



**TRRA Inc ANNUAL GENERAL MEETING**  
**Monday 14<sup>th</sup> September 2015 – 7 pm**  
**Crows Nest Room, Nelson Bay Bowling Club**  
**MINUTES**

**ATTENDANCE:** 22 as per attendance book

**WELCOME:** President Terry Wall welcomed members and particularly Crs John Nell and Geoff Dingle to the meeting and thanked them for their attendance.

1. **APOLOGIES** were accepted from Pam Mumford, Elizabeth Schiemar, Ann & Clive Howarth, Fran & John Digges, Don McDonald, Peter Dundas-Smith, Ian and Judy Hearn.
2. **CONFIRMATION OF AGM MINUTES 8<sup>TH</sup> SEPTEMBER 2014** which were available to members on the TRRA website. Moved Nigel Waters, seconded Geoffrey Washington that the minutes be accepted. Carried.
3. **MATTERS ARISING** – Nil relating to AGM. Will be covered in presentation or deferred to general meeting.
4. **TREASURER'S ANNUAL REPORT** - Treasurer Dennis presented a comprehensive financial statement of income and expenditure for the year ended 30<sup>th</sup> June 2015. Income of \$1211.80 and expenditure of \$1200.27 was reported with a closing balance of \$1421.16. Main difference in expenditure compared to last year was for advertising the Forum, which TRRA conducted for the NSW Election. Moved Dick Appleby, seconded Judy Washington that the Treasurers report be adopted. Carried.
5. **PRESIDENT'S ANNUAL REPORT AND PRESENTATION BY COMMITTEE MEMBERS ON THE YEARS ISSUES**  
President Terry Wall opened his report by advising members he would not be standing as President in the election to follow. President Terry indicated he would be handing over to Committee members to present a comprehensive report of the years' activities in more detail via a Powerpoint Presentation.

Terry thanked all committee members for their contribution, particularly Nigel Waters and John James for their work in presenting professional and detailed submissions to Council on various DAs and issues; and especially to Dick Appleby for his contribution to the success of our website.

President Terry thanked Secretary Margaret Wilkinson for her outstanding contribution to the running of TRRA. He indicated that she would not be standing as Secretary in the election. Her assistance was acknowledged by acclamation.

The Meet the Candidates Forum held in March was a packed house. It was disappointing that the Liberal candidate did not attend. President Terry reiterated that TRRA remains an a-political community organisation which does not support any particular candidate in elections.

Terry went on to thank Denis Pittorino as Treasurer, Geoffrey Basser for the experience he brings to the Committee and Geoffrey Washington who has been a special source of expert information and also research into Council finances. New Committee member Brian Frost has assisted challenge the adequacy of financial reporting on Council businesses and has highlighted the need for greater accountability in these matters.

Once again this year, TRRA activities have been reduced due to the commitments of our limited number of Committee members. There will be some new faces to come onto the Committee who will bring new ideas. A review on how TRRA operates in the future will be first on the agenda for the new Committee.

The support provided by Nelson Bay Bowling Club, particularly Nicole, the Functions officer, in providing rooms for Committee and General meetings was acknowledged with appreciation.

Before the presentation of Committee member reports, Dick Appleby made special mention of the assistance provided by Colin Howard over the last 3 years mentioning that Colin is not standing for a position in the election of office bearers.

Geoffrey Washington, Nigel Waters and John James then presented comprehensive reports on the years' activities (Attachments 1 and 2) which was accompanied by a Powerpoint Presentation kindly prepared by Dick Appleby.

At the conclusion of the presentations, President Terry invited Jean Armstrong to conduct the election of the management committee for 2015/16. He congratulated her on being elected as the new President of the Soldiers Point Community Action Group.

## 6. **Conduct Election of Management Committee 2015/16**

Jean thanked TRRA for their wonderful achievements during 2014-15 and then declared all positions vacant. The chair was vacated. As required under Clause 15 of the Constitution, Jean announced that the following nominations had been received by the Secretary. As they complied with Clause 14, which relates to the composition of the Committee of Management, she declared all elected as the TRRA Committee for 2015-16:-

President: Geoffrey Washington

Vice President: Dick Appleby

Secretary: Catherine Norman

Treasurer: Denis Pittorino

Committee members: Geoffrey Basser, Nigel Waters, Margaret Wilkinson, John James, Brian Frost, Peter McBean (Minutes Secretary).

Jean indicated that there were at least 2 Committee positions vacant and asked members to contact Geoffrey Washington or any Committee member if they were interested in filling the vacancies.

Dick Appleby added that TRRA is particularly keen to have additional people assist with financial analysis skills.

President Geoffrey Washington took the chair and thanked Jean for acting as Returning Officer. Geoffrey told the members that TRRA has made a difference with representations made to local and State government highlighting the need for consultation. The community can make a contribution and put ideas forward to work towards a better outcome. Our intention is not to be negative. Geoffrey sought the support of membership.

The Annual General meeting concluded at 8.20 pm and the general meeting took place immediately afterwards.

ATTACHMENT 1 – ACTIVITIES 2014-15

ATTACHMENT 2 – PLANNING SUB-COMMITTEE REPORT 2014-15



## Annual Report to AGM – 14.9.15

### ACTIVITIES DURING 2014-15 –

**Presenter: Geoffrey Washington**

#### *Communicating with members*

- TRRA has continued to focus increasingly on email and other electronic means of communication, including its website, for conveying detailed information to members and the community. Consideration is being given to the use of social media such as Facebook and Twitter to appeal to a younger segment of the population.
- General meetings remain on a bi-monthly basis. This reduced the workload on key committee positions. Fewer guest speakers were included on agendas this year with greater emphasis on open discussion time including an open microphone session last November. This resulted in a proposal to Council to create holiday-season parking for motorhomes and larger vehicles at Salamander Shopping Centre opposite McDonald's. This was not adopted by Council.

#### *Interaction with Port Stephens Council*

- The past year has been marked by increased difficulty in communicating with the Council on matters of concern due largely to the composition of the current council dominated by the Mayor and his voting bloc.
- Public Access, being at the discretion of the Mayor, has been refused on a number of occasions and we received a disappointing response from the Minister for Local Government when we brought it to his attention. Apart from Councillor Nell, East Ward Councillors have not responded to invitations to attend TRRA functions.
- Council officers have made themselves available for consultation and TRRA welcomed the creation of the position of Community Development and Engagement Officer. The incumbent Penny Amberg has been helpful and addressed our August general meeting.
- TRRA made a submission on the Council's draft Revised Community Engagement Policy recommending:
  - Reinstatement of webcam broadcasts of council meetings
  - Separation of Council committee meetings and ordinary meetings to facilitate community consultation
  - Early consultation with community interests before detailed policies, initiatives or planning concepts are developed

- Council has agreed to publish an agenda (without detailed content of briefing) one week before meetings. This still only allows three effective days to assess agenda papers circulated late on Friday and comment to councillors prior to the following Tuesday meetings of Council.
- Councillor Dingle (Central Ward) has been of significant assistance to TRRA in communicating TRRA's viewpoints.
- TRRA and other community organisations have been very concerned by the current Council's rejection of advice from Council's professional staff, particularly on planning applications. These approvals often are contrary to state planning and local planning policies and guidelines and ignore community submissions. This together with some seemingly irregular tendering processes, and the refusal of public access applications, recently resulted in an extremely confrontational and chaotic Council meeting. This situation resulted in appeals for the intervention of the Minister for Local Government.

### ***Communication with the State***

- The response to TRRA Submissions to Ministers has generally resulted in limited action and advice to pursue change through the ballot box. Our newly elected local member for Port Stephens, Kate Washington, has been both accessible and active in raising issues of community concern in the State Parliament.

### ***Press Communication***

- The publication deadlines for the Port Stephens Examiner make it difficult to obtain press exposure of issues when the newspaper's release is the day following Council meetings.
- TRRA has enjoyed a lower level of press publicity for its activities, especially general meetings, which could have contributed to lower attendances.

### ***Port Stephens Council Finances***

- Council has claimed to be in a sound financial position publicising a \$1.38M 2013-14 net operating surplus regardless of a backlog of asset maintenance management of \$27M.
- Last financial year Council decided not to produce special purpose accounts detailing the performance of their business units including Holiday Parks, Property Development, Civil Assets and Newcastle Airport. TRRA made representations to council and the minister for local Government calling for the publication of the accounts in the interests of full transparency of operations which involve very substantial capital investments. In the case of the holiday parks there are some major loss making ventures such as Samurai Beach Resort (now TreEscape Resort). Council has declined to reinstate this reporting but has offered to publish summary business unit reports on its website.
- TRRA will continue to monitor the performance of these businesses.
- Legal action relating to Council's involvement in drainage issues associated with the Lagoons Estate in Nelson Bay may also have implications for the soundness of Council's overall financial position

### ***Enhancement of our area***

- Council has made significant improvements in some key locations on the Peninsula including the foreshore improvements at Shoal Bay, landscaping of the roundabouts on the entry to Nelson Bay, at Gan Gan lookout, and in improvements in maintenance on the Victoria Parade foreshore. The new clubhouse and visitor facilities at Birubi Beach, Fingal Bay and Barry Park are welcomed.
- Plans for improvements to traffic islands and colourful roundabouts adjacent to Salamander Shopping Centre, Bagnall Beach Road – seems to be on the backburner due to the storm event and the potential costs. Recent concerns have been made known to Council and RMS about weed growth on the new dual section of Nelson Bay Road.
- A recent article in the Examiner about the Church Street eyesore is one concern we share. This has been an ongoing issue for us with no satisfactory outcomes. We have heard that there are plans for a revised DA to be submitted which would cover both the vacant sites at this location.
- TRRA congratulates Council's rapid response to the need to close Donald Street car park by the lease and construction of temporary facilities nearby in time for the last Christmas holiday season.
- TRRA acknowledges the Council's continuing financial support for the Port Stephens Graffiti Action Team whose volunteers have diligently removed eyesores from the area. Recent successful Police action has led to a major reduction in graffiti activity.
- In response to representations from TRRA, Council successfully negotiated with Woolworths to upgrade the provision for public toilet facilities (to male and female) in its Nelson Bay development.
- During the year TRRA noted a number of apparently piecemeal improvements being made to Apex Park and called on Council to follow the recommendation in the Nelson Bay Town Centre and Foreshore Strategy to prepare a master plan for this pivotal space. Council responded positively to our plea and is preparing a master plan in consultation with all interest groups. This is expected to be presented to Council on 22<sup>nd</sup> September 2015.

### ***ICAC***

- In October last year TRRA Inc. requested the Minister to review the connections between Port Stephens Councillors, our local MP, Council officers and Buildev, based on revelations in the Independent Commission Against Corruption – Operation Spicer. Many of the names of developers who received a mention were the same developers with close connections to Port Stephens Council for many years. The response received was that until the ICAC reports are released, the Minister cannot respond.
- TRRA welcomes the new legislation presented to Parliament by Premier Mike Baird on Tuesday 8<sup>th</sup> September relating to additional powers of ICAC to investigate any person who impairs "public confidence in public administration". This will pave the way for ICAC to hand down its findings in Operation Spicer, an investigation which targeted secret developer donations to election campaigns.
- The ex-Lord Mayor of Newcastle Geoff McCloy has a case in the High Court awaiting decision contesting the State law prohibiting Developers Donors making donations to political parties or candidates. He has now commenced further action against the Commissioner and Council

for the ICAC all alleging apprehended bias. This will just delay the process even further which seems to be the intention.

- This time last year, TRRA had also called on ICAC for an investigation into the Cabbage Tree Road Sand mine tendering process and at that time ICAC indicated that this would not be pursued as part of Operation Spicer. Twelve months later and another Community Action Group is calling for the same enquiry and now has more information obtained via GIPA requests. We await the outcome of their representations which have the full support of TRRA. The proposed Cabbage Tree Road sand mine continues to be of concern with the successful tenderer, a Buildev connected company, going into receivership and the tender being transferred to a newly formed company that still appears to have links to Buildev.

#### ***TRRA Constitutional Amendment***

- In May, our members approved some minor changes to the Constitution to meet Fair Trading and Taxation requirements and in addition, we approved an increase in membership fees to \$10 per member.

#### ***General Planning Policy Issues***

- We partnered in November last year with other community organizations for a Joint Community Forum with Better Planning Network in November last year to improve NSW planning outcomes. TRRA supported the proposal for a “Community Charter for Good Planning in New South Wales”
- We continued to draw Council’s attention to the impacts of approving developments on earth mounds in flood areas. The storm event and flooding of April 2015 highlighted the extra commitment of resources which the SES has to make to assist people isolated by flood waters.
- TRRA made a Submission to the Parliamentary Review into Matters relating to the Newcastle area – conducted with Fred Nile as the Chair. This was at the suggestion of the Minister for Local Government. Its report focused on issues such as the closure of the railway to Newcastle Station and the associated redevelopment.

We hope that people with fresh ideas join the TRRA Committee to assist in the important initiatives that will face it in the coming year.

**Background material prepared by:-  
Margaret Wilkinson  
Secretary  
Tomaree Ratepayers & Residents Association Inc.**

## Planning Sub-committee Dot points for Annual Report to AGM – 14 September 2015

### Development Applications (DAs)

#### *Presenter John James*

#### **27 Dowling St Nelson Bay** – 15 Lot Subdivision and detached houses

Submission with concerns about overdevelopment with 67% coverage, (benchmark 60%) and drainage concerns, approved by planners. Work has commenced.

#### **64 Dowling St Nelson Bay** – 5 storey apartment block opposite Bowling Club

Submission with concerns about access from Dowling Street and the height 17.5m (LEP 15m, however Nelson Bay plan proposals to allow 17.5m), approved by planners.

#### **Woolworths, Nelson Bay**

Tomaree St Nelson Bay– Submission supported by Cllrs Dingle and Dover to ensure adequate public toilets. Recent approval of extended weekend hours to try to complete for Christmas – no objection

#### **Henry Centre Salamander Bay Shopping Centre** – Funeral Home

Submission with concerns about limited parking, no access from Bagnall Beach Road, approved by planners, with conditions yet to be advised.

#### **Diemars Road Salamander Bay** – Salamander Haven Stage 7

Submission about lack of SIS. Application withdrawn

#### **775 Marsh Road Bobs Farm** – Wakeboard Tourist Park (\$1M)

Submission with concerns about Rural land zoning, acid sulphate soils, traffic, treatment of waste water and need for imported soils. Application withdrawn.

**2 Lavis Lane Williamtown** – approved Tourist Facility (restaurants, tavern), section 96 modification to defer construction of second access to Nelson Bay Rd. Submission with concerns about lack of evidence in EIS about traffic flows requiring the extra entrance only for final stage. Modification approved by planners.

**Fishermans Bay Housing development** – State government agency UrbanGrowth (was Landcom) had approval for 104 lot subdivision. South Tomaree Action Group challenged adequacy of environmental assessments in Land and Environment Court. In August 2015, UrbanGrowth unexpectedly surrendered its approval – would have to start from scratch. All DAs have been withdrawn. Good example of ‘people power’. Kate Washington MP calling for inclusion of site to National Park.



## **Other planning matters**

### ***Presenter Geoff Washington***

**4177 Nelson Bay Road Anna Bay** – The Bay Resort - 150 room hotel and 219 tourist units (\$230M) Submission to NSW Planning Assessment Commission with concerns about low lying site, Zoned Rural Landscape, Department of Planning rejected previous application in 2006 on multiple grounds - scale of proposal, adverse effect on character and visual amenity of locality, and various environmental concerns, impact on wetlands, acid sulphate soils. Viability was also questioned relating to location. Contact made with consultant who has offered to brief us.

### **Donald Street East and West Carparks proposed redevelopment**

Commercial section of Council invited expressions of interest (EOI) without reference to NB strategy and community consensus over height limits etc. Unsurprisingly EOIs received all bid for 10-12 storey buildings. Various uses proposed but limited public details on basis of 'commercial in confidence'. Some ideas offered include education facility or aged care. Business Association prefers commercial/hotel/conference facility. TRRA has made submissions that process risks locking in unacceptable proposals before planning stages allow for public consultation.

### **Yacaaba Street, Nelson Bay, proposed extension**

Participated in discussions leading to establishment of the walkway, with longer term plans for road extension, development and landscaping on hold.

### ***Presenter Nigel Waters***

**New Development Control Plan (DCP)** – Generally welcome – clearer and better than previous DCP (although not binding). Made submission on various detailed matters. Final adopted plan included increased Nelson Bay CBD area to match NB Strategy, but suggestions for better advertising of DAs not accepted.

**Reporting of DAs** to Council – Submission in September 2015 with various suggestions including express recognition of community groups concerns, not just individual objections, as a trigger for reporting. Trigger more than 10 is current trigger. Final version awaited.

**New DA Tracker** - Council introduced new and improved online DA Tracker giving the community access to much more information about DAs. Together with State government e-planning tools, now much easier to research DAs etc.

### **Black Spot Funding – 4 locations in Tomaree**

Grants announced July 2015 for traffic management projects inc. 4 sites in Tomaree:

- Victoria Parade, Nelson Bay (pedestrian crossing, calming ramps & lighting)
- Shoal Bay Government Rd/Shoal Bay Rd junction (traffic lights, 3-way pedestrian crossings, lighting)
- Soldiers Point Rd Wanda Beach – relocation of crossing at shops, calming ramps and lighting) Fencing being used.
- Taylors Beach (camber changes nr Bunnings)

Met with traffic planners/engineers and other community groups. Black spot grants system does not allow for advanced community consultation. Council has to respond very quickly with bids for sites specified by RMS, then once grants announced only limited scope for changes, and design and construction required within 10 months. TRRA is expressing concerns about this process with State and Federal government grants.

## **Sand Mining**

Watching proposed sand mine/quarry developments at Cabbage Tree Road, Williamtown and Nelson Bay Road, Bobs Farm (former Fig farm) – awaiting EIS for both proposals which will give opportunity for comment/objections.

Individual submissions by members regarding application for increased truck movement limits for Mackas Sand's Nelson Bay Road access point. 80+ objections mean that will go to Planning Assessment Commission inc. a public hearing. The application represents a 200% increase on the current approval. TRRA has also highlighted that the company still has an approved access via Lavis Lane and this would involve negotiation with neighbours.

Major concern is cumulative effect on road safety of heavy truck traffic from all existing and proposed sand mines. We are obtaining further information about scale of all approved operations.

**11-13 Church Street** – A new DA has more units but less height than the existing DA approved for the current holes in the ground in Church Street. Potentially joint DA with neighbouring properties so hopefully action there in future.

**Lagoons Estate, Nelson Bay** - Long running dispute over stormwater drainage between Council and owners/developers inc. multiple court actions. Council conservatively estimated to have spent \$5million on ineffective drainage works and legal expenses. Awaiting decision in latest court case – Council still open to substantial further legal costs.

**Soldiers Point Aboriginal Place Plan of Management** - Application for designation of northern tip of Soldiers Point, including Spencer Park, as an Aboriginal Place and associated Plan of Management. Made submission welcoming the objective but expressing concern about some planning implications relating to parking and the tenuous evidence of Aboriginal place at Spencer Park. Council adopted PoM in July 2015 with a special cultural ceremony. Public access had been denied where concerns could have been expressed about parts of this plan.

**Seniors living development behind SP Bowling Club and Oasis Close walkway** - Approval in early 2015 for clearance of large area of remnant bushland and development for relatively high density seniors housing. We had supported in 2014 but with various concerns about environmental and other issues. TRRA made a GIPA request about formalising access through the new development from where the new Oasis Close walkway ends to the Bowling Club. It confirmed our concern that Council has not taken steps to formalise this section of access.

## **Raymond Terrace Boomerang Park - 'Mens Shed' and housing proposal – monitoring for precedents and process issues**

Very large 'Mens Shed' to be built in western corner of Boomerang Park. DA approved August 2014, and construction tender awarded August 2015. Local community has multiple issues inc. about tendering process, inadequate consultation, land use, scale and cost, source of funding, award of tender.

Also a planning proposal for rezoning and reclassification of 4.5 ha of the Park to allow for housing development. This will have to go through the Department of Planning and will be opportunity for objection. No guarantee that this will be seniors housing.

Both threats to the Park stem from a Master Plan adopted by Council in November 2014 after misleading and inadequate consultation, and which is clearly in conflict with existing Plan of Management (2000).

These developments set important precedents for future of public land throughout Pt Stephens, so are following closely and supporting Boomerang Park Action Group.

### **Draft Port Stephens Rural Residential Strategy**

Port Stephens Council resolved on 28 July 2015 to place the Draft Port Stephens Rural Residential Strategy on public exhibition from 27 August to 8 October 2015.

Rural Residential development refers to land in a rural setting, used for dwellings that are not primarily associated with agriculture and developed as a low density with lot sizes of more than 4000m<sup>2</sup>.

The Draft Strategy has been prepared to provide a framework for which Council can assess the appropriateness of any future rural residential development proposals and to:

- To ensure any future development protects the environmental and cultural values of the area.
- To ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses.
- To ensure that rural residential development does not hinder the strategic development of urban settlements in the future.
- To ensure new developments can have access to an appropriate level of community services in a cost effective manner

.There does not appear to be any plans for Anna Bay on the maps. This has been drawn to planners' attention.

. Parts seem to be contrary to the revised Hunter Regional Strategy