



**TOMAREE RATEPAYERS AND RESIDENTS ASSOCIATION INC.**  
**Monday 11 May 2015 - Crows Nest Meeting Room,**  
**Nelson Bay Bowling Club**  
**MINUTES – SPECIAL MEETING TO CONSIDER RESOLUTIONS**

**ATTENDANCE:** 20 members as per attendance book records.

**WELCOME – President Terry Wall**

Members were welcomed and reminded of the need for further assistance by considering joining the Committee. Current Committee members are under considerable pressure in terms of time availability.

**1. APOLOGIES** – Geoff and Judy Washington, Lyn Rudkin, John James, Annie Howarth, Geoffrey Basser, David Gray, Fran Corner, Mark Penn

**2. PRESENTATION OF SPECIAL RESOLUTIONS FOR CHANGES TO CONSTITUTION**

As the full background to the proposed changes had been distributed to members 21 days prior, there was general agreement that it was unnecessary to read again the background to the changes which have been proposed to meet ATO and Fair Trading requirements:-

- (a) Assets and Income (Section 37 – Replacement of Clause (1))**
- (b) Debts and Liabilities on Dissolution (Section 37 – Replacement of Clause (2))**
- (c) Increase in Fees and Subscriptions (Section 8 – Increase membership fee)**

It was moved Ken Shadler, seconded Brian Frost that the Constitution of the Tomaree Ratepayers and Residents Association Inc be amended as follows:

1. That Section 37- Funds Management, be amended by:

deletion of clause (1) and to insert in its place the words

*“Subject to any resolution passed by the association in general meeting, the assets and income of the association shall be applied solely in the furtherance of its objects and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association in such manner as the committee determines”;*

2. Add in place of Clause (2) the words

*“In the event of the organization being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organization with similar purposes which is not carried on for the profit or gain of its individual members”.*

Clause (2) of the constitution is to become Clause (3) of section 37 Funds Management.  
Carried unanimously.

It was moved Jean Armstrong, seconded Ken Shadler

3. That Section 8 Fees and Subscriptions be amended by:

Replacing the current \$5 with \$10 in Clauses (1) and (2)

It was noted that this change would come into effect from the new financial year.

Carried unanimously.

Special meeting closed at 7.30 pm

**MINUTES – GENERAL MEETING- TOMAREE RATEPAYERS AND RESIDENTS  
ASSOCIATION INC – 11 MAY 2015 – 7.30 pm  
HELD IN THE CROWS NEST ROOM, NELSON BAY BOWLING CLUB**

**ATTENDANCE AND APOLOGIES** – As per special resolutions meeting.

President Terry Wall welcomed Cr John Nell and members to the general meeting.

1. **MINUTES OF MEETING HELD 10<sup>TH</sup> NOVEMBER 2014 / FORUM MINUTES 9 MARCH 2015** available on the website were confirmed. Moved Dick Appleby, seconded Colin Howard. Carried.

2. **MATTERS ARISING:** Committee members provided a brief update on many of the items from previous minutes. This was supported by slides and Powerpoint presentation which will become part of the records.

(a) **Woolworths update** – Business Association have had advice that there is an Opening Party being organised for 15<sup>th</sup> December and an associated street party is being organised by the Association. There will be unisex toilets and baby change facilities included which is a better result than the single accessible toilet proposed at one stage. Cr Dingle thanked for his efforts for us. No further word on street tree planting but Judy Washington is following this up for us.

(b) **Parking Updates**

– **Nelson Bay – Donald Street East** – No further word on this. No success with Council on having parking on vacant lot turned into parking for Christmas. We have noticed Council has advertised for agents to represent them to sell the Council owned blocks around Salamander.

(c) **Entrance to Nelson Bay – roundabouts and enhancements** Geoffrey Bassar and Margaret have had a meeting with Cr Dover. There are Council plans (funding yet to be found) for 2 roundabouts to be enhanced with colourful permanent type plantings along Bagnall Beach Road as there is a water supply available. Traffic island also to be planted and banksias to be removed. Council officers were commended for the colourful flowers at the Church Street roundabout. Nelson Bay Road is controlled by the RMS. We understand that Council is negotiating improvements.

(d) **Church Street unsatisfactory presentation & bond suggestion from TRRA**

The suggestion from TRRA to implement a bond system so that we don't have a repeat of the Church Street eyesore was not taken on board by Council in considering The Pulse DA at Anna Bay. Further representations to be made to Council to improve Church Street.

(e) **Tomaree Lodge site – Future Community consultation** – Works in progress – Geoffrey W and Nigel taking up this issue for us.

(f) **Dog Review Signage upgrades** – Business as usual for dog signage until roll out of new signage begins. New Dog signs will be specific for each area. Dogs off lead area for Soldiers Point is in abeyance.

(g) **Pedestrian crossing across Victoria Parade from extended Yacaaba Street** – No provision was made. John Nell spoke about the challenges this area presents. No easy answer as this is close to Teramby Road roundabout.

(h) **Pedestrian crossing – Bagnall Beach Road Adjacent KFC** Changes to roundabout have been made in the last few days and seems to be working OK – Council used Black Spot funding. We have concerns about sand trucks needing to use this roundabout to make a U turn if 3 lot subdivision goes ahead in the future. Huge wall of sand from behind the shopping centre needs to be moved off site and access would appear to be via new road behind the Rigby Centre coming out adjacent KFC.

(i) **Signage – Yacaaba Street extension – “Temporary Access”**

Representations by Business Association and TRRA to improve this signage has been unsuccessful with WH & S cited as the reason.

(j) **Graffiti update**

According to Graffiti Action Team report to their March meeting – Operation Eraser had led to 6 arrests and police visits to 16 suspects’ homes – parents/guardians given advice. The work of photographing graffiti before removal by volunteers and the relaying of these records to Police by Secretary Judy Washington assisted greatly. “Vandalism is a crime” signs with contact numbers under consideration by Council – proposal from Cr Dover. This would be in conjunction with education program in schools. Graffiti Action Team Number is 0412578570 - Cards available tonight. CCTV Extension is almost complete for Nelson Bay CBD according to report at Business Association meeting.

Also from Business Association – Country and Blues Festival is on again June long weekend.

**3. TREASURER’S REPORT** – Treasurer Dennis reported a closing balance of \$1387 with income (for 2 months) of \$315 and expenditure (mainly Forum advertising) of \$607. Moved Jean Armstrong, seconded Dick Appleby that the Treasurers report be accepted. Carried.

**4. CORRESPONDENCE IN AND OUT** - Register tabled by Secretary. Members welcome to access any correspondence in and out.

**5. CURRENT ISSUES/INFORMATION SHARING**

**Brief reports were given on current issues by Committee members.**

(a) **Community Engagement Policy** – (At the conclusion of the meeting) Colin Howard made a presentation on the current and proposed policy which is due for comment by 4<sup>th</sup> June. We should be able to communicate in a better way with Council via digital communication and reinstatement of the webcast. The TRRA submission will be available on our website.

(b) **Development Control Plan Submission** – Nigel Waters explained the importance of this plan and the changes which had been made in line with the new Local Environment Plan. Height limits have been moved into the LEP and are now binding. The DCP is not as

binding and represents a guideline. Several issues have already been identified following workshops held with Council officers and TRRA will be putting in a detailed submission, particularly relating to Nelson Bay CBD Strategy. The DCP is not strong enough.

- (c) **Planning – Community Forum & New Planning Minister appointment** - Nigel mentioned the special Community Forum organised by Econetwork to encourage better planning outcomes for NSW. He was encouraged that the new Planning Minister has a Planning background.
- (d) **DAs of Interest** – Insufficient time to talk about all DAs – Members were encouraged to talk to Nigel or John James.
- (e) **Soldiers Point Aboriginal Management Plan** – Council were commended on providing public information sessions. This plan however incorporates a holistic Plan for all Council owned land at Soldiers Point and includes areas which are not of Aboriginal significance, eg, Spencer Park and tennis courts where additional parking is proposed (and is being questioned). All advertising and brochures included Aboriginal significance and the wider community may not be aware that this plan is about their whole area, including parking and traffic movements, access to foreshore, access through Thou Walla Resort (previously Soldiers Point Holiday Park). An extension to the deadline for comments is being requested by Soldiers Point community. Jean Armstrong mentioned that the parking seemed to have been “snuck in”. Everitt Park where there are remnants of a picnic ground with tables was also an area which needs a closer look in the plan. The additional parking and pedestrian access on the side of a very steep slope may be inappropriate. Nigel thanked members for their input. TRRA will be revising our submission.
- (f) **Council Financials – Transparency Issues** – Dick Appleby reported that TRRA has Council finances on watch with a chartered Accountant now part of our Committee. Moves last year to declassify some “business units” so that more detailed reporting is not required in the annual financial statements has been questioned by TRRA. Council has ignored advice from the Department of Local Government in December last year and has gone ahead via resolutions at Council in March/April to change the reporting system which results in a lack of transparency to both the ratepayers and to the Councillors, particularly for the Holiday Parks. The issue is being taken up by TRRA with the Minister for Local Government and our Local Member Kate Washington.

Dick also mentioned the article on the website “Snouts in the Trough” where we are seeing estimated Council expenditure of around \$25,000 being spent on sending the Mayor and Councillors (Jordan, Dover, Morello, Doohan, Tucker & Le Mottee) to Darwin for a Local Government Conference.

- (g) **GIPA request for Financial Information – Holiday Parks & other** – Dick advised that TRRA is currently analysing 190 pages of accounting information received via a GIPA request (previous Freedom of Information). Watch the TRRA website for updates as this proceeds, particularly “The Naked Truth” links as the recent decisions relating to establishment of camping facilities and renaming TreEscape is under scrutiny due to the huge amount already wasted by Council at this facility.

**(h) Apex Park Meeting/Shoal Bay compound – Council processes –**

Secretary commented on the excellent Gallipoli memorial which had been installed in time for Anzac Day adjacent the existing memorials. At one stage this spire was proposed for placement further up the hill where the previous ones were.

Secretary highlighted that TRRA is not against the organisations for these projects but rather the Council process used which excluded consultation with the general community and ignored the 7 years of work put into finalising the Nelson Bay Town and Foreshore Strategy. There is to be a meeting at Apex Park with the local Parks Committee this week at which a draft Masterplan, prepared by a qualified Council officer, will be presented. Later it will go to a full Council meeting.

A similar process was used to approve an unsightly enclosure at a prominent section of Shoal Bay tourist area with limited consultation with the community until it was too late. It is understood the wire is to be sprayed black.

- (i) Flood Area Approvals –** Secretary advised that we are working on a website article to provide background to these approvals which began in August last year and have continued since then, with the last one approved for Eagleton at the last Council meeting, just prior to the major flood and storm event. All these have been recommended for refusal by Council officers and yet have been approved by the Council – usually voting 7-3 (or 6-3 when Cr Le Mottee has a pecuniary interest declared) Main concern highlighted “inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation; and: Inconsistent with best practice for floodplain management and inappropriate landuse under NSW Floodplain Development (and also the PSC LEP!)  
Cr Nell highlighted that these approvals cut good agricultural land which provides our food and these approvals makes no sense.

- (j) Boomerang Park – Potential impacts** Secretary advised that TRRA has this reclassification on watch as it could set a precedent and have a flow on effect to Tomaree reserves. Involves the reclassification of 4.5 hectares of a public heritage park and the area is the best flat area for families to kick a ball. Concerns also expressed about the funding source for proposed implementation of the Masterplan approved at Council in June last year, eg, playground, Mens Shed, paths, parking spaces, ponds, boardwalks. Community being told that if reclassification and sale of land for (senior) housing doesn't go ahead, funding will be limited. Men's Shed is a huge structure and questions need to be asked about how much of ratepayer funding is involved and what will miss out to fund this project? There is a strong community group which has been formed and TRRA will be supporting their efforts.

(k) **Sand Mines on watch** – Bobs Farm; Cabbage Tree Road – Insufficient time to report fully. TRRA will be watching the advertising and will require support at that time for submissions and objections. Traffic implications on Nelson Bay Road is our major concern.

## 6. General Business

(a) **NBN –opportunities** – Defer to next meeting.

(b) **Storm Damage** -

### (i) **Mayoral Minute – Dangerous Trees – Proposed 12 Month Moratorium**

TRRA has major concerns with Recommendation 3 of the Mayoral Minute to go to Council tomorrow night. Current policy already allows for dangerous trees to be removed close to houses for safety reasons and in addition, the new NSW regulation brought in after the Bush fires last year also apply. Major beneficiaries would appear to be developers and residents with the financial capacity to pay for the removal of trees to improve views, without needing approval.

Cr Nell referred to the issue of street trees planted by Urban Growth at Vantage and Bagnall Beach estates. They need to make better choices in the future.

It was moved Dick, seconded Ken that TRRA object to the inclusion of Recommendation 3 in the Mayoral minute. Carried.

### (ii) **Special Roadside pick up – Storm Debris**

TRRA requested advice from Council on 4.5.15 on additional measures for pick up of green waste, particularly for those without trailers or the capacity to take green waste to the Council drop off points. Secretary read the response received relating to negotiations for this to commence at the end of the month – date to be confirmed.

(iii) **Extra Open day** – The cut off for the free service was 10<sup>th</sup> May. No free service next Sunday. However, on Sunday 24<sup>th</sup> and Sunday 31<sup>st</sup> there will be extra fee greenwaste drop off at Salamander.

(iv) **Bridle Path** – Dick Appleby showed slides of the extensive damage done to the Bridle path. The Community may need to lobby for this to be reopened as it is a very popular track for both locals and tourists.

(c) **New roadside collection** starts in July – 2 free pick ups each year – bookings start in mid June.

### (d) **Sandy Point/Conroy Park erosion**

Council has finally appointed a Consultant to conduct a study and present options for a management plan for this serious erosion. 200 residents have been sent information

and a survey to complete by 22<sup>nd</sup> May. Anyone with old photographs encouraged to send them in.

(e) **Legal Access through to Soldiers Point Bowling Club (and Soldiers Point Road) from end of Oasis Close Walkway** TRRA has requested further information (via a GIPA request) on steps being taken to have legal right of way through this joint development between Hilton Grudgeon and S/Point Bowling Club. The current plans approved by Council do not show the formalised access. Slides of the space between the existing fence and the building which has now commenced were shown to demonstrate. Refer to Powerpoint presentation which will be on website with these minutes.

(f) **Removal of Fees Amount from Constitution** – Moved Bill Steadman, seconded Jean Armstrong that TRRA take steps to remove the actual dollar amount for membership fees from the Constitution and adopt the standard Fair Trading wording. Carried.

It was noted that this change would require a special resolution with appropriate 21 days notice to members and this would be done for the AGM. In the meantime, the membership fee of \$10 per member would be applicable from 1<sup>st</sup> July 2015 as per special resolution approved at special resolutions meeting prior to this general meeting.

Meeting closed at 9.05 pm.

**Next General Meeting:** Monday 14<sup>th</sup> July 2015 – 7 pm – Crows Nest Room,  
Nelson Bay Bowling Club