



**TOMAREE RATEPAYERS AND RESIDENTS ASSOCIATION INC.**  
**MINUTES - GENERAL MEETING – 7 pm**  
**Monday 10<sup>th</sup> August 2015 - Crows Nest Meeting Room,**  
**Nelson Bay Bowling Club**

**ATTENDANCE:** 30 members as per attendance book

**Welcome:** President Terry Wall welcomed members and extended a special welcome to MP Kate Washington and to Denise Sharpe, President of Nelson Bay and District Business Association.

**Apologies:** Received from Cr John Nell and John James.

1. **Introduction of Guest Speaker** – Secretary Margaret Wilkinson introduced Penny Amberg, Port Stephens Council Community Development and Engagement Co-ordinator and referred to the many areas of responsibility which Penny has.
2. **Presentation:** Penny indicated that she would focus on the community engagement aspect of her role. Council is 80% through a review of current processes and this review has included looking at current trends and what other Councils are doing. In a current research survey undertaken by Australian Centre of Excellence for Local Government at UTS, 90% of respondents value local government. Members were encouraged to read the report on that website “Why Local Government Matters” (link on TRRA website)

There are resource implications in any changes. Focus for Penny has been on getting information out in a timely manner to the community for major developments/changes. This has included production of Fact Sheets written in Plain English and extensive consultation with Council officers who previously used technical information which is not well understood. She spoke of the changing ways in which Council is getting information out, other than the Examiner. Facebook, more website presence are some options. They need to appeal to the younger members of the community to get their feedback. Regular meetings are held with community groups such as TRRA and the Business Associations. Planners were made available on a face to face basis to the community for the Soldiers Point Marina DA last year. Further consultations on the Rural Residential Strategy and Raymond Terrace/Heatherbrae Town Strategies which will be out for public exhibition are planned. This would involve 2 staff to 8 community members to encourage everyone around a table to have their say.

A review is underway of how the Residents Panel might operate in the future. More Q & A panel opportunities is one suggestion, particularly leading into the Local Government Election year in 2016. Penny was mindful of the extensive agenda and



then proceeded to take questions from the floor. It was noted that she would not be answering particular issues at Council and would take questions on notice and get back to members with answers from relevant Council officers if necessary.

### 3. **Questions from the Floor**

A suggestion was taken from Denise Sharpe to use local FM Station to add to the publicity mix. Denise related her recent attendance at a Port Stephens Council meeting and found the experience quite different to other Council meetings which she has attended in her role as a real estate agent.

Geoffrey Washington encouraged engagement early in the process and be more upfront about proposals. Penny advised that a checklist for Council officers had been prepared so that they can identify earlier DAs and Policies which need earlier notification. Penny drew attention to the Consultation section of the Council Business papers. This will grow and grow. TRRA is on the checklist of community organisations to consult on many issues as are many youth organisations.

A comment was received from Denise Sharpe on ratepayers not living in Port Stephens who are interested in being kept in the communication loop – Is there an option to send more information with rate notices, eg, recent Yacaaba extension and potential Donald Street carparks?

Kate Washington MP joined the discussion and related many instances where Councillors have ignored what has been recommended time and time again. In answer to advice on the process to go to the Minister for Local Government by Colin Howard, Kate advised that she is seeking a briefing with the Minister, based on experiences of many groups and individuals in this Electorate when he has chosen to not address the issues raised. Another option is through the Budget Estimates sitting which gives opportunity to question in a more specific way.

Brief discussion took place on Council mergers and boundary changes. Port Stephens is not in the spotlight for either merger or major boundary changes under the Fit for the Future NSW government initiative. It will be up to the State Government to force mergers.

President Terry thanked Penny Amberg and Kate Washington for their talks.

4. **Minutes of special meeting and general meeting held 11<sup>th</sup> May 2015** available on the website were confirmed. Moved Geoffrey Washington, seconded Ken Shadler. Carried.

5. **Matters arising:** Soldiers Point Aboriginal Plan of Management item will be added to Item 9.

6. **Treasurer's report** – Treasurer Denis gave a comprehensive report covering the period May to 31<sup>st</sup> July 2015 with a closing balance of \$1757. Acceptance of report moved Denis, seconded Colin Howard. Carried.

A reminder was given about renewing membership subscriptions which are due on 1<sup>st</sup> July each year.

7. **Correspondence In and Out** – An extract of the correspondence register since the last General meeting in May to the current was tabled. Secretary offered members the opportunity to view any of the correspondence. Report moved Margaret, seconded Dick Appleby. Carried.
8. **Current DA Update** Nigel Waters, Planning Sub-Committee gave a brief report on recent DAs not covered in Item 9. Reports given on
- Woolworths Section 96 amendment to extend construction hours to include Saturdays;
  - Seabreeze Hotel renovations are underway and will be a great improvement;
  - Christmas Bush Nursery site – Child care Centre DA submitted.
  - 11-13 Church Street – Appears to be increasing density rather than height and it appears negotiations are being undertaken with the neighbouring property owners for a potential combined development which could be a good outcome.
  - Anna Bay Fishermens Bay Urban Growth DA – Has been approved. Court action challenge on environmental assessment decision is imminent.
  - Pulse Entertainment Centre at Anna Bay (adjacent shops) – nothing further heard.
  - Abandoned Birubi Beach Resort – Hopeful that a new owner has been found as per Examiner report. On watch
  - 2 Caravan Parks Nelson Bay Road – both approved with no sign of a start. A question was asked if they are for over 55 or relocatable homes. There is confusion in terminology for these types of developments with TRRA having identified major concerns about distance from shops and public transport accessibility as well as lower requirements depending on terminology.

Fran Corner highlighted reports from North Arm Cove residents about clearing of the ridge line and developments adjacent popular **Fame Cove**. Concerns were expressed about environmental damage, particularly from fires. Overseas owners are involved and this DA comes under Great Lakes Council control.

## 9. **Current Issues/Information Sharing**

### (a) **Black spot Funding – Shoal Bay Traffic Lights and Victoria Road**

This item brought forward much comment and debate. Discussion was led by Geoffrey Washington who presented plans for projects at Shoal Bay, Victoria Parade and Soldiers Point Road at Old Salamander Bay Shopping Centre were presented to the meeting. The key issue was that these proposals had been developed without consultation from local interest groups who could have contributed information and ideas from their local knowledge. It was noted that the funding was from a Commonwealth grant source and that expert traffic advice is sought on safety.

**(i) Shoal Bay**

Speakers from the Shoal Bay community were surprised that traffic lights are proposed as the centerpiece of the improvement programme. The situation at the corner of Government Road and Shoal Bay Road had been discussed locally and a roundabout had emerged as a preferred solution to vehicular and pedestrian traffic problems .

Reference was also made to earlier proposals developed in a major planning initiative by the Department of Lands and Port Stephens Council which reported in 2009. The Report “Waterfront Masterplan- Corlette to Shoal Bay” was prepared by TPG Planning Consultants and involved extensive public consultation. It contained detailed recommendations for the future improvement of the foreshore reserve, for the management of traffic and parking in Shoal Bay. Proposals included one-way east bound traffic in Shoal bay village with traffic calming and a narrower road to free up the public domain, west bound traffic to be routed behind the commercial area.

A comment was received that traffic lights could benefit any future developer of the Tomaree Lodge facility when it is closed in the future.

It was moved Ken Shadler, seconded Bruce Robinson that TRRA write to Council requesting further consultation, including the support of the local community for a roundabout rather than traffic lights. Carried.

The Secretary drew attention of members to the Fact Sheets prepared by Penny Amberg’s unit on each of the proposals. The information is also available on the Council website.

**(ii) Victoria Parade**

The general scheme as proposed was supported. Concern was raised as to the speed of traffic entering the roundabout from the west. Traffic calming measures need to be put in place to slow down this traffic. There was also comment that all previous planning and traffic studies recommended that schemes to slow traffic along Victoria Parade should be considered in tandem with the provision of a by-pass option for through traffic to Shoal Bay and Fingal Bay. (These studies nominated a Dowling Street route as a short –term low cost option and the long mooted Fingal Bay by pass as another option)

There was also comment that the proposed route of connecting footpaths to the pedestrian crossing at the western end (closest to the Teramby Street roundabout) should be discussed with locals to make sure that they reflect the actual need and the established preferred movement of pedestrians and cyclists.

Police speeding enforcement of Government Road from the Police Station to Victoria Parade is needed.

**(iii) Soldiers Point Road – Old Salamander Bay Shopping Centre**

There was support for measures to improve safety on this strip. Concerns were expressed that the slowing of traffic through this village could lead to major congestion at peak periods. There was also concern that the Pedestrian crossing proposed for the western end of the centre could be too

close to the roundabout with Diemars Road. A suggestion was also made that the speed limit should be reduced to 40 km through this area.

- (b) **Council meeting – 28<sup>th</sup> July – Community Outrage** – Dick Appleby reported on this meeting which was attended by 100 people when several controversial agenda items had been identified. Due to the timing of the Examiner publication, only the Newcastle Herald is likely to carry the full story of what actually happened. Hence a report on the meeting has been posted on the TRRA website with links to several newspaper articles, radio interviews. Issues relating to the Mayor’s discretion in permitting Public Access were highlighted by Dick as were the implications of the withdrawal of the webcam broadcasts immediately after this current Council was elected. Boomerang Park reclassification (public space – 21% of public park) was on the agenda as was the DA application for an illegal Saw Milling operation in Medowie. For this item concerns were raised relating to non declaration of pecuniary interests and in particular to the “watering down” of several conditions at the Council meeting as moved by Councillor Tucker with no opportunity for consultation or comment. Much to the disquiet of the gallery, all 3 items were carried 6 for 2 against. Crs Nell and Morello absent.
- (c) **Cabbage Tree Road Lease Tender Transfer** – Dick Appleby outlined in detail the background to the original tendering process for this Council owned land leasing to Castle Quarry Products. At the 28 July meeting this lease had been transferred to a new company Williamtown Sand Syndicate, a company only formed on 1<sup>st</sup> July. A full report and background is on the TRRA website. TRRA will be following this issue up and will be preparing a report for ICAC.
- (d) **Council Financial Position – What is Not in the Media** Dick reported that it would seem that the community is being misled on the actual financial state of our Council with Business Units for Holiday Parks removed from Annual Financial reporting. This results in a lack of transparency for the ratepayers. We have written to the Minister for Local Government and have so far received little assistance with addressing this issue.

The Cabbage Tree Road leasing income is included in the Council’s future budget estimates and in their Fit for the Future report. The mine has not been approved and is far from producing an income – estimated at \$1.5M for 20 years.

TRRA has major concerns about the financial viability of recent developments at Soldiers Point Holiday Park (renamed Thou Walla) and Samarai (renamed TreEscape) – particularly the sell off to the competing neighbouring resort of cabins for a greatly reduced return to ratepayers of \$220,000. The “Glam” tents at Soldiers Point were damaged in the April 2015 storm and nothing much has happened there. The backlog in asset maintenance rarely receives a mention in the media yet according to the Port Stephens Council Integrated Plans introduction (P27 Planning Context) “The estimated cost to bring all asset categories to a “satisfactory” rating is \$27,443M ...” and this will obviously rise as there is an “asset sustainability gap of

\$7,237M per annum” because there is only “\$10.381M” in the budget for an annual maintenance bill estimated at \$17,618M.

We have heard that the Commercial Section budget is expected to see a hit of \$600,000 for some kind of loan from investment funds for Raymond Terrace Mens Shed (on Boomerang Park) – the size of an aircraft hanger – not a modest facility.

- (e) Cumulative Mining Approvals Affecting Nelson Bay Road** – Nigel Waters spoke about the various Mining proposals and the cumulative affect on our local roads if they are all approved. These should not be decided on a piecemeal basis and more attention given to truck movements. The Cabbage Tree Road proponents have submitted an EIS which was rejected. Mackas Sand has a proposal to increase truck movements from the alternate access road onto single lane section of Nelson Bay Road from 8 trucks in and out per hour (16 total) to 24 trucks in and out (48 total) representing a 200% increase in truck movements. This road was approved with strict conditions relating to truck movements and hours of operation less than 2 years ago by the Planning Assessment Commission. A public meeting on Friday at Williamtown was well attended. People are encouraged to lodge objections by 19<sup>th</sup> August via the on line facility on the Planning Department website. There is an option to do this without your name and address being published on the website. Other examples of approvals given were not encouraging, eg, Daracon at Patterson. A dual carriageway and ongoing maintenance is important for the future if these approvals do continue.
- (f) Rural Residential Proposal** – Nigel Waters spoke about the proposal currently on public exhibition for rural residential lots. No detailed analysis has yet been possible. Seems to relate to developments of more than 10 lots on rural zoned land – being proposed by the Mayor. Further work will be done and comments sought from members – this is on exhibition for 42 days, presumably from 19<sup>th</sup> August.
- (g) Tree Preservation Changes** – Nigel Waters reported that this is likely to go back to Council shortly for approval of the changes to the Development Control Plan to increase from 5 – 10 metres and for owners to make their own assessment on a perceived dangerous tree during a 12 month moratorium. Major concerns have been expressed that the existing policy accommodate dangerous trees much more safely than the proposed change. A concern about a neighbouring tree was expressed and referred to neighbourly disputes policy if the neighbour is not co-operating.
- (h) Implications of Boomerang Park decisions for Tomaree** – Due to time constraints Margaret Wilkinson spoke briefly to express concerns about the flow on effect to Tomaree Peninsula of decisions being made at Boomerang Park which indirectly result in reduced available funding for road repairs and the like, the potential loan for the \$1M Mens Shed construction. As mentioned previously by

Dick we have major concerns about the reclassification of a huge chunk of this public heritage park for development – purported to be seniors housing. The removal of large heritage trees to accommodate a regional play area was condemned, particularly as the area most suitable for that play area is the area being proposed for reclassification. Objections will be needed to the Planning Department – members encouraged to respond at an appropriate time in the future.

- (i) **Anna Bay Nature Resort (The Bay Resort)** Geoffrey Washington gave a detailed report on this State significant development estimated cost of \$230M and hence the NSW Government will be the approving authority. TRRA has gathered background to the previous application for this site and whilst supporting the need for such a development has made a submission objecting to the proposal with concerns relating to zoning, location, viability and environmental issues in such a low lying wetland area.

Joan Frost gave an excellent historical background to the site and the Anna Bay Drainage system built in 1978. Concerns had been expressed about the previous proposal. Some of the drains are clogged already.

- (j) **Donald Street Carpark Development Proposal** – Geoffrey Washington outlined the previous background to the expressions of interest process and our endeavours to have the process improved and asked what kind of opportunity will there be for prior consultation. At the Business Association breakfast of 27<sup>th</sup> August, it is believed that potential options will be presented. TRRA continues to express concern that the planning previously done for Nelson Bay is not ignored, particularly relating to potential heights.

- (k) **Soldiers Point Aboriginal Plan of Management** - Colin Howard told the meeting that as at 2 pm today, he had been denied public access for the Council meeting on 11 August with public access to be replaced by a cultural ceremony. Concerns about the last minute inclusion of Spencer Park into the plan was being questioned by the community, particularly the proposal to introduce angle parking into an area of the Park with several large trees located there. The initial Aboriginal place draft had not identified the park as of Aboriginal significance. Public access in 2 weeks time was suggested to Colin – after the plan is approved (on 11<sup>th</sup> August)

This issue raises concerns relating to due process and to perceived harassment of individual members of our community by the Mayor.

Members' attention was also drawn to the intimidation witnessed at the recent Mackas Sand public meeting directed by the Mayor towards the local member and other concerned citizens when they were leaving.

Moved Colin, seconded Ken that TRRA gather further evidence on these and other instances and raise Code of Conduct complaints with the Minister. Carried.

## 10. General Business – Nil

Meeting closed at 9.30 pm