

MEETING NOTES

MEETING WITH NORTHERN AREA COMMUNITY CONSULTATIVE BODIES

FRIDAY 12TH NOVEMBER 2010

Committee Rooms 1, 2 & 3, City Administrative Centre, Bridge Road, Nowra.

The meeting commenced at 10.06 am.

PRESENT

Russ Pigg – Chairperson

Rob Donaldson – Assistant General Manager – left 11.05 am

Peter Adams – Director Strategic Planning & Infrastructure

Bill Paterson – Director City Services & Operations – arrived 10.35 am, left 11.10 am

Robert Russell – Development Manager

Greg Roberts – Executive Support Manager – arrived 10.35 am

Noel Schneider – Shoalhaven Heads Community Forum

Rick Gainford – Berry Alliance

Roger Stebbings – Cambewarra Residents & Ratepayers Association – arrived 10.10 am

Apologies:

Apologies were received from Clr Green and Tim Fletcher, Director Development & Environmental Services.

1. WELCOME

Mr Pigg welcomed everyone to the meeting.

2. GENERAL MANAGER

a. Increase Police Numbers & Support Staff – Shoalhaven LAC

Community Comments

The Shoalhaven Heads Community Forum advised of the increase of vandalism in the Shoalhaven Heads area. It was noted that there were problems when trying to report incidents as the police are so busy and this prompted the call for more police and more ancillary staff to ensure reports of this nature are recorded and actioned.

It was advised that when an incident was reported recently the police were too busy to act on the matter and advised the resident to ring Council's report line. The community wished to know that when they report an incident to Council did this report, in turn, get forwarded to the police so that the police are aware of on-going incidents and the need for more patrols.

It was noted that 20 cars had been broken into in the area in one night highlighting the need for immediate response from the police.

Council

Mr Pigg noted that a recent media release had reported that the Shoalhaven Local Area Command would be gaining six more police staff, four detectives and two officers, in early December and it was hoped this may improve the situation.

Mr Pigg also advised that incidents should be reported to the police by the public and with the lead up to the state election it was a good time to highlight policing and safety in the media.

3. ASSISTANT GENERAL MANAGER

a. Funding for Community Groups

Council

Mr Donaldson advised of funding now available from the Veolia Mulwaree Trust which is quite flexible and available to both Council and not-for-profit community groups. Funding is offered in the 7 Council areas surrounding Goulburn, for projects such as Mens Sheds, Youth Centres and community groups. Representatives of the Veolia Mulwaree Trust had visited the Mayor and General Manager to alert Council of the program and invite proposals. It was advised that a number of grants had been provided in the Shoalhaven area and projects don't necessarily have to be physical ones but can't be on private land.

The Trust offers funding four times a year and the next round is November. As that is only a short time away CCBs were advised to keep in mind the quarterly funding.

It was also advised that the closing date for grants from the State Government under the Climate Change Program had now passed but if that program were to run again Council would ensure community groups are given early notice.

b. Community Engagement Strategy

Council

Mr Donaldson explained that a workshop for the Community Engagement Strategy was held a month ago and active input was received. Council is working through the feedback to ensure the final document reflects community views

c. Council's New Website

Council

Mr Donaldson advised Council is currently progressing development of a new website. Work is centring on ensuring the community can engage with Council, find the information they need, provide feedback easily and conduct transactions.

Community Comments

The Berry Alliance enquired if within the new website automatic emails to community groups could be sent advising of the availability of documents on exhibition, changes to DAs and other significant events that have been previously advised to CCBs via 'snail

mail'. As some CCBs only meet bi-monthly the opportunity to provide feedback has been difficult because of the short time frames.

Council

Mr Pigg noted the request and advised that a database of email addresses may be able to be set up within the programming.

Action: IT to investigate installation of a database of community email addresses within the new website and the need for automatic emails when relevant new items appear on the site.

4. DEVELOPMENT & ENVIRONMENTAL SERVICES

a. Tree Policy

Council

Mr Russell advised the meeting that the Tree Management Policy was currently being reviewed. Following the adoption in 2005 the policy essentially stated that, for private land, no Council approval is necessary if any part of a tree is above a line 45° from the vertical extension of the wall of any building measured at its base. Exceptions to this are trees located on foreshore areas, heritage trees and environmentally zoned areas.

For trees located on public land (road reserves or public reserves) the 45° rule applies as well, however, if a resident requests a tree be removed because they consider the tree to be dangerous/hazardous, staff inspect and determine if it is dangerous, if so it is removed. If there is disagreement following inspection, then the resident may have their own arborist report prepared or have the matter reconsidered by staff. If the review fails to determine the tree is dangerous/hazardous and it is within 45° of the residents' asset then they may apply to have the tree removed at their own cost, subject to a favourable review of environmental factors.

Mr Russel advised that Council adopted the Tree Management Policy, with few changes since the 2005 review, at it's meeting of 21st September 2010.

Mr Russell also advised of information provided in the Report to the Development Committee on 14th September regarding planting of hedges on rural properties and the planting of trees on boundary fencing in residential areas. The following is an extract from that report:

Managing and controlling the planting of tall hedges on rural properties that have the potential to obstruct rural views

There have been recent amendments to the Trees (Disputes Between Neighbours) Act 2006 that have given the NSW Land & Environment Court power to adjudicate disputes between neighbours where hedges have been planted which grow and block sunlight or views. The court can now make orders to balance the competing rights of neighbouring owners. The amendments only apply to groups of two or more trees that form a hedge and which are 2.5 metres or more above existing ground level.

This is a private matter between the landowners which is now regulated by the above amendments to the Act. Only the owner of the property can apply for an order, which is effected by filing an application in Class 2 of the Land & Environment Court.

Section 2.1.8 – Impacts from Neighbouring Trees, Part 2 of the TMP has been updated to include these recent changes to the Act.

Council's Legal Services Manager has advised that there are no legal means for Council to control the planting of trees or tall hedges on rural properties or other properties that have the potential to obstruct rural views. However, the TMP does provide guidelines on the appropriate planting and management of trees in Section 2 – Management Principles, Part 2.

Planting trees in residential areas, particularly on boundary fences.

As discussed above, disputes between neighbours about trees is a private matter between the landowners and is specifically regulated by the Trees (Disputes Between Neighbours) Act 2006.

The purpose of the Act is to enable the Land & Environment Court to make orders to remedy, restrain or prevent damage to property or to prevent injury to any person when a tree that is situated on adjoining land might cause that damage or injury. As indicated previously, recent amendments to the Act also give the court power to adjudicate disputes between neighbours where hedges have been planted which grow and block sunlight or views. The Act also permits the Court to order compensation for or rectification of damage caused by a tree. Only the owner or occupier of adjoining land where the tree is located can make an application to the Court.

Section 2.1.8 – Impacts from Neighbouring Trees, Part 2 of the TMP has been updated to include recent changes and general information about the Trees (Disputes Between Neighbours) Act.

Even if there were a legal means available to Council to place restrictions on the planting of trees in residential areas including along property boundaries, this would be very difficult for Council to regulate and control and is already administered by the Land & Environment Court. However, guidance is provided on appropriate tree planting in Section 2.2 – New Tree Planting, Part 2 of the TMP including a site analysis checklist. Guidance for suitable landscaping in urban areas for new developments is also included in Council's various Development Control Plans.

b. Dual Occupancy DCP 57

Council

Council now has a new adopted Policy on Dual Occupancy. Smaller villages such as Berry, Cambewarra, Milton, Bendalong and Bawley Point were not included in the subdivision policy. CCBs were advised that Council has had a "Dual Occupancy DCP" since the 1970's but it was previously known as the "Granny Flat Policy". Up until 2006 there was a very low uptake rate for dual occupancy but the Subdivision Policy changed

the situation and the development of dual occupancy increased for investment gains purposes.

The Review is quite extensive as it is a topical issue with a wide divergence of views. The document addresses the demographic change in community houses, larger houses with fewer occupants.

There is now a push to increase the availability of dual occupancy and local communities are concerned this will change the character of their towns but subdivision provisions have tight constraints and will ensure developments don't overly impact on the communities' character. It was advised that Council discouraged 'clustering' of dual occupancy and that no more than 3 connective developments within a Street or cul-de-sac were permitted.

Some of the changes to the document are listed below:

- Relaxation in minimum areas for dual occupancy subdivision – minimum lot size 800m² for certain areas will be reduced to 700m² and will bring together dual occupancy v's subdivision criteria
- For larger areas, such as Ulladulla and Nowra a 700m² lot when divided, the lots must be 350m²
- For the next tier size, such Shoalhaven Heads, Greenwell Point and Callala Bay the lot must be 800m² with a minimum of 400m² for individual lots
- The very small areas such as Bendalong and Bawley Point subdivision does not apply
- Milton Berry to be a separate issue for heritage/character reasons
- Floor space ratios the same in dual occupancy and subdivisions
- Areas for open space
- Car parking requirements
- Dual Occupancy in Cul-de-sacs
- Adaptable housing provisions
- Encourage dual occupancy to be initially designed for conversion for disabled and/or aged
- Kerb & guttering

Mr Russell advised the revised document was definitely easier to understand.

Mr Pigg asked the CCBs to contact Mr Russell if they have any issues that need clarification.

c. Areas of Coastal Management DCP 118

Council

It was noted that CCBs had been provided with information regarding DCP 118 through the meeting notes of the previous CCB meetings with Council and Mr Pigg enquired if the Northern Area CCBs had any issues with this matter.

Community Comments

The Shoalhaven Heads Community Forum noted that there was only one property in the area affected by the DCP being the property next to the carpark of the Surf Lifesaving Club and raised concerns on the driveway asking if a new DA had been submitted.

It was also noted that there are concerns over the holiday units and the latest changes to the DA.

Action: D&ES to follow up and advise the Shoalhaven Heads Community Forum on the progress of the DA for the Holiday Units.

5. FINANCE & CORPORATE SERVICES

a. Future Council Meetings in Villages

Council

Mr Roberts advised the meeting of a recent resolution of Council that raised the possibility of conducting future Council meetings in the villages, subject to a clearly identified need as expressed by the local community regarding items of public concern such as major policy issues. The meetings recently held in Ulladulla were arranged because DCP 56 – Ulladulla Town Centre was on the Agenda and they proved to be very successful.

Council was awaiting responses to correspondence recently sent to all CCBs advising of the matter and requesting they consider venues for the meetings in their area taking into consideration Council's reluctance to meet in a venue that serves alcohol.

Mr Pigg added that significant issues such as policy matters rather than a controversial DA would need to be concerned before of a change in venue for a Council meeting would be considered as the logistics involved in the change of venue were enormous with the costs being the major issue.

Community Comments

The northern area CCBs generally agreed that Council should save the money and only consider a change in venue for issues for towns such as Kangaroo Valley of those further south where travel was involved.

The Shoalhaven Heads Community Forum noted that the only current issue of major concern in their area was the rezoning for the retirement village.

Concerns were raised in relation to deputations at Council meetings. It was noted that Mayoral Minutes were often introduced at the last minute before meetings and that there was no way for the community to request a deputation in the normal manner. It was suggested that a forum for the community to speak at either the start or the conclusion of a Council meeting be introduced to allow the community to voice their views.

Council

Mr Roberts advised that the Code of Meeting Practise stated that a request for deputation was to be received at the latest by 12.00 pm on the day of the meeting and that only one speaker for and one speaker against was permitted for each item. As the

Ordinary Meeting of Council currently ran from 4.00 pm to often as late as 11.00 pm the time needed to permit an open forum before during or after that meeting would be very difficult.

Mr Pigg noted that deputations were not intended to be for an open forum.

b. Request – Electronic Correspondence

Community Comments

The Berry Alliance requested that all correspondence to CCBs be provided electronically as time constraints between their meetings meant that issues could not be discussed with the community at the CCB meeting before responses were required.

Council

Mr Roberts explained that guidelines and protocols to adopt this measure as a formal procedure would have to be worked out. Unfortunately some of the CCBs located in the villages relied on dial up connection to the internet which involved problems in downloading large documents and often loss of connection. There were some CCBs that did not want anything electronically. Currently in Council's Executive Support Section a mixture of both hard copy and electronic was being used and often both electronic and hard copies of documents were provided but correspondence was sent to CCBs from multiple sections of Council and the resources needed to determine who gets electronic and who doesn't is not viable.

Mr Pigg suggested that this issue be considered in line with the suggested community email database for the new website and stated he would flag this issue at the next Group Directors meeting.

Action: General Manager to flag the issue of electronic correspondence to CCB at the next Group Directors meeting.

6. STRATEGIC PLANNING & INFRASTRUCTURE

a. Draft Access Areas for Dogs Policy

Council

Mr Adams advised that following the exhibition of the Draft Access Areas for Dogs Policy, staff were compiling results and would be reporting to Council. Mr Adams stated there were a number of changes made that basically simplified the issue such as restricted hours being changed to 24 hours a day. Mr Adams also explained that there were certain restrictions that Council had to comply with such as:

- No dogs within 10m of children's play areas
- No dogs within 200m of flagged beach swimming areas
- No Dogs within 200m of nesting shore birds

Uniformity and simplification was the main goal in the review of the Policy and Mr Adams hoped that simplifying the signage and restrictions was also an attempt to help with compliance and enforcement. Signage would need to be rolled out when the Policy is adopted.

It was proposed that the dog off leash times at Bomaderry Oval be extended to 24 hours with exception for when a sporting event was being held. It was also propped that dogs on leash be allowed at all beaches if there is no sign to the contrary.

b. Update of LEP

Council

The meeting was advised that a series of Extra Ordinary Meetings of Council dedicated to dealing with the changes to the LEP were currently being held and once adopted the draft LEP will go out for public comment. Staff are currently preparing a lot of material to help the community interpret the document such as tables on the zonings, reference dictionaries and the availability of mapping.

Mr Adams explained that the LEP was essentially, when adopted, the law on what can and can't be done on the land. The State Government changed the requirements that cover LEPs and this affects the entire Shoalhaven area. The document is now required to conform to a standardised form across the State. The LEP has had to take into account changes to the law, the South Coast Regional Strategy and environmental legislation. There are now "Standard" clauses and dictionary changes.

The time frame for the LEP has been lengthy and the Department of Planning took 18 months to certify the draft document. When the Section 65 Certificate was received there were many conditions that could be issues of concern but it is hoped that most have been worked through with the Department. Four Councillor Briefings have been held and many issues have been worked through. It is hoped that the draft LEP will be reported to Council within the next two months. If Council will submit to the Department of Planning for a revised Section 65 Certificate then changes to Council's mapping system (GIS) must be worked through to ensure there are no discrepancies.

Exhibition of the draft LEP will take into account both holiday times and regular times and once the document is on exhibition people who have planning proposals on hold can be moved forward. It is hoped Council can exhibit earlier and longer (possibly December to March) rather than later so that proposals that have been in limbo can start moving ahead.

CCBs will receive hard copies of the document with who to contact at Council for help and an interpretive table explaining "What's Different".

c. Update of Growth Management Strategy

Council

The meeting was advised that the Environmental Planning and Assessment Act dictates that Council have its own Community Strategic Plan and Delivery Plan and along with State Plans and Policies they set out what Council will do. The Growth Management Strategy falls under the Community Strategic Plan and this informs the Local Environmental Plan, Contribution Plans and Structure Plan.

The first draft of the Growth Management Strategy has just come off the press and Council hopes to have the document on exhibition soon. The Strategy explains the

current context and demographics of the area and how many lots are zoned residential. Population projections are considered limited and Council has commissioned consultants, ID Consulting, to provide more detailed and researched projections for the City. The information will inform Contribution Plans for future infrastructure and development and will also be available on the Internet, updated regularly.

d. Future Impact – Asset Management Plans and Contribution Plan

Council

Mr Adams advised Council is currently spending time and energy addressing long-term sustainability. Shoalhaven Council needs to look at the ten-year financial plan and begin to fund maintenance of current infrastructure as a higher priority to new projects. Council's assets are numerous when you consider every pipe, pit, bollard, road etc. and the on-going maintenance needs to be addressed. This will prove a challenge because of the growth in the area and the cost of running the organisation and Council services. There is a need to renew and maintain rather than build new assets. The CCBs will be consulted regularly on their ideas to do this and their priorities as there are limited funds. Council will need to exercise leadership in constantly reviewing and maintaining the current assets with the help of the community.

e. Black Spot Funding – Coolangatta Road

Council

Mr Adams advised that in regard to Coolangatta Road Shoalhaven Water are undertaking approximately \$500,000 of work on mains. Following that, council will undertake a further \$500,000 on roadworks. However, we are waiting on news (April/May) as to whether a Black Spot grant is successful. This would allow Council to also address the bends at either end. It is proposed to widen, clear vegetation and mend the shoulders during the roadworks.

Community Comments

It was suggested that as the road is dangerous the roadworks be augmented with an upgrade of the law requirements achieving a better result through declaring the area a 'black spot' where if caught speeding there be double demerit points, especially during holiday time.

Action: SP&I to ensure traffic engineers are aware of the suggestions regarding the declaration of a 'black spot' on Coolangatta Road, with the possibility of a double demerit system

GENERAL BUSINESS

Community comments

The Cambewarra Residents & Ratepayers Association advised the meeting of concerns within the community for a young disabled resident, whose only form of mobility is a motorised scooter. It was noted that she is travelling along the roads as, in certain places, there are no footpaths and with the road surface on the shoulders being rough in

places she has often tipped over. It was suggested that a circuit of cycleway in the area would enhance her travel and also provide safety for kids on bikes.

It was noted that some work had been done on road shoulders but this was very bumpy.

Council

Mr Pigg suggested that the CCB make contact with Council's Community Development Officer for Aged and Disabled, Karen Baldwin on 4429 3411 or baldwink@shoalhaven.nsw.gov.au so the issue could be investigated and addressed through the Shoalhaven Access Advisory Committee.

There being no further business, the meeting concluded, the time being 11.50 am.

Russ Pigg
CHAIRPERSON