



OPEN LETTER TO COUNCILLORS.

Dear Councillors,

Over recent weeks there have been various items in both the local and Newcastle press, which have caused this Association and members of the communities throughout the Local Government Area, significant concern.

Whilst our Association is constituted to act as a forum, voice and communication for ratepayers and residents of the Tomaree Peninsula, we are concerned that some decisions by Council in other areas will eventually have an impact within Tomaree, in as much as precedents set will naturally flow throughout the LGA.

Further, we have had, at our last members' meeting, the opportunity to listen to both Councillors Ward and Nell, as well as read Councillor Ward's letter in last weeks Examiner.

As we have no specific political alliance, we intend to afford both Councillors Westbury and Dover a similar opportunity to address our membership as to the apparent 'power base' that has emerged and the basis upon which this has occurred.

We also believe that, in this LGA, the community is seeking, and has voted for independence in the decision making process on issues affecting the ongoing policy, development, management and operation of the LGA. At last September's election, all Councillors were elected because of their independent status and this community expects all of you to operate on that basis.

We, as you know, are strong advocates for proper and due process, transparency, honesty and open deliberation in all policy and planning decisions. This organisation would not have come into being had there not been significant community concern over past implementation of policy (or lack thereof) and a decision making process that was led by developer pressure rather than good, sound, management and planning principles.

There are a number of primary factors that raise our concerns.

1. Due and proper process
2. Risk
3. Liability

And a fourth factor - 'pecuniary interest'- for which we sincerely hope each one of you fully understands the significant implications that this holds for you as individuals.

Our immediate concerns revolve around the following:

1. After some years of planning, deliberation and community consultation, Council finally adopted the Medowie Town Centre Strategy. Barely two weeks later, and contrary to the professional advice of the Council Planning Department a rescission motion was debated, with five Councillors strongly objecting to the amendment and not one councillor speaking in favour, yet it went to a vote of 7 for and 5 against. The implications of the amendment to Staff's recommendation has the effect of by-passing due planning process and undermining the Medowie Strategy, a document which all Councillors' supported in March.
2. Again, a similar vote of 7 for and 5 against was held on the full rezoning of land at 60 Port Stephens Drive, even though there was a significant objection raised by the Department of Environment and Climate Change that was supported by this Association. Albeit that this land was illegally cleared in the first instance, we find it abhorrent that Council can steamroll such a rezoning without having, at least, due regard for those of the DECC, let alone TRRA. Further, a submission and report from Councils Koala Management Committee required under State legislation was not included in the report.

3. A Development Application for a retail hairdressing premise in Raymond Terrace was approved by Mayoral Minute. Again, the recommendation of Council Planners was, that this application not be approved due to lack of available parking, and yet approval can be gained by the stroke of a pen without regard to our Planners or without any opportunity for discussion with Councillors.
4. Then there is an application for a tourist development at Gan Gan Road, Anna Bay. Whilst this is still under deliberation, a Council Planner, under delegated authority, has already approved Stage One. This is an approval that cannot be revoked and yet granted without regard for the overall development in its entirety. The next component of this development has been called up for debate after request from TRRA. We are amazed that this, also, would have been approved by delegated authority and further amazed when we raised the matter with East Ward Councillors, and the Group Manager, Sustainable Planning that they stated they had no knowledge of the proposal.

We have concerns again, *as to the process*, not as to whether Anna Bay does or doesn't need such a development. To this end, we have lodged our objection, which has previously been circulated. We hope that Planning staff and Councillors fully consider this objection in its entirety and more specifically in relation to Rural 1a Land. This Development could confer significant benefits and we would hope that the issue of pecuniary interest has been fully considered.

5. We have significant concern about 'Confidential Items' that are being discussed behind closed doors potentially avoiding public scrutiny. Under current State legislation the decisions from such meetings need to be made public in an acceptable time frame.
6. Lastly, we are in despair to read that the General Manager is now issuing 'Confidential Items' on the afternoon of Council Meetings. Hardly time for Councillors to give proper, considered and reasonable preparation of a viewpoint - then be expected to vote - in the best interests of the Port Stephens community, without adequate time to review. Leaks of confidential information are indications of dysfunctional and ineffective organisations with poor levels of communication and decision-making.

We don't want to see this Council place this community at any future financial risk or legal liability.

We do not want to, for example, another Sea Breeze Estate debacle costing many millions in legal costs and where the public has still no finite information on the extent of the financial impost. A debacle where there seems to be no alternative drainage system planning, or associated costing, when this case is finally settled.

Again, we do not want another Samurai Beach Resort, an 'asset' that has a negative impact on the Ratepayers, reportedly in the vicinity of \$750,000 pa.

The current situation is unacceptable to Ratepayers and our Association believes this needs to be addressed and rectified. All approvals should follow due and proper process, with due regard to advice from Council Planning Staff, properly explored, deliberated, debated and voted upon, in the spirit for which you were each elected, and in the overall best interests of the long term future of the community.

Yours sincerely,

The Tomaree Ratepayers and Residents Association.

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