

# Minutes for Ordinary General Meeting

<b>DATE OF MEETING</b>	Saturday, 18 May 2024		
<b>MEETING TIME:</b>	2.10pm	<b>MEETING LOCATION:</b>	North Arm Cove Community Hall

## Information Session – draft Midcoast Local Environmental Plan

Before the regular meeting there was an Information Session on the draft Midcoast Local Environmental Plan (LEP) which is on public exhibition until 14 July 2024. All details are available at the sites as per attached

<https://haveyoursay.midcoast.nsw.gov.au/draft-midcoast-local-environmental-plan>

[https://haveyoursay.midcoast.nsw.gov.au/download\\_file/3063/1082](https://haveyoursay.midcoast.nsw.gov.au/download_file/3063/1082)

[https://haveyoursay.midcoast.nsw.gov.au/download\\_file/3046/1082](https://haveyoursay.midcoast.nsw.gov.au/download_file/3046/1082)

[https://haveyoursay.midcoast.nsw.gov.au/download\\_file/3047/1082](https://haveyoursay.midcoast.nsw.gov.au/download_file/3047/1082)

[FAQ and Factsheets | Draft MidCoast Local Environmental Plan | Have Your Say \(nsw.gov.au\)](#)

[Paper Subdivisions Fact Sheet ver3.pdf \(hdp-au-prod-app-midcst-haveyoursay-files.s3.ap-southeast-2.amazonaws.com\)](#)

**We encourage everyone to view these documents and then have your say regarding the proposed changes.**

Below you will find a brief summary of the afternoon’s proceedings and answers to questions submitted prior to the meeting. We were not allowed to record this section of the meeting and at the pace information was given it was difficult to record all the discussions.

Speakers were: -

Midcoast Council’s Director of Liveable Communities **Paul De Szell**

Manager Land Use Planners **Michael Griffith.**

Snr Land Use Planner **Susan Calvin**

- B.R. explained the meeting procedures and timing, welcomed all present, introduced the speakers as listed above and then handed the meeting over to Paul De Szell.
- Paul then gave a brief explanation of Draft LEP for the entire area. He then handed over to Susan
- Susan then gave a historical explanation of why a new LEP was required for the area now covered by MCC. Maps of NAC

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showing the different ENVIRONMENTAL ZONES between existing and proposed. Discussion and a timeline on the timing from the initial Draft LEP to final approval by government was shown. All points discussed are available on the web sites above

- Susan then handed the meeting over to Michael who discussed the proposed changes in minimum lot size that would allow development. He discussed the upcoming drop-in session on 13/6/24 at Hawks Nest Community Centre and encouraged all to go online and view the various fact sheets available. He encouraged all to submit comments/questions on the Have your say app as Council wants as much feedback as possible.
- Michael handed the meeting back to Paul who summarized the consultation period, stating that after the processing of all submissions there may or may not be changes to the draft LEP. He advised that with the new Council elections in September the new Council may want additional changes and did not expect the new LEP would be in place before 2<sup>nd</sup> half of 2025. Paul stated that there would be a crossover period between the old LEP and the new and during that period the current LEP would prevail over the proposed.

Pre-submitted questions and answers

### Question 1

The original draft of the Paper Subdivision Analysis Report included the following recommendation for the North Arm Cove paper subdivision: “the land be nominated as an area unsuitable for development or occupation under the SEPP (Exempt and Complying Development) 2008”. This issue is also discussed in the Paper Subdivisions Fact Sheet which states:

“Because the area is intended to be included in the Environmental Living Zone, it is likely approval will be required before erecting any structure”.

Considering that erecting structures is one of the greatest threats to the biodiversity and ecological values of the paper subdivision, what is Council doing to implement this SEPP recommendation and ensure approval is required before erecting any structure?

Answer: **MCC doesn't control SEPP and as the new LEP is not finalized it is premature to project what actions Council will take**

### Question 2

Why is the Heros Beach reserve to be rezoned from the existing RE1 recreation zone to a C3 Environmental Management zone?

Answer: **We looked at all areas for classification, however based on its environmental attributes the area will remain as a reserve and no change of use will occur.**

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### Question 3

The planning proposal includes the following statement on page 32:

- the C3 Environmental Management zone being applied to riparian and estuarine vegetation and wetlands, Rare, Endangered and Vulnerable Forest Ecosystems, and native vegetation on coastal foreshores. In addition, this zone has been applied to specific land use sites including paper subdivisions and also where there are issues of high velocity flooding, protection of drinking water and aquifer catchments

The Paper Subdivision Analysis contains maps showing coastal wetlands buffer zones and Port Stephens Great Lakes Marine Park 100m buffer zones.

Why haven't either C2 or C3 zones been applied all along the foreshore of the North Arm Cove and Carrington paper subdivisions and the buffer zones discussed above?

Answer: **There is no change to village zoning however there are some changes to wetland area. I encourage you to put in a submission if you disagree with zoning**

### Question 4

Following on from question 3, the Paper Subdivision Analysis contains a map showing flood prone areas, why haven't such areas been zoned C2 or C3 to reflect that they cannot be built on?

Answer: **As per question 3 answer put in a submission if you disagree with zoning**

### Question 5

The Paper Subdivisions Analysis report contains the following statement: "the land in Crown and Council ownership be identified in an appropriate conservation zone"

Rezoning this land to C4 as per the LEP is not an appropriate conservation zone. Can Council rezone this to C2 zone to improve its

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conservation status?

Answer: **We agree the zoning is not appropriate however following the Gateway decision we can try to change it**

### Question 6

Council land is currently classified as operational land. The Paper Subdivision fact sheet states the following in relation to land transferred to Council ownership: “the land will be retained in public ownership for environmental and community benefit” and “the reselling of land by Council will not be permitted”

What will Council do to protect this land to community land so it is protected and ensure it cannot be resold?

Answer: **The elected body of Council is responsible, and it is not a planning staff decision. Under the Local Government Act the land is classified as operational or community land. It will remain operational land until formally changed – it would need to go to Council to change.**

### Question 7

How will small acreages (under 100 acres) be affected?

Answer: **Refer to fact sheets, dependent on usage**

### Question 8

In the Draft Rural Strategy, Council very strongly and appropriately recommended C2 Environmental Conservation and C3 Environmental Management for the paper subdivision - recognizing the high levels of biodiversity, the importance of the area as a regional wildlife and vegetation corridor and its cultural and aesthetic values.

Why now has the state government recommended a change to C4, effectively lowering the value it places on our natural environment. This seems totally at odds with both the Council and State Governments’ responsibilities around conservation and sustainability. How can the State Government and now Council justify the change of mind and devaluation of our natural heritage?

Answer: **This was a State Govt decision, Council did what was required.**

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### Question 9

1. What are council doing to stop the illegal land clearing
2. What Council are doing to stop the full time living on and distruction of non urban blocks
3. What are council doing about the illegal dumping of asbestos on non urban blocks that is flowing into creeks
4. What is the point in rezoning when there are very few blocks of land that are larger than 5ha

- Answers
1. This is an area where Council doesn't have responsibility and falls into State Government Local Land Services .
  2. Council has limited resources available with only 5 Rangers for the entire area and is doing the best it can.
  3. Asbestos is the responsibility of EPA
  4. If you have a block less than 5 ha you can keep, or buy more until you have 5, or sell. There is no intent to extend the village zone

### Question 10

Currently the existing rules, regulations, laws regarding the paper subdivision are not enforced. As a result there are all kinds of illegal activities, damaging to the environment and local lifestyle taking place including clearing and tree removal, dumping of rubbish, uncontrolled effluent flows and road construction without proper drainage. Building activities are non-compliant and uncontrolled - ranging from caravans, shelters and shipping containers through shacks and near houses to fenced and fortified compounds with CCTV, alarms and dogs. Clearly many are residences. The intent of the draft LEP is admirable and if implemented - meaning patrolled and enforced - should be an improvement to the current uncontrolled situation. On one issue alone the recent heavy rains have demonstrated the consequences of unregulated and uncontrolled effluent and grey water runoff from the blocks into our waterways.

**MY QUESTION IS:**

If the draft LEP regarding paper subdivisions is legislated, will it be actually implemented, supervised and enforced??

Answer: Yes, to the extent of available staff at the relevant time

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### Question 11

My question is not related to the LEP, but it does have a significant impact on North Arm Cove.

It is with regard to the abandoned, dumped, derelict and decaying... vehicles, boats, caravans, trailers and general waste which some people seemingly have no further use for and think it is acceptable to discard them on the streets of our beautiful village.

Please "Council Clean Up" please.

Answer: **We have 5 rangers for the whole area to follow up on complaints. We have budgetary constraints as determined by the elected Council officials. The Budget considerations are open at the moment, and you can express your opinion on how you want the budget allocated on have your say on Council website.**

### Question 12

The way things are going, every privately owned bush block will soon be stripped-bare of its native vegetation and transformed into fenced off, collections of sheds - which may as well be zoned industrial given the way it's going. What actions will Council take to ensure NAC bushland does not turn into a collection of 2000-3000 sheds/containers? Surely this is not the desired outcome for a Council that claims they value the environment.

Answer: **Again, with limited resources we struggle to stay on top of illegal developments. If we do prosecute the process is a step by step process starting with notification, issue fine, notice of appeal, issue of order, proceed to court action and then wait for decision.**

### Question 13

Why is Council turning a blind-eye to the creation of the largest shanti town in NSW? Do we really want to be known as the biggest collection of sheds in the state? The non-urban area is the state's largest paper subdivision - where is the positive leadership on this issue that recognizes the environmental damage being done? These are frontier times for our local bushland.

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Time is running out to avoid wrecking paradise.

Answer: **My answer is the same as the previous question**

### Question 14

Doesn't rezoning the paper subdivision to C4 environmental living simply reward property speculators for betting against the Council's environmental integrity? And curious that one particular large property developer, Walker Corporation, seems to be a major benefactor of the new proposed switch to C4 from the previously proposed C2 and C3.

Answer: **Council did not propose this as C4. Suggest you express your opinion on have your say website**

### Question 15

Under the new zoning, will the Council commit to stopping the proliferation of sheds and illegal fences that fragment our local bushland? There are still 2000+ individual land holders collectively capable of completely clear felling the vegetation of North Arm Cove and making any 'Conservation' zoning completely redundant.

Answer: **My answer is the same as question 12 and 13**

Questions were then called from those present which were generally in a similar vein to those above.

Some of the questions and answers were:

- a) You appear to have rezoned existing Community land. Answer: **Community land stays as Community land. We will listen to Community Groups**
- b) Why is Council determined not to allow further development in NAC (Paper subdivision) Answer: **Looking at the entirety of the MCC area, the MCC and the Government consider the existing land supply is adequate. The existence of existing services (water/sewage) makes it far more attractive such as Tea Gardens where there are 800 blocks currently approved.**
- c) To what extent can you push back against Gateway decision. Answer: **If we push back at this stage we will delay the whole process something we don't want to see. We want to hear community views which could change what is proposed**

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General discussion followed regarding who benefited by 5hectare block size determination. Comments regarding possible benefit to Walkers, the difficulty and cost of creating 5-hectare blocks from existing smaller blocks, the presence of Council and privately owned roads cutting through possible amalgamations, what is involved in doing a development plan..

This section of the meeting concluded with B.R. thanking Paul, Susan, Michael for giving us their time on behalf of MCC



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**Ordinary General Meeting commenced 3.30pm. a PowerPoint presentation was shown in conjunction with meeting**

ITEM NO.	ITEM	KEY INFORMATION	ACTION
1.	Welcome and apologies	<ul style="list-style-type: none"> <li>• B.R. welcomed new members.</li> <li>• Apologies: Given by R.Z., T.H., L.C., K.H., T.N., M.A., T.A., L.B.</li> <li>• B.R. explained that T.N. had stood down from Committee as he was leaving the Cove to work in Armidale. B.R. thanked T.N. for his years of commitment to NACCAi and the NAC community</li> </ul>	
2.	Minutes from NACCAi 10 <sup>th</sup> February meeting	<ul style="list-style-type: none"> <li>• Minutes were posted on website and were approved.</li> </ul> <p>Proposed: N. T.                      Seconded: S.M.</p>	
3.	Outstanding actions from previous meeting	<ul style="list-style-type: none"> <li>• Compliance issues               <ol style="list-style-type: none"> <li>1) Asbestos dumping-Alathan removed all as advised</li> <li>2) Wire Mesh Fences-Council has now had legal advice stating that wire mesh fences are illegal</li> </ol> </li> <li>• Burnouts on Gooreengi Rd. No response from Council to date</li> <li>• Arts trail proposal – removed from agenda pending future proposal from K Griffin</li> </ul>	

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4.	Membership	<ul style="list-style-type: none"> <li>Current membership below as of 12/5/2024</li> </ul>	New members joined at meeting. Up to 118 with new members								
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		<table border="1"> <tr> <td>30 June 24</td> <td>30 June 25</td> <td>30 June 26</td> <td>30 June 27</td> </tr> <tr> <td>100</td> <td>11</td> <td>2</td> <td>3</td> </tr> </table>		30 June 24	30 June 25	30 June 26	30 June 27	100	11	2	3
		30 June 24		30 June 25	30 June 26	30 June 27					
100	11	2	3								
<ul style="list-style-type: none"> <li>Unfinancial members will have their membership cancelled. Membership fee is only \$10/person and if you wish to resign an email to President or Secretary would be appreciated</li> </ul>											

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ITEM NO.	ITEM	KEY INFORMATION	ACTION
5.	Correspondence	<p><b>Correspondence: Listed below and available for viewing if interested</b></p> <ul style="list-style-type: none"> <li>▪ Community Building Partnership grant applications</li> <li>▪ MCC re Heros Beach grant funding, boats on reserves, compliance, burnouts</li> <li>▪ Alathan re dumped asbestos</li> <li>▪ Kate Washington re long term planning for paper subdivisions</li> </ul>	
6.	Finance	<ul style="list-style-type: none"> <li>▪ The Finance report is appended to the agenda and a motion to approve required.</li> </ul> <p><b>Proposed N.T.                      Seconded: P.B.</b></p>	
7.	Reports	<ul style="list-style-type: none"> <li>▪ Fame Cove (verbal report)</li> </ul> <p><b>P.B. gave her appreciation to L.Y. for his years of reporting on this matter</b></p> <ul style="list-style-type: none"> <li>▪ Roads and drainage (report appended)</li> </ul> <p><b>G.S. advised of problem in Tamworth Street (part of fire trail) with 3 or more troughs dug across road. B.S. thought maybe to stop dirt bikes</b></p> <ul style="list-style-type: none"> <li>▪ Aquaculture (report appended)</li> <li>▪ Heros Beach (to be discussed in item 8)</li> <li>▪ Website (report appended)</li> </ul>	

### 8. Other Business

ITEM NO.	ITEM	KEY INFORMATION	ACTION
8.1		<ul style="list-style-type: none"> <li>▪ Presentation by Heros Beach subcommittee on preparation of community masterplan</li> </ul> <p><b>B.S. as Convenor of subcommittee updated planning to date. He advised that Concept plan had been drawn up by R. Z. and that they were endeavoring to leave the area as natural as possible with minimal changes to the natural</b></p>	

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		<p>environment. They were trying to make it more user friendly by creating one large area as central point of attraction. Proposed to take out the bottom section of road, however this could be opened up for large events. They met with Council Project Manager, Ben West, one week ago. They will talk with Ben regarding plans, before coming back for Community input before going for any approval sought. With budget restraint of \$159000 we need Council to go and get approx. costings for drainage infrastructure to minimize any beach erosion that is occurring at the moment. Need to minimize hardstand areas to reduce runoff into bay. Final design is still approx. 3 months away, but may be affected by Council feedback. With monies now available there is no time issue regarding when it is spent.</p>	
8.2		<p>Other business from the floor</p> <ol style="list-style-type: none"> <li>1) B.R. advised regarding interpretation signs for Yallarwah Park on display at the meeting. Not finalized as yet and will be approx. 600x1200 in size</li> <li>2) With nothing happening regarding illegal developments it was proposed from the floor to try and get legislation passed stating that contractors would share liability if they were found to be constructing/removing works deemed illegal on these sites. B.R. commented that the Council was the elephant in the room by not applying or enforcing laws correctly .</li> <li>3) D.S. advised on his presentation at 5pm regarding NAC Initiative</li> <li>4) Call from D.K. of need to have representation on Council to Southern Area.</li> </ol> <ul style="list-style-type: none"> <li>▪ Meeting closed at 4.10pm</li> </ul>	

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## Meeting Dates

<b>2024 MEETING DATES:</b>	10 August, 9 November
<b>MEETING TIME:</b>	2-4 PM

### **NACCAi Aquaculture Subcommittee Report May 24**

The missing navigation post on the SW end of OL86/138 near Water St was reported to Fisheries earlier this year. It is still missing. This is a navigation hazard and users of the boat ramp at Water St should be aware that there is a missing post.

The lines on OL86/140 were damaged during some bad weather in April. The lessee fixed the lines in a timely manner.

Nigel and friends have collected 30 plus oyster bags plus some other bits and pieces from Carrington to Bulga Creek. They have been left out in piles just above the shoreline for collection by the oyster farmers. These collections concentrate on the bigger bits of oyster infrastructure. The bits of foam from the bags and plastic from the ties are not collected. A resident at Salamander Bay has collected several garbage bags of plastic ties along the Salamander Bay shoreline. This rubbish is not easy to find in our area due to the rocky nature and dark colour of the shoreline.

The QX disease outbreak appears to be subsiding. There have still been some positive cases in the upstream sections of the Port, but the disease is not affecting our area.

Janine Reid  
Aquaculture Subcommittee

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### Website Subcommittee May 24

Over the last few months, we have been busy renewing subscriptions for our sponsors.

We currently have 13 paid sponsors, one new sponsor in progress and 3 unpaid sponsors. Nine of our sponsors have paid for 3 years, so our income each year is variable. This year we have raised \$700.

We have the capacity for another 7 sponsors, so if you know any business that might be interested, please let us know. All sponsors get an advertisement on our website with links to their own website. We are also happy to run a story about the business and advertise opening times for public holiday periods.

The website is running well after the upgrade. It has made a big difference to phone and ipad use, particularly for those who have older devices.

We would like to encourage more people to put up stories of local or general interest. We would also like some more editors and also more people to put up stories of local or general interest. If you need help using the website, several people are available who can offer assistance.

Janine Reid

Website Subcommittee.

### Report to NACCAI Community Meeting 18/5/24.

#### 1). Stormwater Flooding Report. Feb. 2022.

During April, a visit to and review of all 89 documented issues in this Report to confirm currency was completed. The Report is now being updated and I plan to have it on the Web Site for Resident information by the third week of June. Whilst the process is time consuming, when seeking works assistance from Council, up to date information is important for costing and priority decisions.

#### 2). Drainage Pits and Table Drains Report. July 2021.

Next task is to ensure all Pits are sighted to ensure the original report contents are current and then provide an updated Report for 2024 to Council. Some do not meet Child Safety standards due to oversized openings. I will treat these as highest priority. Table Drains are maintained by Council on a scheduled basis but residents can assist by ensuring they do some maintenance. Usually, a quick whipper snip is all that is required.

#### 3). Driveway Report. June 2021.

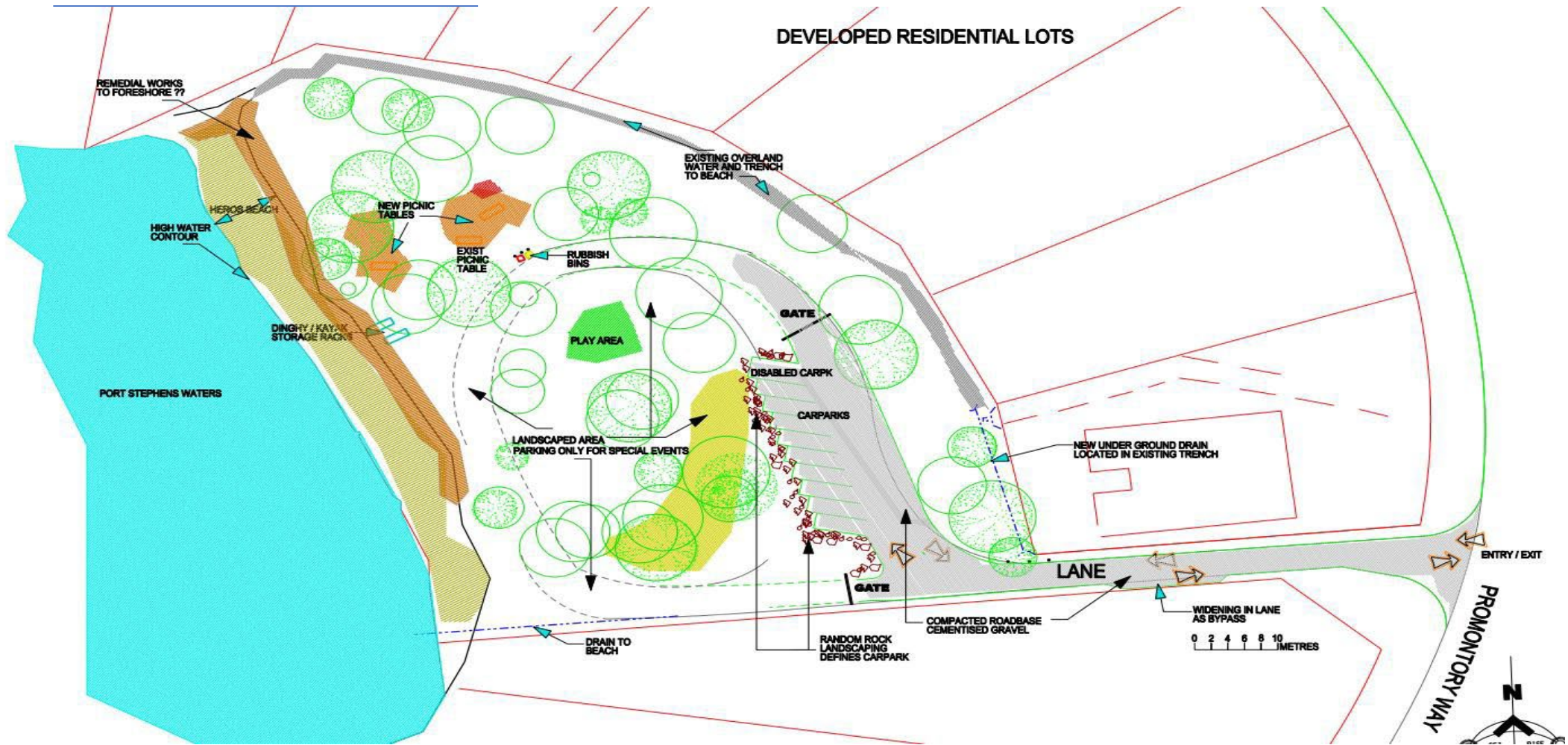
The problem here is mainly resulting from Driveways that pass stormwater directly onto roads from up slope properties where water flows down a Driveway and then across the road instead of being directed under a Driveway by a Culvert Pipe to a table drain. Where normal Kerb and Guttering exists on the down slope or other side of the road this is not an issue. Unfortunately, very little Kerb and Guttering exists in our Village. Driveway related flooding issues are also caused by under sized Driveway Culvert Pipes. A particular problem arises where uphill, a Culvert Pipe is an inadequate diameter and so an undersized pipe is encountered restricting the water in its downward flow resulting in Cross Road Flooding onto opposite side of the road properties. This was a significant factor in the now corrected Cove Blvd. flooding.

#### 4). Progress 2023/2024.

Our Council has completed effective works on two significant flooding situations during 2023/24 that had resulted in flooding into houses in Promontory Way and Cove Blvd. Observation during recent rains indicate the solutions engineered by Councils Coastal Flooding and Drainage Section have been very successful. A third area, Merriwa Blvd. north end situation, has been improved but existing Dish Driveways will continue to contribute to road surface damage. Extensive Works required at a fourth location, corner Eastslope Way and Merriwa Blvd. have been delayed due to funding shortages and may not be addressed until the 2025/26 financial period. A temporary Safety Warning Pole will be placed at the location. We have been advised, unfortunately, that due to these funding issues, any further Stormwater/Drainage related works this and next financial year will be restricted to situations where flooding is actually entering houses. Your Committee will continue to monitor all Stormwater and Drainage issues and ensure Council is kept aware of all situations requiring correction. Fellow Residents can assist in keeping our log of Stormwater and Drainage related problems in the Cove current, by contacting any member of the NACCAI Committee.

Late News. Tamworth St. (The southern dirt road extension of Eastslope Way). An unknown person has dug deep channels across this unsealed road which forms part of the Village Fire Trails Network (Used by the RFS in Fire Fighting, to protect the village). A very dangerous action which we are now investigating and will advise Council of Monday. If anyone has information about this, please let your committee know.

GARY SYLVANEY.





Finance report

<b>April 2024 Financial Report</b>			
<b>from 1/2/2024 to 30/4/2024</b>			
<b>Accounts</b>	<b>Grant amount</b>	<b>Opening</b>	<b>Closing</b>
Friends of Fame Cove		406.06	406.06
NACCAi		7,581.33	6,911.03
Stronger Commun Project		456.53	456.53
Defibrillator		500.00	500.00
Yallarwah Park Fitness Track	90,606.00	1,845.44	1,845.44
Community Garden Potting Shed	14,000.00	867.13	359.13
Welcome Pack	2,000.00	1,719.26	1,392.93
Future Project		1,275.00	1,275.00
Website cost provision		145.00	615.73
		<b>14,795.75</b>	<b>13,761.85</b>
Beyond Bank		14,795.75	13,761.85
<b>Total</b>		<b>14,795.75</b>	<b>13,761.85</b>
<b>Plus Income to</b>		<b>30 Apr</b>	
Donations		20.00	
Interest		17.33	
Member subscriptions		70.00	
Website Sponsorship		655.00	
<b>Total Income</b>		<b>762.33</b>	
<b>Less Expenditure to</b>		<b>30 Apr</b>	
Community Garden Potting Shed		508.00	
Welcome Pack		326.33	
Hall Hire		33.50	
Insurance		744.13	
Website fees		184.27	
<b>Total Expenditure</b>		<b>1796.23</b>	
<b>Closing Balance</b>		<b>=</b>	<b>13,761.85</b>