



General Manager
Port Stephens Council
By e-mail
23 September 2010

Dear Mr. Gesling,

Re: Publicity material on the proposed subdivision of 155 Salamander Way, Salamander Bay

Residents have this week received in their letterboxes a so-called 'factsheet' and accompanying annotated concept plan in relation to the DA for the proposed subdivision of 155 Salamander Way.

The Tomaree Ratepayers and Residents Association calls on you to direct the Commercial Property Section of Council to immediately stop distributing this glossy promotional material and issue a media release notifying the public that Council is withdrawing the 'fact sheet' on the grounds that it is misleading and inaccurate.

Most of the answers in the 'fact sheet' are inaccurate. These inaccuracies are set out below.

Q1. Sale of land to Aldi, Big W, or the Medical Centre will NOT enable these facilities to be built. No Development Application has been lodged for these developments and Council should not be prejudging the outcome of any application it may receive in the future. To do so is in breach of Council's responsibilities and legal processes.

Q5. Council has not provided any detailed budget on either the full costs of the proposed infrastructure or the anticipated proceeds from any land sale. This information should be fully disclosed to the ratepayers so that they can determine if the land sales will be profitable or not.

Q7. It may be true that the development will not encroach into the legal areas of Mambo Wetland, however it is also true that the **impacts** of the development **will** encroach into both the Mambo Wetland itself and the surrounding wetland areas not legally classified as the 'Mambo Wetland'. This answer also fails to acknowledge that a significant part of the

development site is wetland (though technically not part of Mambo) and that all this area will be destroyed, when drained and filled.

Q8. While it may be true that the proposed development might improve some drainage issues, this answer and the map are misleading as they do not clearly show that the 'reserve' will in fact be a stormwater retention area that will only provide 'passive recreation' to ducks and frogs.

Q9. The Flora and Fauna study for this DA clearly shows that most of the vegetation on the site is either 'Preferred Koala Habitat' or 'Secondary Koala Habitat' (Section 6 of the Flora and Fauna Report pages 48-53), and is more than 5ha. This includes vegetation on the eastern side of the site which is Coastal Sand Woodland, and in the west which is Swamp Mahogany Forest. All this vegetation is koala habitat. To suggest that only six habitat trees will be removed is grossly inaccurate, as is the statement that 'the majority of habitat trees are being retained on the site.' Council's answer to this question clearly shows that they do not understand the concept of 'habitat' and are actively trying to mislead the community about the impacts of the development on habitat used by koalas.

Council should disclose that it plans to plant the 300 koala feed trees along the roads and around car parks, which will increase the likelihood of koalas being killed and injured by cars.

Q10. Council's own DCP supports and encourages mixed use including residences in areas zoned 3a. Council has actively encouraged mixed residential and commercial development in other areas zoned 3a, such as Nelson Bay. Best practice planning for commercial precincts supports integration of residential, commercial, community and open space – and this can enhance commercial values.

Q11. If Council believes that the 2001 draft design guidelines are out of date Council should update them and undertake a full Master Plan. The 2001 report provides a number of principles and design concepts which can **easily** be adopted with only minor changes. To suggest that development cannot adopt these principle or road network design is totally misleading. Best practice planning and urban design requires that a Master Plan be undertaken for a development of this kind and size.

Q12. The answer to this question does not inform people about the full range of opportunities to comment and is misleading about how their feedback will be used. The answer to this question should clearly state that in the near future the DA will again be placed on public exhibition, and that community members will be able to provide 'feedback' by making a formal submission during the exhibition period, when ALL the detailed information will be available for them to assess and consider.

Most importantly we believe that the 'fact sheet' currently being distributed and the pseudo consultation process will appear to most people to be part of the formal DA assessment and public exhibition process, when it is not. We believe many people may provide feedback to Council (as suggested by the flyer) believing that their comments will be considered in a formal assessment of the development as required by the EP&A Act, when the Commercial Property Section will in fact be under no obligation to pass on comments received to the Joint Regional Planning Panel.

While TRRA welcomes the principle of Council consulting with the community about the future subdivision and development of this important piece of community land, we do not believe that the material currently being distributed is a reasonable or effective form of community engagement.

Any 'results' gained from this 'pseudo' consultation process will have no validity as the survey questionnaire form was not available at the library as at Wednesday – two full days after people started receiving the fact sheet. This means that many people are being sent away without being about to give any feedback.

TRRA also question the expense of the printing and distribution of so many 'fact sheets' at a time when Council's finances are under great pressure. In many streets on the Peninsula houses are vacant outside of the summer season, so Council has wasted thousands of dollars creating junk mail which will not be read by anyone.

If Council is genuinely interested in getting the community's feedback on the proposed subdivision of the land around the Salamander Shopping Centre (155 Salamander Way), then Council should undertake the formal public exhibition of all the documentation and call for submissions which will be considered by an independent development assessor. We would also be supportive of Council holding a public meeting or briefings on this proposal.

Council has provided a "fact sheet", which is clearly not factual. If Council wants to rebuild community confidence in the development assessment process, Council must withdraw this document from distribution and issue a statement clarifying their position. Please acknowledge receipt of this letter and a response to the points raised.

Yours faithfully

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