



Mr Peter Gesling
General Manager
Port Stephens Council

6th December, 2009

**SUBMISSION IN REGARD TO DEVELOPMENT APPLICATION FOR
Temporary Circus at 155 Salamander Way, Salamander Bay
FILE NO. 879/2009**

Dear Sir,

This submission is made on behalf of the Tomaree Ratepayers and Residents Association and follows earlier correspondence relating to the Salamander Centre commercial and community precincts.

Process Issues

There are no details of this DA available on public display either on the Council's website or at the Tomaree Library – only a basic listing on the website as follows:

155 Salamander WAY
Description: Temporary Use of Land - Circus
Applicant: Ms N Weber
Application number: 879/2009
Advertised from: 26/11/2009 Expires 10/12/2009

As we have repeatedly pointed out, these limited details are a wholly inadequate and unacceptable basis for inviting public comments – there is no context, explanation or rationale for the DA, and no detail of what is proposed or its implications. As we have said before, at least the full DA should be available for public inspection (and not only by attending the Council offices in Raymond Terrace).

In this case, considerable confusion and distress has been caused by the street address suggesting that the land in question is adjacent to Salamander Way when in fact it is on a site adjacent to Bagnall's Beach Rd on the other side of the Salamander Shopping Centre. Public notices of significant DAs need to be more helpful in identifying sites, preferably on a map.

As with the recent DA for subdivision of the same site, we also question whether Council can legitimately or ethically remain the consent authority for this DA given that the land in question is Council owned and currently subject to secret negotiations for sale. We suggest that in these circumstances the Council should have referred the DA for consideration by the Department of Planning. We again seek a response as to why this has not been done and why the continued consideration of the DA by Council is not a clear conflict of interest.

Concerns

TRRA is not opposed to the temporary presence of a circus on the Tomaree peninsula during the summer holiday period. It could well be an attraction for residents and visitors alike.

However, we seriously question whether the proposed location adjacent to the shopping centre and close to residential areas is suitable. Location of any temporary entertainment activity inevitably involves a range of issues, many of which would seem to create particular difficulties if this site was approved.

- Parking. How much parking would be required by the circus operators, and what is the expected demand for parking for patrons? Depending on the hours of operation and performances, these demands could clash with peak parking demand for the Salamander shopping centre. During the summer peak, the site in question is used as overflow parking by many shopping centre visitors, so the circus would not only increase parking demand but also reduce supply. What steps would be taken to ensure that parking did not spill over into surrounding residential streets?
- Facilities (toilets, water etc). What arrangements would be made to provide adequate utilities and facilities
- Residential component? Will performers and other circus staff be permitted to camp overnight on site and what are the additional implications of this?
- Refuse, waste and litter. What arrangements would be made for what can be expected to be a high volume of waste associated with circus performances, including immediate clean up to avoid wind blown environmental effects?
- Policing. What arrangements would be made for any additional policing that may be required?
- Possible effect on Mambo Wetlands? Although the site in question is separated from the wetlands by the shopping centre, would there be any effect on groundwater from circus operations?
- Land degradation and restoration. While the site is currently undeveloped 'waste' land, what would be the effect of the circus and what arrangements would be made for site remediation after the circus leaves?
- Lighting – what lighting is proposed and would security lights be left on all night, possibly affecting residential properties across Bagnall's Beach Road?.
- Music. – what limits would be placed on the timing and volume of music associated with performances, rehearsals and any residential occupation of the site?

In relation to all of these issues, we submit that Council and/or the applicants need to publish answers for community consideration before any decision is made (they should in our view have been part of the DA put on display). We also urge Council to actively seek the views not only of nearby residents but also of existing owners and tenants of commercial premises in the Salamander, Oasis, Rigby and other associated centres who would clearly be affected by the proposed circus. In the case of the Salamander Centre, relevant parties may be in Sydney or interstate, but should still be given the opportunity to comment on proposals which may have a significant effect on their businesses.

Conclusion

To summarise, we submit that this DA should not be approved, on the basis that this is not a suitable site for a temporary circus. Alternative sites should be identified and offered to the circus. One site that has been suggested and would seem both suitable and very accessible is the old rugby oval by the Port Stephens Drive/Nelson Bay Rd roundabout.

We will make contact with you in a few days time to arrange a mutually acceptable time for us to meet to further explain and discuss TRRA's submission. You have extended this courtesy to us in relation to other significant DAs and we hope you agree it has proved useful.

Yours faithfully,

Robert Young
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