

Minutes of Meeting No.3 - Point Plomer Road, South Crescent Head Community Reference Committee

Meeting held: Thursday, 19 February 2004 at 5pm - Kempsey District Hospital

In Attendance: Ms Polly Thompson, Cr John Bowell, Cr Terry Hunt, Mr John Kelly, Mr Gary Hamill, Ms Margo Johnston, Mr Chris Dockrill, Mr Roger Fergusson, Ms Michelle Chapman, Mr Robert Pitt.

Apologies: Ms Madeleine Mainey, Ms Mary-Lou Buck, Cr's Hunt and Bowell (who could not attend for the whole meeting)

Proceedings:

1. Welcome and Adoption of Minutes of Meeting #2

The minutes, with one minor modification, were adopted. The amended Minutes for Meeting # 2 are attached.

2. Matters Arising

Community Communication during the life of the Committee

The Committee at Meeting # 2 resolved to distribute copies of the Minutes of all Committee Meetings to everyone that tendered written submissions for Committee membership to Council.

Council was also requested to make copies of all Committee Minutes available for public viewing at the Crescent Head Country Club and Kempsey Council Libraries. This is to ensure that interested community members are kept informed about the deliberations of the Committee.

Robert Pitt addressed the committee and advised that due to considerable staffing and time constraints it would not be possible for his Department to distribute copies of the Minutes of all committee meetings to everyone who tendered a written submission for committee membership. He would however arrange for all minutes to be posted on Council's website and he was preparing an update report on the Committee to Council. Committee members were advised that he had no objections to them personally arranging for the distribution of Committee minutes at any local clubs or libraries.

Sealing of Point Plomer Road

Committee members sought confirmation that they were able to make recommendations to Council on the sealing of Point Plomer Road. Michelle confirmed that this matter was dealt with at the first Committee meeting with Council agreeing that the committee could make recommendations concerning the road, provided it was done within the terms of reference of the committee.

It was resolved that the sealing of the two sections of Point Plomer Road and any committee recommendations arising concerning this will be discussed at the next meeting with a maximum 30 minute timeslot to be allocated.

Robert Pitt reconfirmed that the primary focus of the committee was to:

- Identify key issues relating to development in the area
- Identify critical landscape elements requiring protection
- Advise as to the desired type and forms of development that should be permitted in the area so as not to degrade key elements
- Advise on a range of options for controls to address the identified issues and to protect identified landscape elements
- Include with each option, any additional detailed studies required to support proposed controls

Draft Events Management Policy

A copy of the Council's draft Events Management Policy is to be distributed with the next Committee Agenda and draft Minutes.

Study Area Boundaries

Robert Pitt confirmed that although minor changes to the study area would be acceptable, the Committee was to restrict their deliberations to those areas serviced by Point Plomer Road.

Land Clearing within the Study Area

Robert Pitt advised that his Department is currently investigating some land clearing that has been undertaken on private land within the study area.

3. Group Work

Michelle Chapman facilitated a discussion on current and desired planning controls for the study area. Committee members expressed interest in meeting again with Council staff once a draft LEP had been prepared, to discuss the proposed content of the LEP.

The following matters concerning planning controls were resolved:

Is the Committee satisfied with the current minimum lot size for the study area?

The committee members are satisfied with the current minimum subdivision area of 40 hectares and they do not support any further subdivision of existing holdings which are less than 40 hectares.

The committee recognizes that agriculture (but not intensive agriculture) is a desirable feature and attribute of the study area and that controls should be in place to prevent rural land fragmentation and to limit the potential for greater density of development in significant visual and/or ecologically significant areas.

Is the current maximum of two attached dwellings and one agricultural workers cottage on any 40 hectare site or existing holding considered reasonable?

Under Clause 17 of the Kempsey LEP, up to two dwelling houses can be erected with Council consent on an allotment of not less than 40 hectares or an existing holding which is less than 40 hectares. The second dwelling must however be used or occupied by a person engaged by the land owner in agriculture or aquaculture on that land or adjacent or adjoining land.

Dual Occupancy provisions under Clause 31 for the Rural 1(a1) zone permit the development of an attached or semi-attached dual occupancy.

These LEP provisions combined would then conceivably allow a maximum of 3 dwellings per 40 hectares or per existing holding (albeit that one of these dwellings must be a small workers cottage).

Properties with a beach frontage – zones 7(f1) and 7 (f2) – should not be allowed any dwellings or ancillary buildings on them, dwellings are currently permissible.

Existing primitive campsites should be preserved. No cabins should be permitted in the camping areas.

The issue of people (residents and tourists) density is an important one to the committee. The committee is keen to retain and encourage a diversity of uses within the study area and for people to be able to continue to access affordable accommodation and for tourist based businesses to be able to remain viable.

However the Committee does not want to see:

- high impact tourism
- any new motels or industries
- crowded beaches
- pump out systems for effluent disposal due to an inability to dispose of high volumes generated on site
- the visual amenity of the area destroyed by too many dwellings or dwellings of an excessive bulk, scale or height and / or inadequate landscaping/screening of new developments along Point Plomer Road.

The committee discussed the fact that various physical land constraints on individual portions already act to limit the intensity of development approved at the development application assessment stage (eg. Presence of wetlands, acid sulphate soils, LEP objectives regarding protection of visually significant areas) but that more clarity up front in the planning controls would provide an additional layer of protection against over development and more certainty for developers.

At the same time the committee recognized that some flexibility of density controls was required as each site has particular characteristics and issues that are unique to that site.

One possible mechanism for limiting over development is that the LEP could be amended to require submission of a geo-technical assessment with any DA for tourist or residential purposes to determine what capacity for on site effluent disposal the subject site holds.

Landscaping and screening provisions in either an LEP or new DCP are also considered extremely important and should be added.

Three decent sized dwellings per exiting holding and depending on the merits of the case would generally be considered reasonable in lieu of any future tourist development on the site.

Community title subdivision of dwellings is currently permissible under the LEP with DA Consent and these are increasing in popularity.

Are current development setbacks from Point Plomer Road adequate?

The current 38m setback in the LEP for any purpose other than motels or industries is considered adequate to ensure good landscaping and screening of new development from Point Plomer Road.

LEP and or DCP provisions must be developed to ensure extensive native screen planting within development setbacks from Point Plomer Road.

How are significant Aboriginal sites and relics and any other Items of Environmental Heritage within the study area best able to be identified and protected?

The current LEP contains no references to the significance of the area to the aboriginal community.

The study area contains significant Aboriginal spirituality, sites and relics which need to be acknowledged in the LEP.

Some developments within the study area have uncovered significant Aboriginal relics which have now been removed for the purposes of preservation.

Some land owners within the study area are concerned that finding Aboriginal relics on their land will mean that they will not be able to do anything with their land and the cost of expert studies is also a concern to them.

Council could employ an Aboriginal DA assessment officer to advise on DA's received and proposed however it appears that the Aboriginal community may not be prepared to delegate such a responsibility to one person only.

Council may not be able to afford a comprehensive study of Aboriginal sites within the study area, but if they could, or if they could obtain a grant for such work, it would certainly be of great benefit.

An alternative to an upfront study would be for the LEP to contain a requirement that proponents for development obtain an assessment from persons authorized by the local Aboriginal elders for submission with their application, to ensure that significant sites/relics are identified up front and perhaps removed for the purpose of preservation.

Should the LEP be more specific with regard to permissible height and maximum landscaping provisions for developments and if so, what provisions would be appropriate?

A key objective regarding height should be for development to not compromise the visual amenity of the area.

The Council should consider adopting detailed controls including a height limit in a DCP and specific objectives regarding height and landscaping in an LEP. Perhaps the height of dwellings could be limited in some way to reflect the established vegetation cover, if any, of the subject site.

4. Future meeting dates

The committee agreed on the following meeting dates:

4 March 2004	Permissible Uses, LEP Objectives, Point Plomer Road
18 March 2004	Discuss Committee Recommendations and a Draft Report to Kempsey Council
25 March 2004	Finalise details of Report to Kempsey Council

All future meetings to be held at Kempsey District Hospital in the Gulliford Room from 5pm to 7pm.

5. Identifying particular sites for inspection within the study area

No joint committee inspection of the study area is deemed necessary as all committee members have demonstrated a comprehensive knowledge of the local area.

6. Point Plomer Road

This matter was deferred until the next meeting.

7. Meeting Concluded

The meeting concluded at approximately 7.30pm.