

**147 FULLERTON STREET STOCKTON  
DEMISE OF A COMMUNITY & COMMERCIAL ASSET ON CROWN LAND  
2012 - 2016**



photo Google Earth 2010

### **Background:**

Until the start of July 2012 the Crown Land premise at 147 Fullerton Street Stockton, located at the gateway to the suburbs commercial district and situated on the main tourist route to Newcastle's only Caravan, Camping and Cabin Holiday Park, serviced 4500 residents and thousands of visitors and their vehicles every year.

In July 2012, a new Crown Land Licence was issued to a business known as Stockton Mechanical Services Station. The Licence had no fixed term and was granted for 'Business Purposes'.

The licence allowed for the continuing use of the site as a service station, providing all conditions and requirements imposed by regulatory authorities and the planning consent authority are met.

These conditions were clearly

met, as after months of enquiries, Crown Lands confirmed in December 2012 that the site was ready to re-open as a functioning service station. At least three more assurances over the years were received from Crown Lands. Petrol and mechanical repairs to the public were never provided from the site again.

Instead, the premise was primarily used by the operator as an unlicensed second-hand dealership. Goods stored on the premise gradually became a serious safety hazard to pedestrians and users of the Council built shared pathway.

Creating a visual blight for the suburb, the site was also subjected to illegal development and an environmental spill of diesel fuel.

Numerous members of the community complained directly and regularly to Crown Lands,

Newcastle City Council and the State Member for Newcastle. The matter was also raised at a Federal level.

During the first three years of non-operation a number of business premises on Stockton closed. Customers forced to leave the suburb to buy fuel (and therefore doing their shopping elsewhere) was cited as a reason for the downturn in trade. Elderly residents who had once been able to shop locally now depended on family and friends to purchase goods for them.

After years of lobbying, the licence was eventually revoked in November 2015.

In December of that year, with the operator still using the premise, the property burnt to the ground.

Today it stands as a fenced off eyesore. It has been in this state since the fire, over 7 months ago.



photo of the site Aug. 2016

## LOCATION AND COMMUNITY IMPACT OVERVIEW:

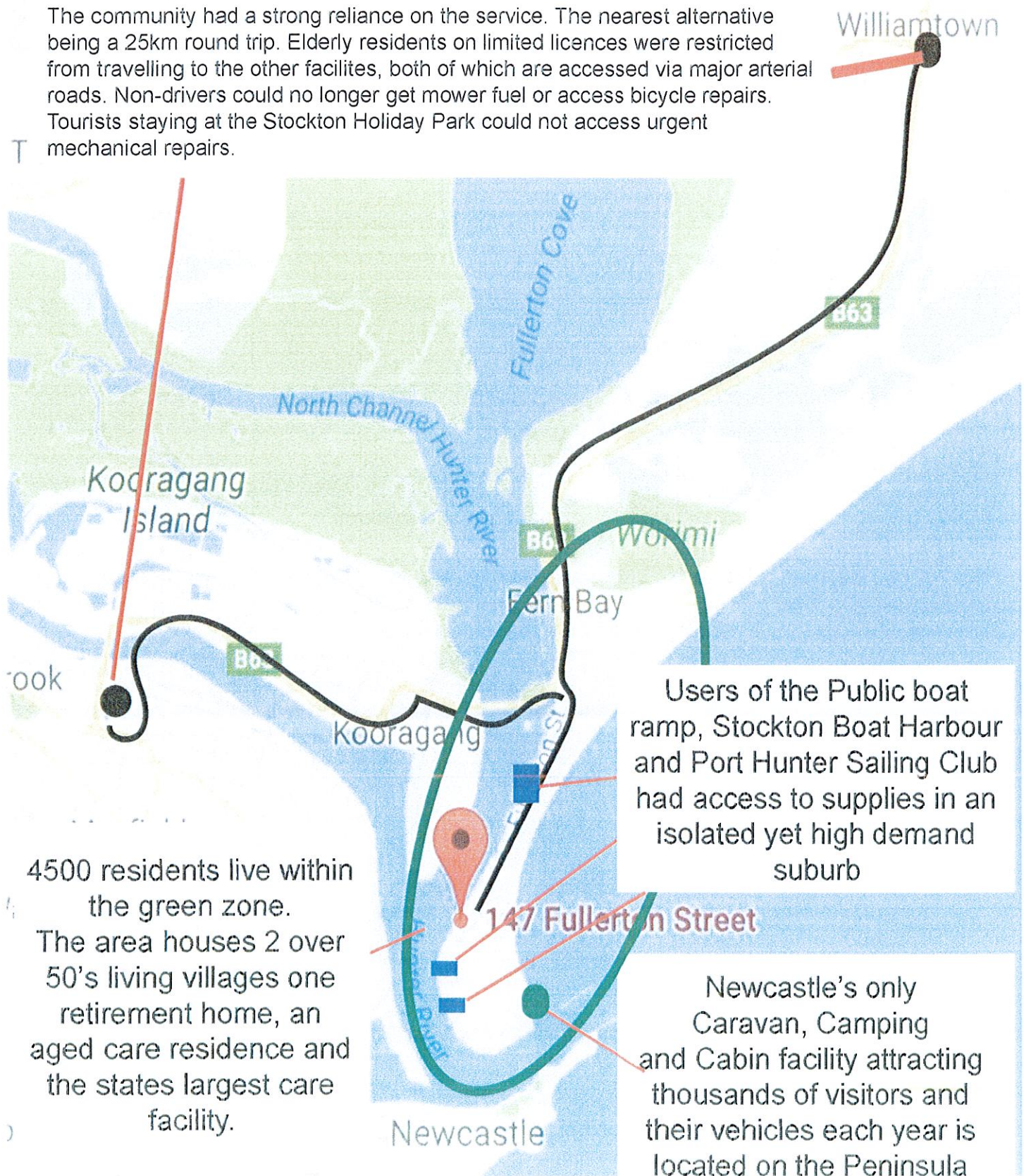
As the last remaining facility on the Peninsula, Rose's Garage had for decades, serviced a geographically isolated communities of Stockton and Fern Bay and thousands of tourists staying at Newcastle's only Holiday Park every year.

Additionally hundreds of vessels using Stockton's three boating facilities were unable to get supplies and fresh water. When in operation, the

premise was a great example of how Crown Land actively contributed to the benefit of community.

The most impact was felt by elderly residents in the community on age restricted licences. Without access to fuel and unable to legally drive to the nearest alternative facility, many of them lost their independence and freedom when the Service Station ceased to operate.

The community had a strong reliance on the service. The nearest alternative being a 25km round trip. Elderly residents on limited licences were restricted from travelling to the other facilities, both of which are accessed via major arterial roads. Non-drivers could no longer get mower fuel or access bicycle repairs. Tourists staying at the Stockton Holiday Park could not access urgent mechanical repairs.



# CHRONOLOGY OF DEMISE

## JULY - DEC 2012

From the start of the new licence being issued, second hand building goods were stored on and around the property.

Much of the surrounding public space was used to store the goods, without concern for the safety risks posed to adults and children who used the area for recreational activities.

Complaints about the state of the site and the impact the loss of a service station and mechanical repair shop was having on the community began in earnest in October 2012.

On 24th December 2012, Stewart Veitch, Senior Manager Hunter Area, North Region, Trade & Investment, Crown Lands advised "I have received advice to day that the Stockton Petrol station should be open for business on 1st February 2013"

## 2013

By May 2013, the premise had become a regular "Garage Sale" site and unlicensed second hand dealership.

The operator regularly advertised in the classified section of newspapers offering a service to 'display and sell' vehicles for a commission.

The operator was unable to provide evidence that he held a valid NSW Motor Dealers licence. On 15th April, further complaints were made to Crown Lands. Stewart Veitch advised via email that "the petrol station will be open for business approximately 1pm today. There are a few minor electrical issues that need to be attended to this morning. A crew has been working all weekend to get the internal fit out finalised to allow for opening to occur."

Complaints were also made to the then State Member for Newcastle, Tim Owen. On 27th June 2013, Mr Owen advised that he had "gone back to crown lands asking that this be re-tendered."



## QUESTIONS TO THE MINISTER

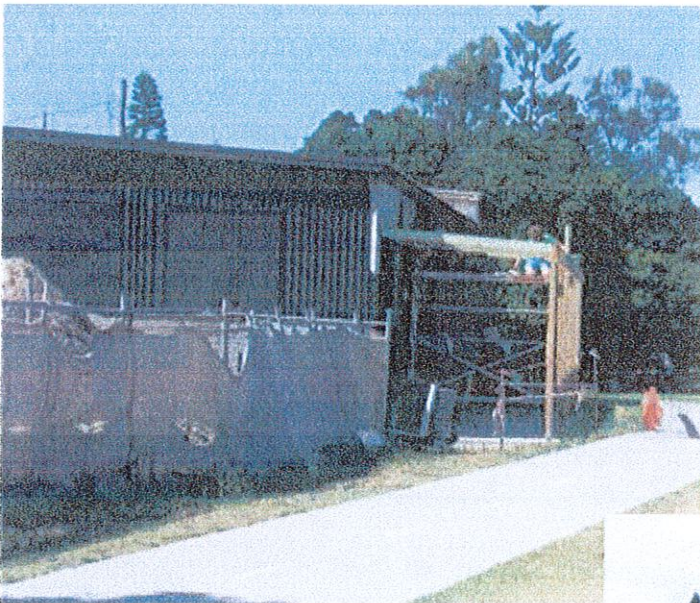
In July 2013, further complaints were made about the ongoing lack of progress. Federal MP Ms Sharon Claydon became involved saying "If NSW Crown leases and licenses don't contain clauses to ensure good outcomes for the community, then I would expect that this is something that the State Member would want to pursue." The following questions were raised in State Parliament by Ms Lynda Voltz to the Minister for Roads and Ports representing the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services—

1. Crown land at 147 Fullerton Street Stockton was previously the site of Stockton's only garage Rose's Garage.
  - a. What are the details of the lease arrangement for this piece of Crown Land?
  - b. Is there any clause or provision relating specifically to its use as a petrol station?
2.
  - a. Is there a provision or time frame regarding its purpose or use?
  - b. If so, what are the details?
3. As it has been leased, can the Minister for Trade and Investment and the Minister for Regional Infrastructure and Services confirm if and when it will start being used as a petrol station?
4. What assurances are there enclosed in the lease agreement to ensure that Stockton residents are guaranteed that they have a petrol station to access in their suburb?

### 3 MONTHS FOR MINISTERIAL RESPONSE

In October 2013, a reply from the Minister for Crown Lands to Ms Voltz question was received. It stated: to (4) The land is held under a Crown Licence by Stockton Mechanical Services Station for 'Business Purposes'. The Licence is subject to conditions, including payment of an annual rent that reflects the nature and the commercial use of the site. The Licence has no fixed term. The License was granted for the purpose of 'Business Purposes', which allows for the use of the site for a service station, providing all conditions and requirements imposed by regulatory authorities and the planning consent authority are met. In the event the current Licence holder is unsuccessful in getting the necessary authorisations and permits to allow operations to commence consideration will be given to undertaking a competitive process to secure a new operator.

**2014**



### WORKS UNDERTAKEN WITHOUT DA CONSENT

in January the operator began adding an 'lean-to' to rear of the building. In order to do so, he removed the rear weather protection and exposed the building to aggressive westerly winds.

The construction, which did not have council development approval, was undertaken just meters from the council cycle-way and created a significant safety risk to bicycle riders. For months, the 'addition' was covered up with ad-hoc tarps inadequately tied down.

Between January and May 2014 a number of complaints about safety and the risk of weather destroying the building were made to Newcastle City Council and Crown Lands by members of the public.

On 24th June, the inevitable occurred and gusting westerly winds blew out both the rear and the side of the building.

The fact that no-one was hurt was good luck and not good management.



Undertaking an inspection of the property in July 2014, a Newcastle City Council spokesperson reported that "A compliance officer has attended the property and ensured that the owner has taken steps to address the immediate safety concerns. Notwithstanding, Council intends to take further regulatory action in relation to the alleged unauthorised works in the next few days."

The site stayed in this condition for months.

## HOARDING ACTIVITIES RISK PUBLIC SAFETY

Oct 2014

After repeated requests for resolution from Community members, Crown Land inspectors agreed to visit the property on 24th October 2014.

The operator hurled verbal abuse of a sexually offensive nature at local residents who had come to meet with the inspectors. The inspectors heard these comments yet took no action to cease his behaviour. After the inspection, the property was temporarily cleaned up, however within a matter of weeks, the hoarding escalated to new levels.

These photos, showing the extent of the carnage were taken in early November 2014. Trip hazards lay across public footpaths, debris was unsecured and record numbers of vehicles including boats and campervans were available for sale.



2015

## DIESEL SPILL JUST METRES FROM THE HUNTER RIVER

On 25th March, a container holding spent diesel fuel was tipped over at the rear of the property within centimetres of the cycle way and just metres from the Hunter River. NSW firebrigade attended and covered the spill with sand.

No other action was taken to remediate the hazardous waste. It remained on site until the fire in December 2015.



## REVOKE, REMEDIATE, REINSTATE

After years of lobbying and complaints to Newcastle City Council, Crown Lands and Workcover, Tim Crakanthorp MP puts his weight and full support behind the community, formally requesting that the licence be revoked.

Speaking to the Newcastle Herald, Mr Crakanthorp said "The community has had enough, they have drawn a line in the sand and I will support them in their quest to have the lease revoked, the land remediated and consultation undertaken to devise the best use of the site."

In June, a community protest was held.

Even during the middle of the day on a Wednesday around 100 people turned up to confirm that they had had enough of the inaction on the site.



## THE FINAL DAYS

The licence was finally revoked and the operator given until 30th November to vacate the premises. Many of his "possessions" were still on site when a suspicious blaze gutted the premise on 13th December.



## Rose's a thorny issue

DAN PROUDMAN

10 Jun 2015, 9:30 p.m.



Rose's Garage protest

ROBERT "Daffy" Gray says he has lived in Stockton for "only" 51 years and therefore isn't a "Stocktonian".

But he told a group of protesters fired up about a "rogue" service station situation on Crown land that he had seen the suburb move from the forgotten corner of Newcastle to a thriving and attractive town.

Mr Gray spoke about BHP "belching fumes", ships moored in Stockton bay and their waves of rubbish, the unbearable smell of raw sewage being pumped out on the outskirts, dirt roads residents could walk on and shipyards left to go to rack and ruin other parts of Crown land.

"Rose's Garage survived those days because it was on Crown land like those buildings were, but it survived because it was giving our community service," Mr Gray said.

"It is not giving our community service today."

Mr Gray was one of more than 60 people who protested outside the dilapidated service station on the banks of the Hunter River, calling on the State Government to remove the current owners and leaseholder, remediate the site and possibly replaced it with another service station.

Residents claim the service station has not sold fuel since it was taken over in 2012, that people were illegally living on the site and that it had lost its value to the community.

"It is a clean suburb now, it is a beachside suburb, people are coming here to live," Mr Gray said.

"Property prices are going up. It will be the place to live and we don't want this.

"If Mr Baird and his cronies think this is acceptable for us, come and take it down and put it down The Corso or Pittwater Road ... and hang a sign on it "Welcome to Manly".

"Because as it is, it isn't welcome in Stockton."



See your ad here

### WHAT'S HAPPENING IN NEWCASTLE

#### Stopping hoon neighbours?!

I'm over the hoons in this suburb.  
Any advice on how to handle this?  
Does anyone...

# PHOTOS: Suspicious fire sends Stockton service station up in flames

SAM RIGNEY

13 Dec 2015, 6:30 p.m.



**GUTTED:** Fire destroyed controversial Stockton service station Rose's Garage on Saturday night. Police are treating it as suspicious. Picture: Mike Alston.

A STOCKTON service station, at the centre of a long-running dispute between residents and its recalcitrant operator, has burned to the ground in suspicious circumstances just two weeks after Crown lands revoked the lease.

It had been labelled a "blight on Stockton's landscape", "an eyesore" and was widely regarded as a bad look for the peninsula's image by residents who have fought for months to have Rose's Garage operator Chris Sharp evicted and the land remediated.

So as the large shed crackled and popped and flames shot out the roof on Saturday night, residents gathered across the road to watch it burn.

Some rejoiced, others drove past honking their horns in approval, one woman was even spotted "dancing in the street", residents said.

On Sunday morning, with the shed in ruins, dozens of residents stopped to take a peak past the police tape.

"There will be a big party in Stockton tonight," one man said.

It was an unexpected end to a long-running saga that has included legal battles between Mr Sharp and Newcastle City Council, the Environmental Protection Agency and Crown lands.

A Fire and Rescue NSW spokesman said a triple-zero call came in about 7.30pm to report a building fire in Fullerton Street at Stockton.

When firefighters arrived the building was fully alight and it took six trucks and 25 firefighters more than two hours to bring it under control and extinguish the blaze.



See your ad here

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When firefighters arrived the building was fully alight and it took six trucks and 25 firefighters more than two hours to bring it under control and extinguish the blaze.

There was no one inside at the time of the fire and no one was injured.

Fire and Rescue NSW and police are both treating the blaze as suspicious.

Detectives have launched an investigation into the cause and specialist forensic police examined the charred remains on Sunday.

The blaze occurred just two weeks after Crown lands revoked the lease and moved to evict Mr Sharp.

While not the formal lease holder, Mr Sharp has been in control of the site since July, 2012.

And during his time there the site has become a dumping ground for old cars and other machinery.

On Sunday, the service station was littered with a damaged ultralight aircraft, air hockey table, three barbecues, a couch, four cars, a boat, eskies, fridges and other pieces of scrap metal.



The state of the service station had quickly raised the ire of residents, who argued it was the first impression for many visitors to Stockton.

The other major complaint was that the service station had rarely, if ever, sold fuel on Mr Sharp's watch.

Following a community campaign and calls from Newcastle MP Tim Crakanthorp for the government to take action, Crown lands issued a revocation order, which gave Mr Sharp until November 30 to vacate the premises.

It is unclear if Mr Sharp complied with that order.

The *Newcastle Herald* attempted to call Mr Sharp on Sunday but calls went unanswered.

Mr Crakanthorp said once Mr Sharp is removed, the community wanted to have a say on what went on the site.

"I have been calling on the government to take action on this site since the beginning of the year," Mr Crakanthorp said.

"If action had been taken sooner then this might not have happened.

"We need to look forward now as to how we can make this site useful and important for the Stockton community again."

Prior to the fire, Mr Sharp had been engaged in a legal stoush with Newcastle City Council over alterations to the rear of the building, which allegedly occurred without the proper approvals.

That matter is listed for hearing in Newcastle Local Court in February.

There had also allegedly been a spill on the site in March this year.

Meanwhile, a house at Adamstown was severely damaged by fire on Friday night.

A Fire and Rescue NSW spokesman said the blaze was an accident and triggered by an electrical fault.