



By email to: council@portstephens.nsw.gov.au

24 November 2012

Peter Gesling
The General Manager, Port Stephens Council

RE: ITEM NO. 5 FILE NO: PSC2009-02408V4, PLANNING PRINCIPLES FOR THE COMMERCIAL ZONE AT SALAMANDER BAY

Dear Mr Gesling,

TRRA Inc. representatives attended the 3 workshops held in the period June-August 2012 to help develop Planning Principles for the Council owned land adjacent to the Salamander Shopping Centre.

These workshops were professionally run and valuable in obtaining community input, and would have been a useful exercise had they been organised by the strategic planning team and in the context of the development of either a Masterplan or a DCP for the area.

However, the process was compromised by the fact that the organisation of the workshops, and commissioning of consultants at significant expense, was by the Property Services section, which has a conflict of interest in being tasked with disposal of the land for a commercial return to Council. It was made clear at the workshops that the Principles would be purely advisory, and have no formal status or binding effect, which in the eyes of many participants severely devalued the whole exercise.

The Property Services Manager was also evasive, when questioned, about the status of the DA for the Big W on one of the proposed sites – which was effectively excluded from consideration in the workshops – being presented as a non-negotiable constraint when the assessment process was still underway and no decision yet made (then or now) on that DA (it remains uncertain whether the Big W DA will need to be referred to the JRPP - it clearly seems to cross the threshold criterion of a project of more than \$5 million on Council owned land).



Notwithstanding the Property Services' Section's attempts to influence the process in favour of their preferred outcome, (now confirmed in their current 3-lot subdivision DA), the workshop participants clearly expressed views about the future of the Salamander Centre. These reflected those put forward at a public meeting attended by over 100 people in July 2010 and in subsequent submissions by TRRA and others on the then 8-lot subdivision DA (811/2009). This DA was subsequently withdrawn from the JRPP (2010HCC003) in July 2010 after criticism both from representative of the owners of the existing shopping centre and from the JRPP chair about the absence of a Masterplan.

The resulting planning principles now being presented to Council for adoption contain many good ideas put forward by community representatives attending the workshops, but are fatally compromised by the Property Services Section's determination to proceed, both with the sale of the site for the Big W, on the premature 'promise' of the required subdivision and supporting infrastructure, and with the 3-lot subdivision and works DA now on Exhibition. We note that this DA (720/2012) includes part of the infrastructure works included in the 2009-10 proposal, including the perimeter road with major adverse environmental impacts. The part of that road now included, combined with the design of the Big W DA, would effectively preclude important alternative access options for the entire site. We further note that this DA has been advertised in such a way (leading with 'TT & Sand Stockpile (Diemars Quarry)') as to obscure the fact that it also relates to the Salamander Centre.

We are aware that Council resolved in March 2011 not to develop a Masterplan, but it also rejected at the same meeting a motion to have the Commercial section develop a DCP – we are not aware of any subsequent Council instruction for the Commercial section to develop planning principles and question how and when this decision was made, by whom and with what consultation.

There is also no reason why either of the March 2011 decisions cannot be revisited, or why a DCP or planning principles exercise should not have been conducted or commissioned by the Strategic planning team as the appropriately qualified professionals.

We note the statement in the report to Council that neither Planning Principles, Masterplans or area plans have any formal status under the EP&A Act, but it is clear that Masterplans, and in particular DCPs, can carry more weight than purely aspirational planning principles such as these.

We submit that this entire exercise has been an abuse of proper process and a cynically manipulated attempt to achieve a pre-determined outcome – namely the subdivision and sale of the land essentially on the same basis as was proposed

in 2010, taking no real notice of community preferences for a more holistic and sustainable future for this key centre for the Tomaree peninsula.

Adoption of these Principles, without any commitment to a further action, would simply see them used as a smokescreen for the sale and development of the Council owned land along the lines suggested in the 2009/10 concept plan, largely ignoring the many good ideas in the Principles.

We would be pleased to see Council adopt the Planning Principles but this should expressly be as an input to a more comprehensive Masterplan or DCP.

Pending the outcome of this process, the DA for the 3-lot subdivision should be withdrawn, and assessment of the Big W DA suspended.

**Dick Appleby
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