

# Tomaree Ratepayers & Residents Association

PO Box 290 Nelson Bay, 2315 NSW

The General Manager □ Port Stephens Council.

April 16th, 2009

SUBMISSION IN REGARD TO DEVELOPMENT PROPOSED FOR LOTS 2 & 3 DP 502820,  
No 74 and 84 Gan Gan Road, Anna Bay .....FILE NO. 160/2009

## PREFACE:

This submission is made on behalf of the Tomaree Ratepayers and Residents Association and follows an earlier emailed submission made to comply with the advertised cut-off date of April 8th.

As explained in that message, our Association had not been aware of this proposal until a few days prior to the 8th and needing to draw a committee together to discuss the matter sought approval to provide this letter to follow the email. This request was granted and as such this letter is directed to the Assessing Officer, Melissa Thomas.

As a component of this submission our Association wishes to draw Council's attention to the fact that, with the recent removal of maps and other material from the "display" area at Tomaree Library, we consider that adequate assessment of such DA proposals is not possible in the time allowed.

It may well be that one can, as we were advised to do, "use a computer to look up maps and other information", however from our experience in this instance such a procedure further increases the difficulties experienced by residents seeking information on developments that effect them.

As out lined below and as considered by a committee of members of our Association, this submission is made as a consequence of the detrimental financial effects such developments have already and will have on ourselves as individual ratepayers and the community generally.

Further in this particular matter the detrimental and unsustainable impact this proposal will have on the natural environment and the likely damage to any structures erected on this land will create added costs likely to be borne by the Council and hence ratepayers. Similarly the sub-division sought will also impact on the rating set for other ratepayers as a consequence of such a concession being allowed to the operation of a large scaled business.

## IT IS SUBMITTED THAT:

1. The proposal outlines a development on land that we understand to be zones as Rural 1(a). As such and whilst we acknowledge that this allows for some "tourist" uses ancillary to its prime use under the zoning, if allowed, would represent full residential and commercial development across the two adjoining allotments ... AND AS SUCH SHOULD NOT BE ALLOWED.

2. The development as designed will not, as required in the LEP, “maintain the rural character of the land/area” nor “ensure that the development is compatible with rural land uses and does not adversely effect the environment or the amenity of the area”; Ref: Clause 11(2). AND AS SUCH SHOULD NOT BE APPROVED.
3. If approved, this development would provide a precedent for similarly zoned Rural 1(a) land that would make it difficult for Council to control or reject similar applications made across the wide areas of such land with the shire area. AND HENCE SHOULD NOT BE APPROVED.
4. From material included with this display it is not clear as to whether the applicant has addressed the environmental consequences of construction of such a proposal. This proposed development lies in the immediate path of a naturally moving sand dune across allotments that are understood to lack the required strata within the soil/sand to provide adequate foundations. Costs and compensation following from any approval without full consideration of these matters would impact incorrectly on ratepayers.
5. The proposal included a strata sub-division that will allow for likely future and separate owners to claim residential rating in a development that is obviously meant to be a single operating commercial resort. The Resort though, when operating, would require commercial support from Council at rating levels subsidised by other residential and commercial ratepayers. SUCH RATING CONCESSIONS AND ARRANGEMENTS SHOULD NOT BE ALLOWED AND ENCOURAGED BY COUNCIL PLANNING DECISIONS.

As a consequence of our consideration of this application and the above points of principal as outlined together with the difficulty of considering the matter without supportive documentation our Association submits:

THAT THIS APPLICATION IS NOT ONE THAT SHOULD BE PERMITTED ON THIS RURAL LAND UNLESS THE REQUIRED STUDIES AND RE-ZONING PROCEDURES TAKE PLACE TO CONFIRM THE FULL COMMERCIAL ZONING REQUIRED IS FIRSTLY APPROVED AND IN PLACE BEFORE THE DEVELOPMENT DETAIL IS CONSIDERED.

Yours faithfully,

Peter QUIRK, Acting Secretary TRRA.