



**TOMAREE RATEPAYERS AND RESIDENTS ASSOCIATION INC.
MINUTES - GENERAL MEETING – Monday 3rd June 2013 – 7.10 pm
Crows Nest Meeting Room, Nelson Bay Bowling Club**

ATTENDANCE: As per attendance book (33)

APOLOGIES: Geoffrey and Judy Washington, Dick Appleby, Geoffrey Bassar, Peter Quirk, Peter Davis, Mary Anne Adams, Ken Shadler, Annie Howarth

WELCOME AND INTRODUCTION OF GUEST SPEAKER

President Terry Wall welcomed members to the meeting and thanked them for coming out on such a cold night. Cr John Nell was welcomed. Cr Geoff Dingle was introduced as guest speaker by the President. Cr Dingle had topped most of the East Ward polls for the popularly elected Mayor at the September 2012 elections.

1. GUEST SPEAKER - Cr Geoff Dingle – “Port Stephens Council - 8 Months On”

Cr Dingle congratulated TRRA members on being part of an important community forum and acknowledged the attendance of fellow Councillor John Nell and past Councillor Brian Watson-Will. He commended TRRA on getting the message out to the people on what is happening, and in particular the Meet the Candidate Forums organised prior to the election for the whole area. He acknowledged the support the independent Councillors receive from TRRA and emphasised that the 3 independent Councillors did not vote in a bloc, commenting that their ideals are however often similar.

Several issues raised by TRRA had resulted in better outcomes and improvements, eg, DLG report on best practice; stopping a significant rate rise without Council looking at alternatives; various issues relating to operation of Holiday Parks and financial accounting.

He cited the TRRA website as a valuable way to convey more information to the people as it seems that the local media has become less effective in getting the real message out.

He spoke of some of the positives of Council, even though the bases are all loaded and it is extremely challenging to gain support from the 6 Councillors aligned with the Mayor. Some of the rudeness of the past is not as evident compared to the first 4 years. Despite being initially opposed to the combined Committee and Council meeting on the same night, it is easier to get groups to come along in the gallery as they can hear the final decision on the same night. People in the gallery have made a huge difference



and has even changed the vote. He commended TRRA on maintaining a presence. There is also another opportunity to speak on the same agenda item - to "have another go".

The main concern relates to the planning issues. Most recent example Raymond Terrace Noise Maps was opposed by the Defence Department, well publicised and yet a 53 Lot subdivision was still approved by the seven Councillors at the last Council meeting within the agreed flight path for the new jets. There is a strong need for the community to write to external authorities as well as the General Manager.

Where there are strategic plans in place, whilst not powerful documents, they have led to better outcomes such as the location of the commercial area at Medowie in his area.

At Salamander he believes we would have been much further ahead if Council had initially started with a Masterplan. The area would have been better developed by a third party rather than Council staff undertaking this work. It remains to be seen as to how successful the area around the library/community centre could become as a commercial development.

Considerable information was relayed about the recent ANEF meetings, the subsequent subdivision approval and the potential outcomes for the people paying for the cost of subdivision and the increased costs involved to the purchasers in installing acoustic protection to their homes.

There was a disappointing community response to the Lower Hunter Strategy meeting held in Raymond Terrace. There was a perception that the original Lower Hunter Strategy did not provide a stimulus for development in Port Stephens and needed reassessment. Cr Dingle challenged this statement as there are 825 blocks, most ready to go, awaiting development right now at Medowie alone.

Developers appear to be out to progress development of relatively inexpensive green field sites but are reluctant to contribute to the associated high cost of infrastructure such as flyovers and bridges to support the increased population, eg, Kings Hill (\$20M for a flyover); Wallalong (\$70M for bridges) The expectation is that local Council will provide this infrastructure in the future at cost to all ratepayers.

Some wins on local issues were outlined such as the finalisation of the Melaleuca (Lagoons) Estate settlement for \$750,000; the Heatherbrae Hotel win in the Local Environment Court; and reduction in opening hours at Medowie Hotel from the 22 hour operation which was being proposed.

The ongoing Laurence case continues to be of concern and the funding model used for the Birubi Surf Club where Section 94 funds are being borrowed to fund \$1.4M. The legality of pooling of funds and other questions generally about use of Section 94 funds have been asked and legal advice is currently being sought from Council's Solicitors. The Section 94 Council officer position has been advertised in the weekend press. Council officers appear to be under considerable pressure.

Quarterly meetings are now being held with Engineering to set priorities. This will hopefully lead to projects being undertaken in their order of priority.

Communication is the main issue with the current Council with no workshops being held to better inform Councillors.

Little has been heard in the Council Chamber from one new East Ward Councillor and it was suggested to members that the Councillor should be "asked the question" why.

Cr Dingle spoke of the positive outcomes resulting from TRRA persistently raising several concerns about the operation of Holiday Parks. This has led to several improvements and the establishment of the Holiday Park Trust which has a separate account from Council funds. Business plans have been prepared for all holiday parks and Samarai Resort has been closed. However, a debt of \$1.3M is outstanding. Crown Lands Department will not be funding repairs or maintenance for amenities on Crown Land. At last report there was a question mark over funding, from that source of funding, of the Shoal Bay Wharf and the road repairs near Tomaree Headland walk .

Cr Dingle gave a summation of his perspective on what happened to democracy in Port Stephens in the September 2012 election and concluded with a suggestion that potential future candidates need plan well and co-ordinate. A warning was given to not be too distracted by the headlines at any time and perhaps what you hear is not what you are going to get as other things could be happening behind the scenes.

2. QUESTIONS FROM MEMBERS

Brian Watson-Will asked about streamlining Council processes to have some of the large amount of funding held in 355 Hall Committee accounts spent on improvements. Cr Dingle gave some examples of his own experience at Medowie Hall and mentioned he was seeking improvements in the time it takes to get a quote, get the work done and the account sent. Obtaining the approved contractors list is a challenge to Hall Committees.

Jean Armstrong asked about the potential for legal challenge on Salamander relating to SEP 71 and Koala Management SEP41. Cr John Nell advised that far too much has

gone on for too long at Salamander and he is hopeful that our energies can be refocussed on the new LEP and some of the benefits it will potentially bring to our area, but not necessarily at the Salamander site.

Colin Howard asked about the legal issues relating to Section 94 and how they will be fed back to the staff and to Councillors so that these funds are used correctly. Cr Dingle advised that he is currently seeking answers to a series of questions and legal advice is being sought. He will compare the advice with that from the NSW Department of Planning and go from there.

Bay Marshall commented that the Wormi Lands Council were unhappy with advice received that the Consultant employed for the Mackas Sand Pty Ltd modified road access to Nelson Bay Road (currently in the assessment stage) that building the road over the aboriginal artefacts and covering with Geotech will preserve them!

In answer to a question from the floor relating to moving to have an administrator appointed for Council this resulted in a response from Cr Nell to the effect that we would need better reasons for this to happen than some of the planning decisions being made – even though he does not agree personally with many of these decisions.

Colin Howard referred to movement of trucks onto Salamander Way and through Wanda Beach shopping centre when the work commences on the 3 Lot subdivision at Salamander.

Cr Nell advised that the Salamander shopping centre has a long history of lack of planning and he is not optimistic that anything will change in the future.

President Terry thanked Cr Dingle and Cr Nell for the information provided.

3. **MINUTES** of meeting held 8 April were confirmed. Moved Colin Howard, seconded Simon Brooke Carried.
4. **MATTERS ARISING** – Deferred for discussion at Item 8
5. **TREASURER'S REPORT** – Current balance of \$1,111.62 with expenditure of \$7.90 and income from subscriptions received \$35. Moved Brian, seconded Nigel Waters that the report be adopted. Carried.
6. **CORRESPONDENCE IN AND OUT** - Register was tabled with relevant correspondence and members invited to view any items of interest.
7. **CURRENT ISSUES:** Members had been asked to read the update on the TRRA website and ask further questions. A brief update on some of the current issues was given as follows:-
 - (a) **Salamander – What Happened and the Way Forward**

Nigel Waters gave a comprehensive summary of recent approvals given for Salamander Shopping Centre 3 Lot subdivision (by Council for Council) and the separate Big W DA approval by the Joint Regional Planning Panel. It was a disappointing outcome for the community and also included denial of public access by the Mayor to two TRRA members to speak at the Council meeting on several issues which could only have been identified when the business papers were made available for a 3 day period leading to the decision. TRRA's main concerns have been posted on the website. Nigel indicated there could be opportunities for a better planning outcome for Lot 3, where our Library and community centre are located.

A vote of thanks was extended by the President to Nigel and everyone involved in this long process and this was carried by acclamation.

(b) Salamander – Movement of Sand to Diemars Quarry – Colin Howard made a Powerpoint presentation to members and requested that Council seriously consider the traffic impact on our community. Slides were shown of Diemars Quarry as presented to Councillors and in the DA application as an open sandy area, and another slide on how it is today (now full of water) Calculations had been made on potential truck movements if all the sand goes to Diemars Quarry as originally proposed.

Moving the 130,000m³ sand left over from cut and fill and which would need to be taken off site could involve daily truck movements of 128 over a 40 week period for 8 hrs per day along Salamander Way and through Wanda Beach Shopping Centre to Diemars Road. The Construction Certificate still to be issued could provide an opportunity for stricter consent conditions to minimise impact on the public. It is understood that separate expressions of interest are being received to remove the sand and this could also result in the sand being transported in various directions at lower cost. This makes no difference to the number of truck movements in and out of Salamander Shopping Centre precinct over several months.

Concerns were expressed about public safety for school children and in particular the effect on the Wanda Beach Shopping Centre. There is potential for a 2-way system via Homestead Street as trucks would have difficulty negotiating the roundabout at Wanda Beach shops.

Cr Dingle offered to take the issue up immediately with the Traffic Committee at a meeting the following day.

(c) Soldiers Point Marina Expansion Joint Regional Planning Panel Hearing – Colin Howard, as President of Soldiers Point Community Group asked for speakers to take part in the upcoming JRPP hearing on the DA.

(d) Birubi Point Surf Club Funding Model and DA

Secretary Margaret advised that both the funding model and the DA have now been approved and work is expected to commence very soon and be completed by Christmas. The TRRA website has the plans for the building and details about the funding model used. Concern relates to borrowing \$1.4M Section 94 funds & \$1/2M from Asset Rehabilitation funds. She highlighted that nothing will change with the access road in and there will be no additional car parking spaces. TRRA supported the DA but included several suggestions relating to the need for better planning for the whole site. The future need for an overall plan for the site to streamline the process for getting grants for potential future development to take place had been identified, eg, Aboriginal Interpretative Centre. TRRA believes Council needs to work closely with the Worimi people to develop this plan.

Cr Nell advised that extensive negotiations had taken place with the Worimi people about the current development over a considerable period of time. Any concerns they had in the past are not current issues.

(e) Mackas Sand Alternate Road – Secretary Margaret advised that a further letter (available on website) had been sent to the Department of Planning and Infrastructure in response to the new Traffic Study carried out in February this year. It was noted that this study is still based on only 25% of the total extraction licence for the 2 sites licenced to Mackas Sand. TRRA had also requested that future operators who wish to use Nelson Bay Road as a sand haulage road be required to contribute considerably to the cost of upgrading Nelson Bay Road to a four lane road. The modification application is still in the assessment phase and will be considered by an independent Planning Commission, not Port Stephens Council. Another licence appears to have been approved around Marsh Road.

(f) Old Anna Bay Sports Ground (Jessie Road – Cnr Port Stephens Drive & Nelson Bay Road) – Park & Ride/Bus Interchange – Rezoning proposal

John James advised that Council had approved further steps at the meeting on 28.5.13 to progress the reclassification of this large parcel of land from community (sports field) to operational (which makes it available to sell) TRRA does not object to the sale. However, the retention of the section which faces Nelson Bay Road currently being used as an informal park and ride and bus interchange for school children and should be given more consideration before the rezoning takes place. There does not seem to be much point in selling it all off only to have to buy back a section for community use. This is our Welcome Sign into our whole area and should be made presentable. There is also an existing toilet facility in good condition on the site which could be reopened at minimal cost. This area has received attention in the past as a potential tourist gateway and is suitable for an interactive tourism map or mobile tourism facility for peak times.

The Council papers indicated there will be a public consultation period in August and a timeline for the rezoning to take place by December this year. We will be requiring public support when this is advertised, noting that will probably appear as Jessie Road, Anna Bay.

8. Other Issues

- (a) **Residents Panel** – President Terry encouraged members to join as another way of keeping up-to-date with happenings at Council (Members now receive an e-newsletter)
- (b) **Attendance at Council meetings** – President Terry encouraged members to assist with Roster to attend Council meetings. This has proved to be a valuable exercise to see what is actually happening at Council meetings, particularly relating to planning matters.

9. General Business:

(a) Constitutional Question on Local Government/Webcasting

It was noted that we will have further information on this when the question is actually framed. This will be posted onto our website and we will have further information at our August meeting. Cr Dingle has reserved his judgement on this and in particular whether the local issue relating to the webcast will be improved.

TRRA has written to Council asking for permission to record meetings (based on the number of hits our website receives) Approval has not been forthcoming. This will be an ongoing issue for TRRA.

(b) Public Access

It was noted that 3 members of TRRA have recently been denied public access by the Mayor. Cr Dingle advised that public access does not need to relate even to the agenda for the meeting. The public should be encouraged to address the Councillors about anything they wish to convey to them.

(c) Open Drainage

Cr Dingle drew attention to the Gardening Australia segment on the value of retention ponds and vegetation on edges of open drains and asked if there were open drains within the area which were being mowed and cleared. Hunter Water is also supportive of suitable environmental measures rather than clearing as it increases the quality of the water which comes into Grahamstown Dam and other water reserves.

Meeting closed at 9.10 pm

NEXT GENERAL MEETING – Monday 12th August 2013 – 7 pm

Invitation to be extended to candidates for Federal election to address the meeting. We will also have a segment on the Constitutional question on recognition of Local Government upon which we will all be called to vote on 14 September