 7, has an area of 122.7 square metres and is bounded by natural area bushland and Nambucca State Forest.

The land was acquired from The Minister for Public Works on 24 February 1995 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 1 DP 789967, Max Graham Drive Valla Beach

This parcel encompasses Valla Beach Pump Station 1, has an area of 120.2 square metres and is bounded by Max Graham Drive and undeveloped residential land.

The land was acquired from The Minister for Public Works on 24 February 1995 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lots 96 and 97 DP1099538, Seaforth Drive Valla Beach

Lot 96 encompasses Valla Beach Pump Station 14, has an area of 144 square metres and is bounded by Swordfish Drive and undeveloped residential land.

Lot 97 encompasses a water retention basin, has an area of 5179 square metres and is bounded by Seaforth and Swordfish Drives and undeveloped residential land.

The land was dedicated to Council as drainage reserves in 2006 during the subdivision of Lot 31 DP 1044587 and Lots 1 and 2 DP 228703.

A report was submitted to the council meeting of 7 December 2006 on the classification of the lots to which it was resolved *"that Council publicly notifies for a period of 28 days the acquisition of Lots 96 and 97 DP 1099538 inviting comments/submissions in regard to Council's intention to include the lots in Council's Register of Public land as Operational Land."*

A search of Council records has not found evidence of the submissions being reported back to Council nor the lots being formally classified as operational.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 11 DP 867138, Alexandra Drive Nambucca Heads

This parcel encompasses Nambucca Heads Pump Station 14, has an area of 40 square metres and is bounded by undeveloped residential land.

The land was dedicated to Council in 2007 during the subdivision of Lots 116 and 117 DP 1107521.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 102 DP 1076306, Kylie Street Macksville

This parcel encompasses Macksville Pump Station 14, has an area of 112 square metres and is bounded by undeveloped industrial land.

The land was dedicated to Council in 2004 during the subdivision of Lot 101 DP 1041228.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 1 DP 712999, Matthew Street Scotts Head

This parcel encompasses Scotts Head Pump Station 4, has an area of 196 square metres and is bounded by Crown land.

The land was acquired by Council in 1985 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 1 DP794376, Gregory Street Valla Beach

This parcel encompasses Valla Beach Pump Station 3, has an area of 44 square metres and is bounded by Crown land.

The land was acquired by Council in 1990 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 5 DP 836673, Doncaster Place Hyland Park

This parcel encompasses Hyland Park Pump Station 10, has an area of 41.3 square metres and is bounded by developed and undeveloped residential land.

The land was dedicated to Council in 1994 during the subdivision of Lot 7 DP 817441.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 313 DP 836989, Preston Drive Macksville

This parcel encompasses Macksville Pump Station 15, has an area of 63 square metres and is bounded by developed and undeveloped residential land.

The land was dedicated to Council in 1994 during the subdivision of Lot 27 DP 804000.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 99 DP 263680 and 132 DP 710507, Banksia Crescent Nambucca Heads

Lot 99 encompasses Nambucca Heads Pump Station 10, has an area of 138.8 square metres and is bounded by Banksia Crescent, residential land and Council reserve. This lot was dedicated to Council in 1983 during the subdivision of Lot 84 DP 262079.

Lot 132 is vacant land, has an area of 283.3 square metres and is bounded by Banksia Crescent, residential land and Council reserve. This lot was dedicated to Council in 1985 during the subdivision of Lot 42 DP 602035.

Both lots were classified as Community Land on 7 October 1993 in Policy 1 (G10/76B) as Natural Area – Water. However it appears that Lot 99 was incorrectly classified at this time due to the use of the land for a pump station.

Once the lots have been reclassified as operational it is intended to consolidate the two lots.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 3 DP 786358, Bellingin Road Bowraville

This parcel encompasses a bore pump, has an area of 25 square metres and is bounded by rural residential land.

The land acquired by Council in 1989 for the use of water supply bore sites.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 1 DP 790002, 92A Mann Street Nambucca Heads

This parcel shares a boundary with the water reservoir land in Mann Street Nambucca Heads on its western side and with residential land on its eastern side. The land has an area of 179 square metres and is in close proximity to both the water reservoir and the buildings on the residential land.

The land was acquired by Council on 29 November 1996 for the use of water supply.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act, it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 6 DP 844170, Acacia Road Gumma

This parcel encompasses a redundant water reservoir, has an area of 225 square metres and is bounded by rural residential land.

The land was dedicated to Council in 1994 during the subdivision of Lot 19 DP 794178 for the use of water supply.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 2 DP 710419, South Pacific Drive Scotts Head

This parcel encompasses Scotts Head Pump Station 1, has an area of 138.4 square metres and is bounded by South Pacific Drive, National Park and Crown land.

The land was acquired by Council in 1985 for the purpose of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

The picture below shows the pump station being located outside Lot 2 DP 710419. This is due to the aerial photography not being accurately overlaid on the mapping system.

Recommendation:

This land is to be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 12 DP 598325, Uriti Road Macksville

This parcel encompasses both Macksville Pump Station 12 and a children's playground. It has an area of 2580 square metres and is bounded by Uriti Road, developed and undeveloped residential land.

The land was dedicated to Council in 1978 during the subdivision of Lot 1 DP 205453.

The land was classified as community land on 7 October 1993 in Policy 1 (G10/76B) as Community – Park. It is intended to reclassify the area containing the pump station as operational. Later the land will be subdivided to create two lots. A lot will be created including the access handle to the pump station.

Recommendation:

Part of this land containing the pump station and associated access handle be reclassified as operational and added to Part 1 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Lot 1 DP1004209 Fred Brain Avenue (EJ Biffin Field)

Council has recently approved an amendment to the Nambucca LEP 2010 for the provision of a Health Services Facility and the transfer of the land to the Mid North Coast Area Health. During the process Council negotiated with the Mid North Coast Area Health in relation to the design and layout of the facility to better relate to the use of the Council Open Space area and residue land.

As a result of the changes to the layout a small portion of land required to be reclassified was not shown on the reclassification maps. Although the land to be rezoned and subdivided was all accurately exhibited, advice from NSW Planning indicated that in order to reclassify this land the reclassification map was required to be exhibited accurately.

The land subject to the above error is shown **HATCHED** on the south eastern edge of the map below, overlaid with the proposed facility. As can be seen in the figure the land is not required for the facility itself, but rather landscaping and a buffer to the open space area.

To rectify the error it was decided to proceed with the original EJ Biffin amendment (LEP Amendment No. 15) as exhibited and incorporate this reclassification among these broader housekeeping reclassifications (this amendment), thus avoiding duplications of public hearings and exhibition periods. This also allows the development consent for the facility to be released and construction to commence under legal contract.

The only negative of this approach is the final settlement of the land transfer may be delayed as Council awaits the finalisation of this reclassification.

Recommendation:

Part Lot 1 DP1004209 is to be reclassified as operational and added to Part 2 Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



Part 2 Explanation of Provisions

The objectives of the LEP amendment will be achieved by amending Schedule 4 as proposed below. Changes are shown in RED.

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Eungai Creek, Little Tamber Road	Lot 163, DP 822649 (known as Eungai Pre School)
Bowraville	Lot 1 and Lot 2 DP1088352
	Lot 24 DP 841964, Cockburn Street Valla Beach
	Lot 1 DP 794375, Banyandah Road Hyland Park
	Lot 1 DP 789967, Max Graham Drive Valla Beach
	Lot 96 DP 1099538, Seaforth Drive Valla Beach
	Lot 97 DP 1099538, Seaforth Drive Valla Beach
	Lot 11 DP 867138, Alexandra Drive Nambucca Heads
	Lot 102 DP 1076306, Kylie Street Macksville
	Lot 1 DP 712999, Matthew Street Scotts Head
	Lot 1 DP794376, Gregory Street Valla Beach
	Lot 5 DP 836673, Doncaster Place Hyland Park

Lot 313 DP 836989, Preston Drive Macksville

Lot 99 DP 263680, Banksia Crescent Nambucca Heads

Lot 132 DP 710507, Banksia Crescent Nambucca Heads

Lot 3 DP 786358, Bellingen Road Bowraville

Lot 1 DP 790002, 92A Mann Street Nambucca Heads

Lot 6 DP 844170, Acacia Road Gumma

Lot 2 DP 710419, South Pacific Drive Scotts Head

Lot 12 DP 598325, Uriti Road Macksville

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Macksville, Yarrowonga Street	Part of Lot 31, DP 248561, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Nambucca Heads, Kingsworth Estate, Old Coast Road	Part of Lot 40, DP 711098, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Nambucca Centenary Parade	Part Lot 1 DP1004209 Fred Brain Avenue (EJ Biffin Field)	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Part 3 Justification

Section A – Need for the Planning Proposal

1 Is the Planning Proposal the Result of any Strategic study or Report?

The planning proposal is largely the result of a financial audit undertaken by Forsyths where anomalies in relation to operational land were identified. In addition to this a small portion of land was not included in the exhibition material for LEP Amendment No. 15 for a Health Services facility at EJ Biffin Fields. This proposal will correct these errors.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is the best means of achieving the intended outcomes. The Local Government Act requires Council to undertake the reclassification via an LEP amendment as proposed. To proceed with a reclassification pursuant to the Local Government Act Council will also be required to hold a public hearing during the exhibition period.

3 *Is the planning proposal consistent with the objects and actions of the applicable regional or subregional strategy?*

The Mid North Coast Regional Strategy does not address public land reclassifications in a strategic context.

4 *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other strategic plan?*

The planning proposal is correcting anomalies in relation to the classification of Council owned land.

5 *if the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.*

The planning proposal will not extinguish interests in the land.

6 *The concurrence of the landowner, where the land is not owned by the relevant planning authority*

N/A

7 *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. Applicable SEPP's are addressed in following parts of this proposal.

8 *Is the planning proposal consistent with relevant ministerial directions (117 directions)?*

Yes. Applicable 117 directions are addressed in following parts of this proposal.

9 *Is there any likelihood that critical habitat or threatened species population or ecological communities or their habitats will be adversely affected as a result of this proposal?*

No, the parcels in question are being reclassified to correct anomalies with the present classification. The Planning Proposal will not result in clearing or other related environmental impacts.

10 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Nil. The planning proposal is correcting anomalies in relation to the classification.

11 Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal will have no social or economic impacts.

12 Is there adequate public infrastructure for the planning proposal?

Yes. The proposal is largely correcting land classification in relation to Council infrastructure such as pump stations and other infrastructure. The land to be reclassified at EJ Biffin is correcting an error identified in the LEP Amendment No. 15.

13 What are the views of the relevant state and commonwealth authorities consulted in accordance with the gateway determination?

N/A. No consultation has been undertaken.

14 if the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

No interests are required to be extinguished.

15 The concurrence of the landowner, where the land is not owned by the relevant planning authority

Council is the owner of the land.

Part 4 Community Consultation

Although the planning proposal will correct anomalies and errors in relation to Council owned land, the proposal is not considered to be a low impact proposal in accordance with Section 4.5 of '*A guide to preparing local environmental plans*'. As such it is intended that exhibition period for the planning proposal will be a minimum of 28 days and the exhibition will be undertaken in accordance with Section 4.5 of '*A guide to preparing local environmental plans*'.

Pursuant with the requirements of the *Local Government Act* and clause 56E of the *Environmental Planning and Assessment Act 1979* a public hearing is required to be held in relation to the reclassification of this land.

Appendix 1 - State Environmental Planning Policies

All State Environmental Planning Policies (SEPP) have been considered in the preparation of the planning proposal, however none are directly applicable to this planning proposal.

Appendix 2 - Section 117 Directions

All of the Minister's Section 117 directions under the *Environmental Planning and Assessment Act 1979* have been considered during the preparation of this planning proposal.

The planning proposal relates to Council owned land in all the following zones:

R1 General Residential
RU1 Primary Production
RE1 Public Recreation; and
IN1 General Industrial

This LEP amendment does not propose to change the zoning, densities or land uses of any of these parcels. It is only reclassifying the land.

In relation to the consideration of the reclassification of Lot 1 DP1004209 Fred Brain Avenue (EJ Biffin Fields) the proposed amendment is reclassifying land that was rezoned for the purposes of a Health Services Facility through Nambucca LEP Amendment No. 15. LEP Amendment No 15 was endorsed by Council after significant community consultation. At the time of writing this proposal LEP Amendment No. 15 was being considered by Planning and Infrastructure NSW's Legal Team in order to be made.

During the preparation of the aforementioned amendment, an area of land required to be reclassified was not included in the exhibition material in error. This proposal is essentially correcting LEP Amendment No. 15 and land to be reclassified in this amendment will allow the land to be disposed of for Mid North Coast Local Area Health for the purposes of a Health Services Facility.

As such the planning proposal is considered consistent with all the Section 117 Directions. No further discussion of the 117 directions is required.

Appendix 3 – Council Reports

GENERAL MANAGER'S REPORT

**ITEM 9.5 SF1541 150514 PLANNING PROPOSAL LEP AMENDMENT NO. 18
RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL
INFRASTRUCTURE AND SERVICES**

AUTHOR/ENQUIRIES: Grant Nelson, Strategic Planner

SUMMARY:

Forsyths Chartered Accountants completed an audit of Nambucca Shire Council's Financial Statements for the period ending 30 June 2013. During the course of the audit of the classification of Council's land Forsyth's noted that there are a number of land parcels for pump stations which have been included in the Community Land category to which they have recommended that Council correct the classification in accordance with the code of accounting practice.

Also, in proceeding with the LEP amendment and reclassification of part EJ Biffin Fields for the purposes of Health Services Facility an additional portion of land needs to be reclassified to allow the land as proposed in the DA and original amendment to be disposed of. The details of this error are discussed in the report.

To change the classification of Council land an LEP amendment to the Nambucca LEP 2010 is required as well as a public hearing. The purpose of this report is to gain Council support to commence the process.

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RECOMMENDATION:

- 1 Pursuant to the Clause 55 of the *Environmental Planning and Assessment Act 1979*, Council prepare a Planning Proposal to support an amendment to reclassify all the land as described in this report.**
- 2 The Planning Proposal and associated material be submitted to the Minister for Planning for consideration under Clause 56 of the Act.**

Do not delete this line

OPTIONS:

Council may choose not to proceed with all or part of the amendment.

DISCUSSION:

Details of the land parcels follow:

Lot 24 DP 841964, Cockburn Street Valla Beach

This parcel encompasses Valla Beach Pump Station 2, has an area of 78.2 square meters and is bounded by Cockburn Street, residential land and public reserve bushland.

The land was dedicated to Council as a drainage reserve in 1994 during the subdivision of Lot 102 DP 835964.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.

ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

**Lot 1 DP 794375, Banyandah Road Hyland Park**

This parcel encompasses Hyland Park Pump Station 7, has an area of 122.7 square meters and is bounded by natural area bushland and Nambucca State Forest.

The land was acquired from The Minister for Public Works on 24 February 1995 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lot 1 DP 789967, Max Graham Drive Valla Beach**

This parcel encompasses Valla Beach Pump Station 1, has an area of 120.2 square meters and is bounded by Max Graham Drive and undeveloped residential land.

The land was acquired from The Minister for Public Works on 24 February 1995 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lots 96 and 97 DP1099538, Seaforth Drive Valla Beach**

Lot 96 encompasses Valla Beach Pump Station 14, has an area of 144 square meters and is bounded by Swordfish Drive and undeveloped residential land.

Lot 97 encompasses a water retention basin, has an area of 5179 square meters and is bounded by Seaforth and Swordfish Drives and undeveloped residential land.

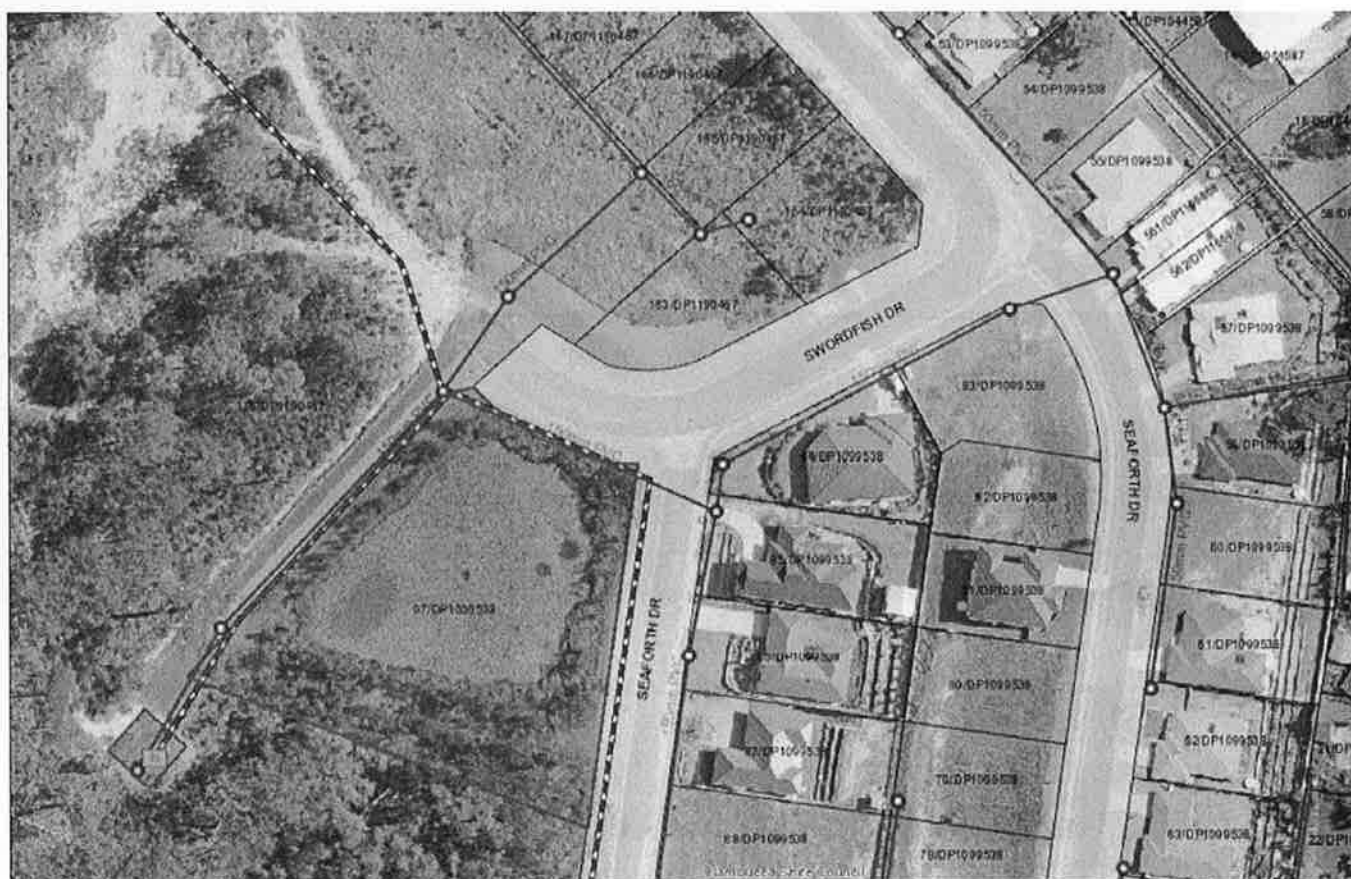
The land was dedicated to Council as drainage reserves in 2006 during the subdivision of Lot 31 DP 1044587 and Lots 1 and 2 DP 228703.

A report was submitted to the council meeting of 7 December 2006 on the classification of the lots to which it was resolved *"that Council publicly notifies for a period of 28 days the acquisition of Lots 96 and 97 DP 1099538 inviting comments/submissions in regard to Council's intention to include the lots in Council's Register of Public land as Operational Land."*

A search of Council records has not found evidence of the submissions being reported back to Council nor the lots being formally classified as operational.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lot 11 DP 867138, Alexandra Drive Nambucca Heads**

This parcel encompasses Nambucca Heads Pump Station 14, has an area of 40 square meters and is bounded by undeveloped residential land.

The land was dedicated to Council in 2007 during the subdivision of Lots 116 and 117 DP 1107521.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

Lot 102 DP 1076306, Kylie Street Macksville

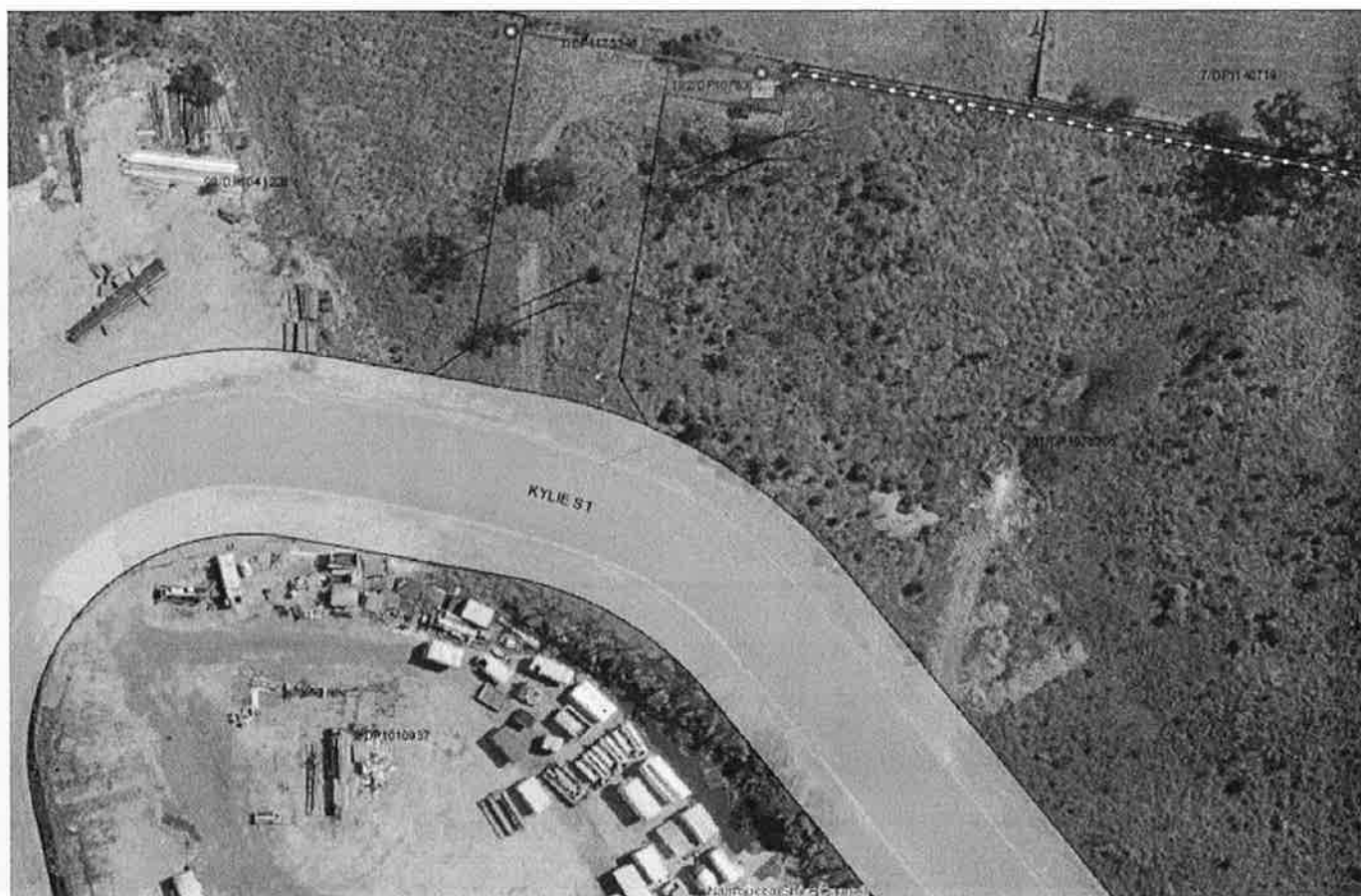
This parcel encompasses Macksville Pump Station 14, has an area of 112 square meters and is bounded by undeveloped industrial land.

The land was dedicated to Council in 2004 during the subdivision of Lot 101 DP 1041228.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lot 1 DP794376, Gregory Street Valla Beach**

This parcel encompasses Valla Beach Pump Station 3, has an area of 44 square meters and is bounded by Crown land.

The land was acquired by Council in 1990 for the construction of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

Lot 5 DP 836673, Doncaster Place Hyland Park

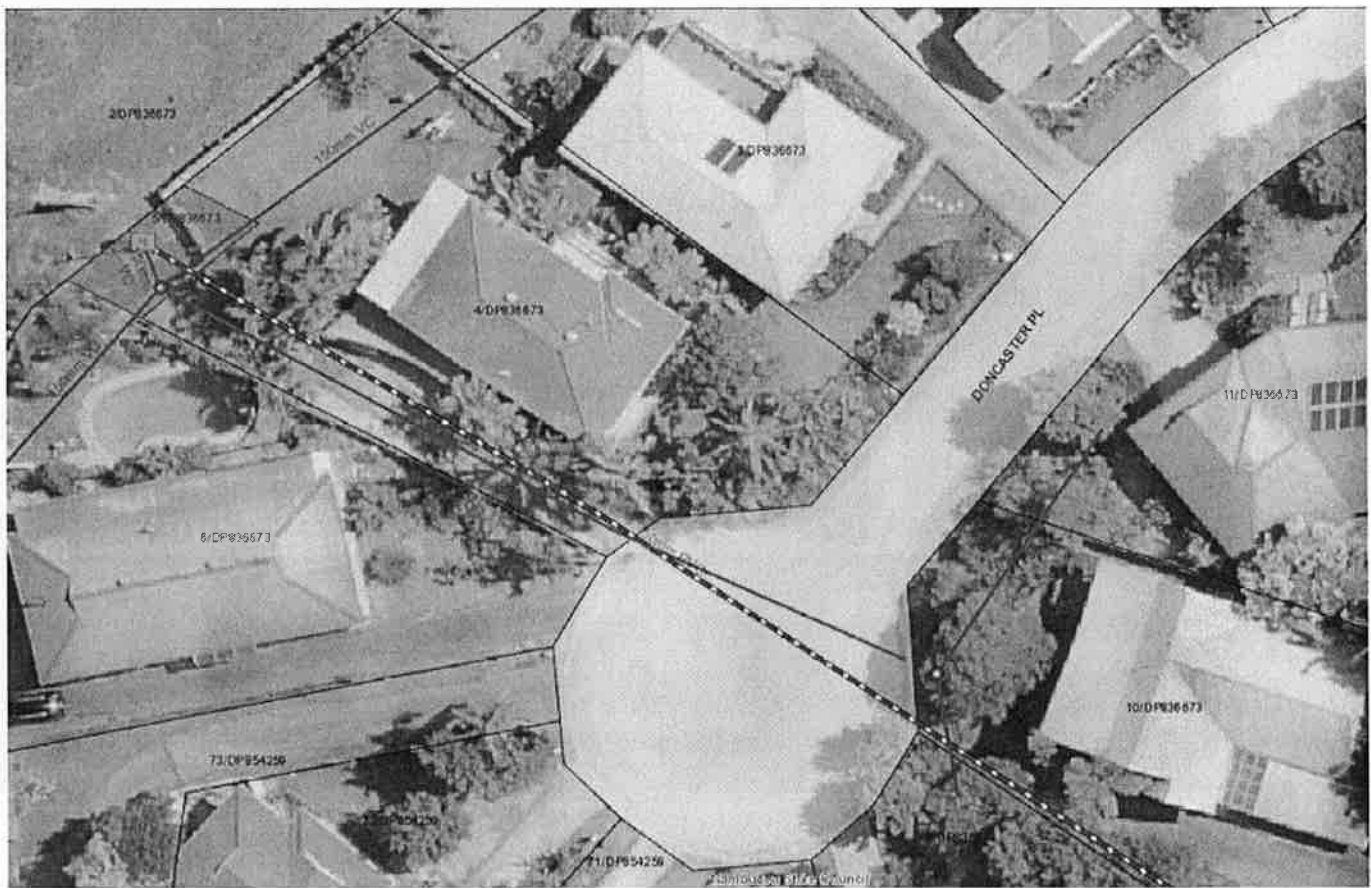
This parcel encompasses Hyland Park Pump Station 10, has an area of 41.3 square meters and is bounded by developed and undeveloped residential land.

The land was dedicated to Council in 1994 during the subdivision of Lot 7 DP 817441.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

Lot 313 DP 836989, Preston Drive Macksville

This parcel encompasses Macksville Pump Station 15, has an area of 63 square meters and is bounded by developed and undeveloped residential land.

The land was dedicated to Council in 1994 during the subdivision of Lot 27 DP 804000.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.





ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

Lot 3 DP 786358, Bellingin Road Bowraville

This parcel encompasses a bore pump, has an area of 25 square meters and is bounded by rural residential land.

The land acquired by Council in 1989 for the use of water supply bore sites.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lot 1 DP 790002, 92A Mann Street Nambucca Heads**

This parcel shares a boundary with the water reservoir land in Mann Street Nambucca Heads on its western side and with residential land on its eastern side. The land has an area of 179 square meters and is close in proximity to both the water reservoir and the buildings on the residential land.

The land was acquired by Council on 29 November 1996 for the use of water supply.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act, it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

Lot 6 DP 844170, Acacia Road Gumma

This parcel encompasses a redundant water reservoir, has an area of 225 square meters and is bounded by rural residential land.

The land was dedicated to Council in 1994 during the subdivision of Lot 19 DP 794178 for the use of water supply.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lot 2 DP 710419, South Pacific Drive Scotts Head**

This parcel encompasses Scotts Head Pump Station 1, has an area of 138.4 square meters and is bounded by South Pacific Drive, National Park and Crown land.

The land was acquired by Council in 1985 for the purpose of a pump station.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

The picture below shows the pump station being located outside Lot 2 DP 710419. This is due to the aerial photography not being accurately overlayed on the mapping system.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

Lot 12 DP 598325, Uriti Road Macksville

This parcel encompasses both Macksville Pump Station 12 and a childrens playground. It has an area of 2580 square meters and is bounded by Uriti Road, developed and undeveloped residential land.

The land was dedicated to Council in 1978 during the subdivision of Lot 1 DP 205453.

The land was classified as Community on 7 October 1993 in Policy 1 (G10/76B) as Community – Park. It is intended to reclassify the area containing the pump station as operational. Later the land will be subdivided to create two lots. A lot will be created including the access handle to the pump station.

Recommendation:

It is recommended this land be part of the land containing the pump station and associated access handle be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES**Lot 101 DP 1063490, 74 Grassy Road Bowraville**

This parcel is leased for a period of twenty years commencing 7 December 2006. The tenant operates a farm using effluent water for irrigation. This allows Council to dispose of effluent water. It has an area of 44.9 hectares and is bounded by Grassy Road, Nambucca River and rural land.

The land was acquired by Council in 2004 for the purpose of disposing of effluent water.

A search of Council records has not found evidence of this land being classified as operational, therefore as per the Local Government Act 1993 it has been automatically classified as community land.

Recommendation:

It is recommended this land be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.

**Lot 1 DP1004209 Fred Brain Avenue (EJ Biffin Field)**

Council has recently approved an amendment to the Nambucca LEP 2010 for the provision of a Health Services Facility and the transfer of the land to the Mid North Coast Area Health. During the process Council negotiated with the Mid North Coast Area Health in relation to the design and layout of the facility to better relate to the use of the Council Open Space area and residue land.

As a result of the changes to the layout a small portion land required to be reclassified was not shown on the reclassification maps. Although the land to be rezoned and subdivided was all accurately exhibited, advice from NSW Planning indicated that in order to reclassify this land the reclassification map was required to be exhibited accurately.

ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

The land subject to the above error is shown **HATCHED** on the south eastern edge of the map below, overlaid with the proposed facility. As can be seen in the figure the land is not required for the facility itself, but rather landscaping and a buffer to the open space area.

To rectify the error it was decided to proceed with the original Ej Biffin amendment as exhibited and incorporate this reclassification among these broader housekeeping reclassifications, thus avoiding additional public hearings and exhibition periods. This also allows the development consent for the facility to be released and construction to commence under legal contract.

The only negative of this approach is the final settlement of the land transfer may be delayed as Council awaits the finalisation of this reclassification.

Recommendation:

It is recommended part Lot 1 DP1004209 be reclassified as operational and added to Schedule 4 Classification and Reclassification of Public Land of the Nambucca LEP 2010.



CONSULTATION:

Engineering Support Officer
Manager of Water and Sewer
General Manager
Mid North Coast Local Area Health

ITEM 9.5 PLANNING PROPOSAL LEP AMENDMENT NO. 18 RECLASSIFICATION OF MULTIPLE LAND PARCELS RELATING TO COUNCIL INFRASTRUCTURE AND SERVICES

SUSTAINABILITY ASSESSMENT:**Environment**

This proposal aims to reclassify land across the Local Government Area. No physical changes are proposed to land that would result in environmental impacts.

Social

This proposal aims to reclassify land across the Local Government Area. No physical changes are proposed to land that would result in social impacts. Land to be reclassified is currently used as part of Council's reticulated services or is required to rectify an anomaly.

Economic

NIL, the LEP amendment will be completed by staff. If agreeable the General Manager of Bellingen Shire Council will asked to facilitate the public hearing.

Risk

NIL

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

Nil

Source of fund and any variance to working funds

NIL

Service level changes and resourcing/staff implications

Nil

Do not delete this line

ATTACHMENTS:

There are no attachments for this report.

FOR ACTION

COUNCIL

15/05/2014

TO: Strategic Planner (Grant Nelson)

Subject: Planning Proposal LEP amendment no. 18 Reclassification of multiple land parcels relating to Council infrastructure and services
Target Date: 29/05/2014
Notes:
Trim Reference SF1541 (11440/2014)

252/14 **RESOLVED:** (Finlayson/Ainsworth)

- 1 Pursuant to the Clause 55 of the *Environmental Planning and Assessment Act 1979*, Council prepare a Planning Proposal to support an amendment to reclassify all the land as described in this report, excluding Lot 101 DP 1063490, 74 Grassy Road Bowraville.
- 2 The Planning Proposal and associated material be submitted to the Minister for Planning for consideration under Clause 56 of the Act.

For the Motion: Councillors Ainsworth, Ballangarry, Finlayson, Hoban, MacDonald, Morrison and South
Total (7).

Against the Motion: Nil Total (0).

[Open Item in Minutes](#)

This action sheet has been automatically produced by the Minute Secretary using **InfoCouncil**, the agenda and minutes database.

Please forward updated action sheet to the Governance Unit (by email or hard copy post) once completed.

ACTION TAKEN BY OFFICER

ONGOING / COMPLETED

Completion date: _____

(Please update once item is actually completed)

Details:



Land & Property Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 24/841964

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:19 PM	1	15/8/1994

LAND

LOT 24 IN DEPOSITED PLAN 841964
AT VALLA BEACH
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP841964

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP255481 RESTRICTION(S) ON THE USE OF LAND
- 3 DP800745 RESTRICTION(S) ON THE USE OF LAND
- 4 DP805577 RESTRICTION(S) ON THE USE OF LAND
- 5 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:
DP818899 EASEMENT TO DRAIN WATER 4 WIDE

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/794375

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:21 PM	2	23/8/2004

LAND

LOT 1 IN DEPOSITED PLAN 794375
AT HYLAND PARK
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP794375

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL (R AA875625)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS SEE MEMORANDUM T447400

NOTATIONS

Z361806 NOTE: ACQUIRED FOR SEWERAGE PURPOSES GAZ. 31.8.1990 FOL 7975
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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**Land & Property
Information**

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH
-----FOLIO: 1/789967

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:22 PM	3	23/8/2004

LAND

LOT 1 IN DEPOSITED PLAN 789967
AT VALLA BEACH
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP789967

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL (R AA875625)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP255481 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 96/1099538

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:23 PM	1	11/7/2006

LAND

LOT 96 IN DEPOSITED PLAN 1099538
AT VALLA BEACH
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP1099538

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL

SECOND SCHEDULE (9 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP1099538 LAND IS DEDICATED AS A DRAINAGE RESERVE
- 3 DP268635 RESTRICTION(S) ON THE USE OF LAND
- 4 DP268635 EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP268635 EASEMENT TO DRAIN SEWAGE 2 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 6 DP1044587 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (5) IN THE S. 88B INSTRUMENT
- 7 DP1044587 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (6) IN THE S. 88B INSTRUMENT
- 8 DP1044587 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (7) IN THE S. 88B INSTRUMENT
- 9 DP1099538 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (9) IN THE S.88B INSTRUMENT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 97/1099538

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:23 PM	1	11/7/2006

LAND

LOT 97 IN DEPOSITED PLAN 1099538
AT VALLA BEACH
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP1099538

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL

SECOND SCHEDULE (11 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP1099538 LAND IS DEDICATED AS A DRAINAGE RESERVE
- 3 DP268635 RESTRICTION(S) ON THE USE OF LAND
- 4 DP268635 EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP268635 EASEMENT TO DRAIN SEWAGE 2 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 6 DP1044587 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (5) IN THE S. 88B INSTRUMENT
- 7 DP1044587 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (6) IN THE S. 88B INSTRUMENT
- 8 DP1044587 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (7) IN THE S. 88B INSTRUMENT
- 9 DP1099538 EASEMENT TO DRAIN SEWAGE 2 METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 10 DP1099538 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (9) IN THE S.88B INSTRUMENT
- 11 DP1099538 EASEMENT FOR RISING MAIN 2 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 11/867138

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:24 PM	1	2/4/1997

LAND

LOT 11 IN DEPOSITED PLAN 867138
AT BELLWOOD
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF NAMBUCCA COUNTY OF RALEIGH
TITLE DIAGRAM DP867138

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL

SECOND SCHEDULE (11 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K516627 COVENANT
- 3 DP639055 RIGHT OF CARRIAGEWAY 20 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP809301 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP809301 RESTRICTION(S) ON THE USE OF LAND
- 6 DP809302 EASEMENT TO DRAIN SEWAGE 20 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 7 DP809302 EASEMENT TO DRAIN WATER 20 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP845596 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 DP867138 EASEMENT FOR POWER SUPPLY 20 WIDE AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 10 DP867138 EASEMENT FOR WATER SUPPLY 20 WIDE AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 11 DP867138 RIGHT OF CARRIAGEWAY 20 WIDE AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

END OF PAGE 1 - CONTINUED OVER

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 102/1076306

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:24 PM	1	19/11/2004

LAND

LOT 102 IN DEPOSITED PLAN 1076306
AT MACKSVILLE
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF CONGARINNI COUNTY OF RALEIGH
TITLE DIAGRAM DP1076306

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP788783 RESTRICTION(S) ON THE USE OF LAND
- 3 DP1041228 RESTRICTION(S) ON THE USE OF LAND AS REFERRED TO AND NUMBERED (4) IN THE SEC. 88B INSTRUMENT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/712999

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:25 PM	2	15/6/2004

LAND

LOT 1 IN DEPOSITED PLAN 712999
AT SCOTTS HEAD
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF WARRELL COUNTY OF RALEIGH
TITLE DIAGRAM DP712999

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL

(R AA543215)

SECOND SCHEDULE (1 NOTIFICATION)

* 1 LAND EXCLUDES MINERALS -VIDE MEMORANDUM T447400

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/794376

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:25 PM	2	23/8/2004

LAND

LOT 1 IN DEPOSITED PLAN 794376
AT VALLA BEACH
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP794376

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL (R AA875625)

SECOND SCHEDULE (0 NOTIFICATIONS)

NIL

NOTATIONS

Z361806 NOTE: ACQUIRED FOR SEWERAGE PURPOSES GAZ. 31.8.1990 FOL 7975
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 5/836673

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:27 PM	2	6/4/1994

LAND

LOT 5 IN DEPOSITED PLAN 836673
AT HYLAND PARK
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF VALLEY VALLEY COUNTY OF RALEIGH
TITLE DIAGRAM DP836673

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF NAMBUCCA (T U157413)

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:
DP817441 -EASEMENT FOR WATER SUPPLY
- 3 DP817441 RESTRICTION(S) ON THE USE OF LAND
- 4 DP836673 EASEMENT TO DRAIN WATER 2 WIDE AFFECTING THE PART(S)
SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP836673 RIGHT OF CARRIAGEWAY 3.5 WIDE AND VARIABLE
APPURTENANT TO THE LAND ABOVE DESCRIBED
- 6 DP836673 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

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UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 313/836989

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:35 PM	2	27/5/1994

LAND

LOT 313 IN DEPOSITED PLAN 836989
AT SOUTH MACKSVILLE
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF CONGARINNI COUNTY OF RALEIGH
TITLE DIAGRAM DP836989

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF NAMBUCCA (T U299858)

SECOND SCHEDULE (9 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP792239 RESTRICTION(S) ON THE USE OF LAND
- 3 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:
DP792239 TO DRAIN WATER 3 WIDE
- 4 DP836989 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP836989 EASEMENT TO DRAIN WATER 2 WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 6 DP836989 RESTRICTION(S) ON THE USE OF LAND
- 7 DP836989 RIGHT OF CARRIAGEWAY 8 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP836989 RIGHT OF CARRIAGEWAY 5 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 DP836989 EASEMENT FOR SEWER RISING MAIN 2 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 99/263680

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:35 PM	-	-

VOL 15009 FOL 165 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 99 IN DEPOSITED PLAN 263680
AT NAMBUCCA HEADS
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF NAMBUCCA COUNTY OF RALEIGH
TITLE DIAGRAM DP263680

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF NAMBUCCA

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- * 2 DP248911 EASEMENT TO DRAIN WATER 2 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- * 3 DP248911 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 132/710507

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:36 PM	1	25/2/1985

LAND

LOT 132 IN DEPOSITED PLAN 710507
AT NAMBUCCA HEADS
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF NAMBUCCA COUNTY OF RALEIGH
TITLE DIAGRAM DP710507

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF NAMBUCCA

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP248911 EASEMENTS TO DRAIN WATER APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN SO BURDENED IN DP248911 (SEE P98141)
- 3 DP602035 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN SO BURDENED IN DP602035
- 4 K200000D CAVEAT BY THE REGISTRAR GENERAL FORBIDDING UNAUTHORISED DEALINGS WITH DRAINAGE RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 3/786358

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:37 PM	2	15/6/1998

LAND

LOT 3 IN DEPOSITED PLAN 786358
AT BOWRA
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF BUCKRA BENDINNI COUNTY OF RALEIGH
TITLE DIAGRAM DP786358

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL (R 5054195)

SECOND SCHEDULE (1 NOTIFICATION)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

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UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/790002

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:37 PM	2	15/6/1998

LAND

LOT 1 IN DEPOSITED PLAN 790002
AT NAMBUCCA HEADS
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF NAMBUCCA COUNTY OF RALEIGH
TITLE DIAGRAM DP790002

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL (R 5054195)

SECOND SCHEDULE (1 NOTIFICATION)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 6/844170

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:38 PM	3	21/1/2004

LAND

LOT 6 IN DEPOSITED PLAN 844170
AT GUMMA
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF CONGARINNI COUNTY OF RALEIGH
TITLE DIAGRAM DP844170

FIRST SCHEDULE

NAMBUCCA SHIRE COUNCIL (T AA350608)

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 Q342259 COVENANT
- 3 DP794178 RESTRICTION(S) ON THE USE OF LAND
- 4 DP844170 RIGHT OF CARRIAGEWAY 5 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP844170 EASEMENT TO DRAIN WATER 2 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 6 DP844170 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 12/598325

SEARCH DATE	TIME	EDITION NO	DATE
4/6/2014	3:39 PM	1	9/3/1989

LAND

LOT 12 IN DEPOSITED PLAN 598325
AT MACKSVILLE
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF NAMBUCCA COUNTY OF RALEIGH
TITLE DIAGRAM DP598325

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF NAMBUCCA

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1919 RELATING TO PUBLIC RESERVES
- 3 J190456 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN AS PROPOSED RIGHT OF WAY IN DP205453
 - P992257 RELEASED IN AS FAR AS IT AFFECTS THE LAND IN DP306995 & LOT 15 DP245051
 - Y95621 RELEASED IN AS FAR AS IT AFFECTS LOT 412 IN DP625737

NOTATIONS

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UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1004209

SEARCH DATE	TIME	EDITION NO	DATE
27/2/2014	12:05 PM	3	21/3/2011

LAND

LOT 1 IN DEPOSITED PLAN 1004209
AT NEWVILLE
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF NAMBUCCA COUNTY OF RALEIGH
TITLE DIAGRAM DP1004209

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF NAMBUCCA

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 2 DP261088 RESTRICTION(S) ON THE USE OF LAND
- 3 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS, IF ANY, CONTAINED IN THE CROWN GRANTS AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP261088 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP1004209 CROSS EASEMENTS FOR PARTY WALLS (S. 88BB CONVEYANCING ACT, 1919) 0.11 METRES WIDE AFFECTING THE PARTY WALL(S) SHOWN IN THE TITLE DIAGRAM
- 6 DP1037139 EASEMENT FOR ELECTRICITY RETICULATION SUBSTATION AND UNDERGROUND CABLE PURPOSES 3 WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1037139
- 7 DP1161807 RIGHT OF CARRIAGEWAY VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1161807

NOTATIONS

UNREGISTERED DEALINGS: NIL

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