



TRRA Inc. November Newsletter
Christmas 2016 Function
Tuesday 6 December



Tomaree Christmas Bush

At its last Meeting the TRRA Management Committee considered the format for an end of 2016 function. It resolved to vary the event from "Christmas Drinks" to a meal in the Nelson Bay Bowling Club Dining Room Tuesday 06 December 2016 commencing at 6.30 pm.

As we need to inform the club of our revised format and alert them to our numbers for catering, it would be appreciated if you could RSVP by Friday 2 November to president@trra.com.au or phone Geoff on 4981 3916 (leave message if phone not answered).

As TRRA has revised its constitution to comply with the Incorporated Associations Act requirements, it is not permitted to contribute any funds to this function. Those attending will need to pay for their own meals and drinks.

We also decided to make this an informal occasion and to rely on this Newsletter to bring members up to date on Key Issues.

The dinner and pre- and post-mingling should provide an opportunity to discuss the events of 2016 and the challenges that may be ahead in 2017.

As President, I wish to thank the Committee and all members for their contributions over the past year which as you will be aware had some unforeseen challenges.

Season's Greetings and Best Wishes for the New Year!

NEWS UPDATES

1. Defamation Claim

Members will be aware that the Association and our media officer Dick Appleby were named as defendants in a defamation claim brought by Cr Bruce Mackenzie. The claim related to an article published by the Association on the TRRA website in July



2015. The Proceedings have been resolved and the defendants will provide an apology on the TRRA website which is acceptable to Mr. Mackenzie.

The Association remains committed to representing the interests of its members and will continue to make appropriate submissions and comments in relation to issues which impact our local community. That will continue to extend to review and discussion of the decisions taken by our local Council.

2. Council Mergers

No announcements have been made on the two amalgamation proposals - Port Stephens/ Newcastle City and Port Stephens/Dungog.

The Minister for Local Government has recently announced details of timetables for the conduct of Council elections relating to councils nominated for mergers that still remain unresolved.

The timetable indicates that in the case of Councils which are not merged by the end of November 2016, elections could not be held until March 2018, and there is even the possibility of some elections being delayed to 2019 which would clash with State Elections and would probably be put back to 2020. A number of councils in the Hunter Region, including Port Stephens Council, are awaiting merger announcements and will almost certainly be denied elections in the near future.

It is also our understanding that the Minister for Local Government has publicly stated that further announcements on mergers would be held over, pending the results of legal challenges which are before the courts. This policy is a further concern for electors as it adds additional uncertainty to the timetable.

The practical consequence appears to be that our Council, which would have been due for an election in September 2016, will remain in place under the domination of Mayor MacKenzie's voting bloc. It is also bound under amalgamation guidelines to operate in "lame duck" mode under State imposed restrictions on the making of major spending commitments and other key decisions.

TRRA believes that the NSW government has bungled this merger initiative and now we electors in the Port Stephens LGA are likely to be denied their democratic rights for a significant period.

These developments have only just come to light over the past week and in response [TRRA has written to the Premier and the Minister for Local Government](#) asking for clarification of the government's strategy going forward on this matter and its plans to overcome the disenfranchisement of electors inherent in the deferral of elections possibly to 2020.

2. Nelson Bay Now (NBN) - Revision of 2012 Strategy and Council Car Parks

TRRA has recently joined with a number of community groups and business operators brought together by the Tomaree Business Chamber and operating as “**Nelson Bay Now**”. TRRA’s Committee has decided to work through this group in negotiations with PSC on the Donald Street car park plans.

NBN is a collaboration of organizations and individuals working towards a better future for the Nelson Bay CBD and Foreshore, in partnership with PSC and Property Owners. A Business Plan will be developed to ensure the timely delivery of the NBN Objectives and the relevant Directions and Actions as detailed in:

- The Nelson Bay 2012 Strategy Review.
- The Hunter Regional Development Plan / Implementation Plan 2016 / 2036.

At the appropriate time NBN will then start targeting specific projects and getting the funding from the appropriate bodies

This group has sought to focus attention of Port Stephens Council and State authorities on the needs of the Nelson Bay CBD to improve its performance as a business and tourist hub. It has been successful in forging relationships with State and Federal Members, senior Council officers and senior State government officers with responsibilities for development in the Hunter Region.

Council has advised that they are in the process of revising the 2012 Nelson Bay Town Centre and Foreshore Strategy and that a report would be made on this to Council before the end of 2016. They have agreed to consult with representatives of Nelson Bay Now prior to submission of the report to Council. This revision is partly in response to the desire of Council’s Property Services Section to revisit the issue of building heights throughout Nelson Bay. Current height limits would not accommodate the structures being considered for the Donald Street car parks redevelopment. There have also been some more general concerns expressed that the current limit of 5 stories is holding back other development in the centre.

Other NBN priorities are: future car parking needs, traffic movements including the extension of Yacaaba Street to Victoria Parade, townscape improvements, directional signs and attraction of major new functions or administrative offices to boost the town’s vitality.

The Hunter Regional Plan recently released by NSW Planning and the Environment has been discussed with officials and it seems that the majority of the projects/improvements under consideration for Nelson Bay would be considered to fall within the responsibility of the local council rather than State or Federal programmes. The plan did identify Nelson Bay as a “Strategic Centre” which may assist in future negotiations directed at revitalising the precinct.

TRRA needs to ensure that the protection of the town's natural appeal and its "stepped development" principle for the amphitheatre topography is protected.

4. Tree Preservation Policy- Moratorium on Removal of Dangerous Trees

Dangerous trees became an issue for some residents following the 2015 April super storm.

As a result, Council voted to implement a temporary amendment to the Port Stephens Development Control Plan (DCP) which provided greater flexibility for residents who wished to remove trees that threatened their homes. This meant that trees which posed direct threat to life or property could be exempt from requiring pre-approval from Council – so long as appropriate documentation and evidence was provided back to Council.

This temporary amendment came to an end. Council at its 11 October meeting agreed to extend the temporary amendment to the DCP to restore the moratorium for another 12 months. We expect this to come back to Council for adoption at its 13 December meeting.

The staff report to Council identified a serious risk that the moratorium does not '... allow Council to satisfy itself that tree removal would not have an impact on the conservation of biological diversity and ecological integrity. The report states that there has been no significant increase in notifications. This means that either there have been no tree removals under the moratorium, in which case it was clearly unnecessary, or there have been removals, but without the required post-removal notifications.

Anecdotal evidence and observations suggest strongly that it is the latter, in which case there is no way of telling whether the removals met the criteria, or whether they involved tree species subject to other protections, thereby breaching other laws.

The amendment, like the original moratorium, is unnecessary. No evidence has been presented at any time since the original moratorium was proposed of the scale of any 'problem'.

The DCP contained a perfectly good and well-functioning process for dealing with dangerous trees, including an exception allowing for 'urgent removal on account of immediate failure' without prior approval.

TRRA made submissions along these lines but these arguments against the need to extend the moratorium did not influence council's decision on this matter.

While this 'moratorium' is in effect, Council has lost effective control of tree removal in urban areas'

5. DA update

8 Storey apartments 11-13 Church Street Nelson Bay

TRRA's submission opposed this DA on the grounds of the height exceeding the current planning provisions. The DA is being assessed by PSC - decision unlikely this year.

Section 96 Revision of DA for Marina Resort

Applicant requested approval for staged development and amendment to plans for the first tower to include a permanent residential component. Council rejected this application on grounds that it was a significant change of purpose.

Temporary Water Park located off Beach north of Eastern Groyne

TRRA Committee noted that this project would be installed only for the summer holiday season and that assurances were given that it would not have a significant impact on seagrass beds. Experienced operators are involved.

A similar operation at this location some years ago was considered not to present an intrusive visual impact. The committee also acknowledged that the park would add to the range of attractions for visitors over the holiday season.

Accordingly no objections were raised by TRRA.

Fly Point DA for archaeological Dig

A minor excavation work is planned in Fly Point Park to verify if a WW2 era US landing Force storage bunker exists. As they state in the application this has the potential to become a significant tourist attraction if it actually exists. No impact on existing trees is envisaged. TRRA committee is yet to consider, but preliminary discussions indicate no reason to object.

6. Oher News

Derelict Resort Project - Gan Gan Road, Anna Bay

There was a media report this week that a new owner has taken over the project which will now be revived and completed.

EcoNetwork Port Stephens Community Forum, 27 November 2.00pm

This forum will be held at the Tomaree Community Centre (Library complex). The guest speaker's topic will be "**Mambo Wanda Wetlands -the case for Ramsar designation**".

NEXT TRRA GENERAL MEETING

General Meetings are held on the 3rd Tuesday of every second month. Our next meeting is scheduled for 21 February 2017 at 7.00 pm in the Crows Nest Room of the Nelson Bay Bowling Club.

