

ATTACHMENTS UNDER SEPARATE
COVER

ORDINARY COUNCIL MEETING
11 AUGUST 2015



PORT STEPHENS
C O U N C I L

INDEX

Item No	Attach. No	Attachment Title	Page No
COUNCIL REPORTS			
1	1	COPY OF EACH SUBMISSION TO PUBLIC EXHIBITION (REDACTED).	4
1	2	SUMMARY OF KEY POINTS AND RESPONSES TO SUBMISSIONS TO PUBLIC EXHIBITION (REDACTED).	75
2	1	PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.	123
2	2	LOCALITY PLAN.	153
7	1	SIX MONTHLY REPORT JANUARY - JUNE 2015.	154
8	1	PROPOSED FEE SCHEDULE AMENDMENTS.	172

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

SUBMISSION 1



29th May 2015

ABN: 51 352 201 600

Port Stephens Council
Attention: Mr Steve Bernasconi
Community Services Section Manager
116 Adelaide Street
RAYMOND TERRACE NSW 2324

PO Box 50
Tanilba Bay NSW 2311

2163 Nelson Bay Road
Williamstown NSW 2311

Phone: 02 4033 8801
Fax: 02 4033 8891

Via email: Steve.Bernasconi@portstephens.nsw.gov.au

info@worimi.org.au

Dear Steve,

www.worimi.org.au

RE: Soldiers Point draft Plan of Management (SP POM) Submission

The Worimi LALC conducted a workshop/review of the SP draft POM on Wednesday 27th May with the participation of Worimi Aboriginal Owners and the following Registered Aboriginal Parties (RAP) to the Aboriginal Heritage Impact Permit (AHIP):-

- Worimi Local Aboriginal Land Council;
- Mur-roo-ma Inc;
- Nur-run-gee Pty Ltd;
- Worimi Aboriginal Owners.

Having comprehensively reviewed the SP POM; we now respond with the following (common) issues, comments and recommendations:

1. Commercial Filming (CF) & Still Photography (SP)

There are concerns that CF & SP activities being conducted on the Soldiers Point Peninsula may have a negative impact on both the 'Spiritual and Physical' cultural values of the area. It is important that the intellectual property of cultural values is protected and as such, significant areas, items and stories are not being inappropriately accessed and/or incorrectly recorded.

1.1 RECOMMENDATION:

All CF & SP applications are received by the RAP to the AHIP, seven (7) days prior to approval being granted by the Port Stephens Council (PSC).

- Subject to no objections being returned to the PSC for the proposed CF & SP activities, the application may proceed with PSC approval.

2. Table 9 – Activities that may harm an Aboriginal Place (pages 58 – 59)

NOTE: Given the abundance of occupational evidence and the oral and written history of Soldiers Point; at no time can it be assumed that all cultural materials or objects (sites) are known and/or recorded.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Table 9 provides an overview of the works likely to occur within each of the key identified areas however; the *'examples of activities that could harm an Aboriginal Place'*; especially those listed as "AHIP required" are too broad and provide no confidence towards *'known and/or unknown'* sites being sufficiently protected. By not providing more in-depth detail on the work methodologies being applied to each activity (appreciating that this 'draft' phase); in our opinion, PSC should not presume that a 'blanket' AHIP be sought or approved by OEH with the support of the RAP.

2.1 It is a fundamental requirement that the Staff of the Port Stephens Council (including Field Officers and Administration) adopt a clear understanding of Gazetted Aboriginal Places and the importance of their role and responsibilities (both legal and ethical), when making decisions relating to the onsite management and other work-type and social activities being approved.

In order to do so; we strongly recommend that a 'Cultural Heritage POM Awareness and Site Recognition training' be conducted by RAP to the AHIP on an Annual basis.

While we agree that an AHIP is required for the works noted in the SP POM; we strongly request that each 'example of activity' is first assessed and workshopped with the RAP to the AHIP to finalise an agreed approach and methodology; including (but not limited to):

2.1.1 Repair and/or replacement of park furniture

- While the repair of existing park furniture is of little concern (subject to there being no ground disturbance); all future installations of park furniture should be conducted by utilising an above ground pre-fabricated cement slab (for furniture to be anchored) so as to minimize ground disturbance (including minimal and approved prep of the surface area prior to installation).

2.1.2 Moving or Collecting objects

- At all times; registered Aboriginal Sites Officers should be engaged to collect objects which; are then housed at an agreed location and returned to the area of origin, in order to maintain the cultural integrity of the site. ALL cultural objects are to be recorded and the site location is registered on the Aboriginal Heritage Information Management System (AHIMS) held by the Office of Environment and Heritage.
- The type and manner by which objects are returned to the site is to be agreed to by the RAP of the AHIP (e.g. examples included covered or exposed for education purposes).

2.1.3 Installation of Fencing

- Unless otherwise agreed to by the RAP / All fencing to be installed are to remain solely above ground with no soil disturbance to the surface area.
NOTE: The fencing originally installed between Ridgeway Ave and Focus Area 5, is a good example of suitable fencing for the area (site inspection required to confirm that the fencing mentioned is still adequate).

2.1.4 Installation requiring excavating below 200mm

- The impact on cultural objects (both surface and subsurface layers) is misrepresented in the SP POM in that; it only notes excavation below 200mm as requiring an AHIP.
- The potential of cultural objects being harmed is evidenced at the surface level (e.g. middens, scarred trees etc) and this potential harm continues up to a subsurface depth

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

of 1.00 – 1.5m in any given area. Post this depth; it is likely that the water table or below 'Remnant Soil Layer' (RL) occurs at which time; the risk of harm to cultural objects is removed.

- Any dispute of 'time delay' cannot be used to try and offset the need to provide adequate and timely notification to the RAP to the AHIP and as such; all works that cause soil disturbance MUST cause a notice to be used to the RAP, allowing 14 days for any comments or concerns to be raised, including an opportunity for the RAP to the AHIP to conduct a site visit of the area in question, if requested.
- SPECIAL CIRCUMSTANCES may exist where the ground disturbance is caused as a result of 'Emergency Management' of underground utilities. In this instance notice will be in accordance with the recommendation provided in the SP POM. However; other works such as "major landscape changes and tree clearing" required the 14 day notice as recommended above.

2.1.5 Weed Control & Tree Maintenance Management Plan

- There is a consistent message of vegetation maintenance and minor works which includes activities pertaining to vegetation (weeds and trees etc), throughout each of the 8 Focus Areas identified in the SP POM which, is supported by the WLALC workshop participants (thus providing a cleaner / safer environment for visitor/users of the area) however; without fully understanding the 'best practice' required to conduct both of these activities (felling, cross-cut and remove trees and/or eradicate noxious weeds) we are concerned that current practices (without proper discussion and agreement) poses some risk or harm to cultural objects i.e. shell midden, burials etc. Further work is required by the RAP to the AHIP and PSC, to settle on an agreed 'best practice' for these types of activities taking place within the Aboriginal Place.

RECOMMENDATION:

Awareness of the tree maintenance and weed control management plans (including 'best practice' e.g. lopping, felling, cut/past, hand pull etc) need to be communicated to the RAP of the AHIP and vice versa; with PSC field officers being made aware (via annual Cultural training) of the impact and harm that is likely to be caused to cultural objects, if a 'duty of care' is not applied to all vegetation control practices.

✱ **Focus Area 1: North-Eastern Foreshore (FA1)**

The reference to 'sand replenishing' for this area was somewhat confusing; given the area consists of a rocky outcrop and is not known (in any way, shape or form) to be a beach? Following a call to your office (PSC) we now understand that the proposed 'sand replenishing' works is solely related to Focus Area 4 (this includes the issue of dinghy storage being listed for FA1 as well).

Umwelt 2009 "Soldiers Point Boating Infrastructure and Foreshore Management Plan" (SPBIFMP) We do not believe that by noting the SPBIFMP in the SP POM provides sufficient evidence for the works being proposed; as it is not prescriptive enough in relation to the maintenance and minor works listed. For all maintenance and minor work issue and concerns identified for FA1, we direct your attention to Section 2 issues and recommendations above. We also seek to better understand what the reference to "Environmental Quality Improvement" (EQI) means before allowing this be adopted for any of the areas (collectively). **Further information on both the EQI and SPBIFMP is requested.**

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

- **Focus Area 2: Everitt Park (FA2)**

The workshop participants recognise the popularity of FA2 and supports maintenance and minor works occurring in this area, subject to being endorsed in accordance with Section 2 above.

- **Focus Area 3: Car Parking and Boating Facilities (FA3)**

In regards to maintenance and minor works see Section 2 above.

The Committee support the installation of an additional 'Boat Launching Lane' directly to and adjoining the southern end of the boat ramp to create a third boat launching lane however; we strongly oppose any suggestions (that may arise) of installing pylons or other permanent fixtures, designed to create a third pier/wharf to support the third boat launching lane.

While we are of the belief that the short breakwater (located immediately to the north of the boat ramp) should have never been installed (*it is our opinion that this is a primary cause of the sand erosion to Focus Area 4*); we do agree with the uneven surface of the breakwater being corrected so as to correct and remove any issues of safety to persons choosing to walk out along the structure.

While we do not oppose the installation and delineation of car parking spaces along Mitchell Street; we are concerned that this is an attempt to allow for an overflow of parking concerns that might arise if the Soldiers Point Marina extension is ever re-tabled for PSC's consideration?

RECOMMENDATIONS FOR FA3:

1. The proposed delineation of parking along Mitchell Street must be clearly stated in a 'Parking Strategy' that these new car parking spaces are solely for the purpose of accessing the parklands and public boating ramps (with strict conditions on time allowed etc); and as such, cannot be utilised or offset in any way, shape or form, for any other purposes or developments that may be considered (e.g. SP Marina extension) by the PSC into the future.
2. We believe the amenities (toilet) for FA3 are insufficient and need serious consideration re: upgrading and expansion. As the popularity of Soldiers Point has grown, so should the facilities and infrastructure required to accommodate every day park users. Prior to performing any works of this manner; we strongly request that the RAP to the AHIP be consulted and an approved works methodology (designed to protect Aboriginal objects) be endorsed.

- **Focus Area 4: Western Foreshore (FA4)**

In regards to maintenance and minor works see Section 2 above.

The Worimi Elders speak of a time when the Soldiers Point foreshore (in particular FA4 and further south) was inundated with crystal white sands and we (the workshop committee) would welcome the return of sand to the beach area of FA4. Saying that; there is apprehensive to the idea and we (the workshop participants) are more likely to believe that any attempts to replenish the sand in this area will result in a waste of PSC resources and funds (better spent elsewhere e.g. FA3 amenities).

RECOMMENDATION FOR FA4:

1. The committee requests that the PSC consider the installation of a cement pathway (2m wide) along the FA4 area, connecting both the SP Marina and the FA3 (southern end) carpark. In the event that any inspections reveal this not to be possible (i.e. wash out and stabilising the pathway), it is thought that a floating boardwalk (similar to that installed at the Tilligerry

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Habitat) may be more suitable. All discussion about access along this section (FA4) are to be in consultation with the RAP to the AHIP.

• **Focus Area 5: Western Holiday Park (FA5)**

The committee are concerned that any attempts to amend the current infrastructure support for the tents currently occupying FA5 (e.g. reinstall the essential service lines, waste management and electricity etc) will have a serious impact and harm to Aboriginal objects.

Q: Does the PSC have an Asset Infrastructure Plan for this area and if so, we ask that it be provided for our information.

RECOMMENDATION FOR FA5:

1. Ground Disturbance to be prohibited for FA5

FA5 is of particular and unique cultural significance and as such; further discussion and onsite inspection is required so that the RAP to the AHIP can better understand the current and future infrastructure and service line plans for FA5.

• **Focus Area 6: Eastern Holiday Park & Memorial Hall (FA6)**

In regards to maintenance and minor works see Section 2 above.

We do not have any major concerns with the SP POM for FA6 however; we suspect that the recommendation to install a 'boat launching lane' is a error i.e. referencing plans being considered for FA3? If however; there are plans to utilise the opposing lane way access to the Eastern Side foreshore of Soldiers Point, this will be met with serious objections.

RECOMMENDATION FOR FA6:

1. Like area FA3, we do not oppose the extension and/or inclusion of parking (for the Memorial Hall use only) however; we request that a clear and defined 'Parking Strategy' be implemented to ensure that there is no confusion over the purpose of the additional parking for FA6.

• **Focus Area 7: Port Stephens Yacht Club (FA7)**

The burials contained within and around the grounds of the Port Stephens Yacht Club are well known and recorded.

RECOMMENDATION FOR FA7:

1. PSC to consult with the RAP to the AHIP for any proposed works to the exterior of the building and gardens, where significant ground disturbance is likely to occur.

• **Focus Area 8: Tennis Courts (FA8)**

In regards to maintenance and minor works see Section 2 above.

The workshop committee participant's object to additional parking being created in FA8; regardless of the area already being earmarked for car parking spaces and currently sitting within the gazetted road corridor (better known as Soldiers Point Road).

RECOMMENDATION FOR FA8:

1. We do not believe there to be a need for additional car parking spaces in this area and encourage PSC to adopt the same understanding.

5

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

OTHER RECOMMENDATIONS:

Cultural Signage & Education

We do not believe that enough has been done to provide adequate signage (both compliance and education) throughout the Soldiers Point Peninsula to reduce environmental vandalism and/or promote the cultural significance and the abundance of Aboriginal Culture and Heritage occupation that exists. Soldiers Point is fast becoming a popular (peak season) destination and it is our fear that (should a sign strategy not be put into place ASAP), the richness of the cultural, aesthetic and natural features of the area will be devastated.

Aboriginal Cultural Activities and Access

We would like to see the area being accessed more regularly by the Local Worimi Aboriginal community and would like to liaise with PSC about an Annual Program that promotes social gathering and community harmony for the area.

Exposed Midden Site – Soldiers Point Marina

We are devastated by the inactions of PSC to repair and protect the Midden Site that is currently and continually being devastated in front of the Soldiers Point Marina (better known as the road island turnaround). We understand that the PSC is unaware and confused by, "what is the best practice to correct this issue?", given the differing views being expressed by the RAP to the AHIP. Nonetheless, we request an urgent and immediate meeting/workshop (onsite) to discuss a way forward, so the site can be protected ASAP.

CONCLUSION:

The Worimi LALC; in partnership with the workshop participants (as noted above) support the Soldiers Point draft Plan of Management and believe that; subject to Port Stephens Council adopting the recommendations provided for in this submission, we are better placed to move forward in a collaborative manner that allows for the necessary maintenance and minor works to occur, with the protection of Aboriginal Culture and Heritage being at the forefront of management decisions being applied on a day to day basis.

Please contact the Worimi LALC office on the numbers listed above should you require any further information.

Yours sincerely,

Worimi Local Aboriginal Land Council



Andrew Smith
Chief Executive Officer

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 2

29th May 2015

The General Manager
Port Stephens Council
council@portstephens.nsw.gov.au

Re: PSC 2012 – 02935

DRAFT SOLDIERS POINT ABORIGINAL PLACE PLAN OF MANAGEMENT

This document seeks to provide a clear and transparent management framework under the Local Government Act 1993 and NSW National Parks and Wildlife Act 1974 of Soldiers Point as an aboriginal place. I am at a loss to understand why it should incorporate the Soldiers Point Plan of Management Master Plan 2015. This only serves to confuse the issues and it seems to me a far more transparent move would be to deal with the two Plans separately and apart rather than combined. For a start the focal areas and zones are numbered and even named differently in both Plans.

I have been keenly interested in the DA for the expansion of the Soldiers Point Marina and am aware that it has stalled due amongst other things to unsatisfied parking requirements. One could be forgiven for believing that the current review of the Aboriginal Place Plan of Management and with it the Master Plan of Management referred to above is nothing more than a ploy, by increasing parking along the access road into the main car park and along Soldiers Point Road adjacent to the Tennis Courts, to overcome the Marina developer's problems. In Council's own words under Focus Area 8: Tennis Courts "This would maximize the capacity of the existing car parking area and assist with any overflow parking needs generated from visitors to Soldiers Point". You can't get anything clearer than that. This would have to aid and abet any new submission of a Marina DA. Further, the removal of beautiful old trees to accommodate the parking adjacent to the Tennis Courts totally defeats Council's objective to ensure the facility "is of minimal impact on the surrounding environment".

There are other issues I don't understand. What is hoped to be achieved by changing the names of land categories? For instance why is the tennis courts area shown as "Park" in one instance and in another as "Sportsground"?

The core objectives for a "Park" are noted as "Provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others" and "To provide for passive recreational activities or pastimes and for the casual playing of games." On the other hand however "Sportsground" is "Land which is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games." What could be more intrusive "on the peaceful enjoyment of the land by others" than the noise and whistles of organised sports?

There can be no argument that the proposed changes in the Draft Soldiers Point Aboriginal Place Plan Of Management and along with it the Soldiers Point Plan of Management Master Plan 2015 will benefit commercial enterprise to the detriment of the general public and in my opinion is exactly Council's intention. Therefore the Draft under review is not a clear and transparent management framework and it must be challenged.

Yours faithfully,

[REDACTED]

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 3

The General Manager,
Port Stephens Port Council
PO Box 42,
Raymond Terrace, NSW, 2324

29/05/2015

council@portstephens.nsw.gov.au

Dear Mr Wallis,

Re : PSC2012-02935 – Aboriginal Place nomination & Plan of Management at Soldiers Point

This submission refers to the updating of the Plan of Management for the northern part of Soldiers Point. It also considers the proposal of adding an Aboriginal Place order over the same area, but it is not clear what are the general and specific constraints added that are not already acknowledged in the updated Plan of Management.

The Soldiers Point – Salamander Bay Landcare Group is interested in the longer term planning for Everitt Park, including the north east coastal strip up to Mitchell Street. We are part-way through a 6 year program for the Benapi Point Corridor Restoration Project, which includes the north east coastal strip as part of Everitt Park. It is funded by a grant from the NSW Environmental Trust, with Everitt Park being one of 10 reserves in the Project. So far, for Everitt Park, we have only spent grant funds in Zone 1 pending decision on Zone 3 treatment.

Our interim plan for Everitt Park is: (see diagram attached)

- Benapi Point Zone 1 (north east coast) – Keep full bush cover
- Benapi Point Zone 2 (strip on south side of Mitchell Street, contains walking tracks) – keep bush cover, barriers where necessary to stop vehicles entering, may retain one or more picnic tables near the road
- Benapi Point Zone 3 (remainder of park including old quarry site) – keep existing bush cover, decision needed on whether to keep all of existing open space or revegetate some or all of it.

We support the development of an up-to-date plan for managing the mixed use area and adjacent reserves. However, there are some key issues which need to be resolved in detail soon, such as parking space generally, and especially around Spencer Park and adjacent streets. Access to, and activities along the waterfront will continue to raise disputes from time to time.

Returning to the Aboriginal Place proposal, we understand that an order could be put over the whole of the areas being considered in the Plan of Management. It could also extend to a larger area. Putting these constraints over a current LEP zoned area may lead to a difficult or conflicting working situation. If this situation is likely to arise, we are of the opinion that the Aboriginal Place proposal be deferred until it can be more easily defined and managed.

Yours sincerely,

Simon Brooke
Secretary, Soldiers Point – Salamander Bay Landcare Group

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).



Everitt Park – Benapi Point Project, Zones

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 4

[REDACTED]

[REDACTED]

The General Manager
Port Stephens Council

YOUR REFERENCE: PSC2012-02935

I would like to make a submission to the Council regarding the Final Draft of the Aboriginal Place Plan of Management dated 17 March 2015.

My concern is over the lack of public access to the Thou Walla Retreat.

Page 60 of the Draft Plan states:

"Public access to the site needs to be managed so that it is protected for future generations and provided in a controlled and structured manner."

There is no public access to the Thou Walla Retreat, which according to the maps in the Draft Plan takes up approx 50% of the total proposed Aboriginal Place area.

Entrances from the beach have been blocked off with signs "NO ENTRY TO PARK. ALL VISITORS MUST REPORT TO OFFICE."

There is no Office, but the only way to approach the Thou Walla Retreat is through the Reception on Ridgeway Avenue. You have to squeeze through the boomgates, walk around existing buildings until you get to a wooden/mesh fence which bars any further progress. Along the length of the fence there are two metal gates for vehicle access, which are locked.

This same fence surrounds the Thou Walla site on the other three sides: the beach; what used to be a walkway alongside the Port Stephens Yacht Club; and along the top from Everitt Park.

I think creating an Aboriginal Place at Soldiers Point is a wonderful idea, given the site's history. I would like to feel free to wander around to share this history - or even share a few tales around a campfire as was mentioned at the Public Meeting a few weeks ago - but it appears this experience is reserved for the exclusive use of cashed-up "Glampers" with everyone else being excluded.

To reiterate, approximately 50% of the proposed Aboriginal Place is has no public access, which is totally contrary to the Aboriginal Place PoM as stated on Page 60 (above).

Yours faithfully

[REDACTED]

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 5

From: SPCG <soldierspointcommunity@bigpond.com>
Sent: Tuesday, 12 May 2015 2:08 PM
To: SwitchPC
Subject: Request for extension

Attention: Mr. Wayne Wallis, General Manager, Port Stephens Council

Reference: PSC2012-02935

Dear Sir,

I wish to apply for an extension of time on the public notification period for the proposal.

A number of our members have been involved in a recent forum on the subject of the proposal – A Plan of Management for Aboriginal Heritage in the Soldiers Point area.

There is conflicting information within the gazetted document and information made available at a recent open forum.

This raised concerns within our Community as to the accuracy of the documents and some of the underlying objectives of the proposal.

I wish to apply for a two week extension, during which formal submission can be made, and if appropriate, the opportunity for a meeting with Council officers involved in the production of this plan.

Hopefully we can work together to ensure that the Aboriginal Plan of Management for the Soldier Point area can move forward to a successful conclusion with minimal delay..

Please advise me directly if we can rely on Council to extend the submission period.

Thank you
Colin Howard
President
Soldiers Point Community Group Inc.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the Soldiers Point Community Group Inc.

 Please consider the environment before printing this e-mail.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

SPCG submission on PSC2012-02935 Draft Aboriginal Place Plan of Management Soldiers Point

29th May 2015

For the attention of the General Manager
Port Stephens Council
council@portstephens.nsw.gov.au

Re: PSC2012-02935 Draft Aboriginal Place Plan of Management Soldiers Point

Executive Summary:

This submission is made on behalf of the members of the Soldiers Point Community Group Inc. and refers to the draft Plan of Management of Aboriginal Places at Soldiers Point, NSW.

Council staff first engaged with our group on this matter in January 2015, when staff discussed this proposal and sought input on the best process with respect to Community Engagement.

The idea that this proposal should be seen as a layer of interest focused on Aboriginal place heritage was one that we understood and accepted. We saw this plan as a way of identifying places of significance and expected that the draft plan would reflect that overriding objective.

When the draft plan was released for public feedback we were surprised to see a number of other activities, included in the plan. Many of these have a right-full place in a master plan for Soldiers Point, but they seem out of context within an aboriginal claims for recognition.

This view was cemented after our members attended the briefing session on the draft plan.

Present were representatives from the aboriginal community, OE&H and Port Stephens Council. Comments made at that meeting by Council management leads us to believe that extraneous elements have been placed within this aboriginal place claim, so that they could be actioned without further community consultation.

Some of these elements are totally unacceptable to the local Community and need to be removed from the aboriginal claim plan.

The aboriginal claim component of the gazetted plan has our support, with a number of minor adjustments which we identify further in our response.

We do not support the draft plan in its current form as it also includes a number of other elements which do not relate to the aboriginal claim.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC EXHIBITION (REDACTED).

SPCG submission on PSC2012-02935 Draft Aboriginal Place Plan of Management Soldiers Point

Submission Detail.

Introduction:

The comments made here are a summary of those received from our members. They will be presented by making reference to the focus areas mentioned in the gazetted Draft Aboriginal Place Plan.

The Soldiers Point Community Group supports the Soldiers Point Aboriginal Place Plan of Management with the following comments, which we hope Council will include in the final plan.

Area 1 – North Easter Foreshore

This area includes an informal, walking track along the foreshore. We believe that this track should be upgraded and incorporated into some form of aboriginal education walking trail that would link all the foreshore focus areas.

This area is regularly maintained by the local Landcare group. The plan should recognise this maintenance activity as it has the potential to attract a group of volunteers on a regular basis.

Area 2 – Everitt Park

This area has fallen into disrepair and is little used by the general public. The Plan of Management should make it clear who is responsible for maintenance of the area and any aboriginal significant elements with this precinct. Any plans for this park with respect to the aboriginal claim should recognise that there is a significant risk to the public from storm damage.

Council, when it agreed to fund the upgrade to the adjacent Thou Walla Resort, was informed by local residents of this potential. The storm in April 2015 added weight to our previous advice, when the majority of the tents erected by Council were destroyed by falling trees and flying debris.

Everitt Park has the same potential so Council should consider how it will meet its duty of care to the public if the aboriginal place claim for this area is approved.

Area 3 - Car Park and Boating facilities

There is no relationship between issues, such as car management or the need for an additional boat ramp, and the aboriginal place claim.

These items should be removed to the overall Master Plan of Management for Soldiers Point and subject to separate scrutiny and community feedback.

Area 4 - Western Foreshore

This area is of particular significance to our local Community.

The area used to consist of a sloping, sandy, beach used by locals and tourist alike. It is clearly an area of importance to this aboriginal claim, as it was from this beach that the local aboriginal people are reported to have hidden their children from missionaries. They hid them on Dowardee Island so that their children would not be removed from their clan and families.

This area is also significant to the non-aboriginal community.

Since the construction of a concrete slab at the Soldiers Point Marina in 2004, the sand from this beach has migrated into the adjacent Soldiers Point Marina slipway. The sand is then regularly, removed and used as land-fill. Although this practice is illegal; and has been reported to authorities, including Council, the SPCG has been unable to get any agency to accept responsibility for stopping this action.

Page 2 of 4

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

SPCG submission on PSC2012-02935 Draft Aboriginal Place Plan of Management Soldiers Point

This highlights the problem of foreshore management in areas such as Focus Area 4.

Council is responsible for the foreshore; NPWS is responsible for our marine park, RMS for the waterway, EPA for marina pollution management, LPI for overall land ownership, etc. Any attempt to get a whole of Government approach to managing the boundary between the aboriginal claim and the waterways will run into the same problem, i.e. "it's always some other departments responsibility."

Our Group tried for years to have the problem of erosion management in the focus area 4 addressed. We were unsuccessful and the result is the rock strewn beach below the "Thou Walla Resort" and the Soldiers Point Yacht Club.

The draft Aboriginal Plan of Management needs to recognise the reality of managing this boundary location and should include a clear definition of which entity or agency is responsible for what area so that aboriginal and other general public interests are protected.

In addition, there is a need to maintain continuity of access along this foreshore. It should be noted that Council is currently seeking to change the zoning of a section of Focus area 4 from Community to Operational. This proposal has been supported by Council, in part, as recognition that a section of this area has, since 2000, been used by Clippers Anchorage Pty Ltd for operational purposes without approval or license from Council. Council's plan is to address the illegal use of this area of foreshore reserve by converting a section into operational land so that it can be leased or possibly sold to the operator of the local marina.

Under the terms of the rezoning proposal, there is an option to sell the land in question. This change could be made simply by the signatures of the Mayor and GM of Council, without further reference to Councillors or the Community.

Any Aboriginal Plan of Management should recognise this potential loss of control of this area and include some form of legal protection to ensure that this land cannot be sold.

In addition the PoM should identify who would be the beneficiary if any part of the focus areas is sold in the future. Will the revenue flow to the aboriginal or general community?

The proposal to undertake a study of tidal and subsequent sand movement, as proposed in the draft plan, should be removed.

Firstly because Council has already undertaken a report (Umwelt 2006) on this subject, and it has never actioned that report.

Secondly the Estuary Management Committee is only an advisory body – it cannot undertake any work on such a topic.

Once again we make the point that this kind of comment should not be included within an Aboriginal Plan of Management.

Area 5 - Western Holiday Park.

The comment regarding tree management needs to reflect the lack of management of trees in this area, as evidenced by the damage caused by a recent storm. Council was advised of the by our Community of risk of damage, when it agreed to fund the "Thou Walla" resort tents. This area was, and still is, prone to severe storm damage. Council should ensure that any change to this area associated

Page 3 of 4

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

SPCG submission on PSC2012-02935 Draft Aboriginal Place Plan of Management Soldiers Point

with this plan of management is covered by suitable Insurance in the event that future storm damage caused injury or death to park users.

Area 6 – Eastern Holiday Park & Hall

See our comments on tree management above and remove car management item from draft.

Area 7 – Yacht Club

This club is regularly used for large gatherings. The Plan of Management should not require pre-approval for such gatherings.

Area 8 – Tennis Courts

SPCG members have had discussion with aboriginal stakeholders to this claim.

They made it clear that their claim refers only to the land within the Tennis Court area however various maps included in the draft plan refer to the whole of Spencer Park.

The proposal to include Spender Park is unacceptable and this section of the draft plan should be changed to reflect only the aboriginal claim over (actually under) the Tennis Courts.

Additional elements included by Council with respect to parking should be removed to a master plan, which, when updated, will be subject to the normal process of public engagement and feedback.

Council appears to have added elements into this focus area, without reference to the aboriginal applicants or to our previous comments on parking in this area. The JRPP rejected parking at Spencer Park on that occasion.

Soldiers Point: Master Plan.

This section of the gazetted Soldiers Point Aboriginal Place Plan of Management should be removed.

End of Submission

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 6

From: Nigel Waters <planning@trra.com.au>
Sent: Wednesday, 13 May 2015 6:22 PM
To: Steve Bernasconi
Cc: Jason Linnane; Penny Amberg; Peter Marler; Tim Crosdale; Wayne Wallis
Subject: Soldiers Point Draft AP PoM - wider lessons about process

Steve

I am aware that you have given the Soldiers Point Community Group an extension of time for a submission on the draft Aboriginal Place Plan of Management (PoM).

While TRRA has been working towards the notified deadline of 15 May, and has a nearly complete submission, we would like to also now take a little longer before submitting. This is because we have become aware that some interested parties (not only SPCG but also a number of flora and fauna preservation and landcare groups) have only recently become aware of the consultation and/or its full significance, and we would like to consider issues that are now raising before finalising our own submission.

I suggest that the problem has arisen partly because of the 'labelling' of the consultation as being primarily about the proposed Aboriginal Place when in fact the draft PoM is a much more general plan of management and land use for the entire tip of the peninsula, and including parking proposals which are of significance to a much wider area including residential and commercial areas at the northern end of the peninsula.

Many members of the public, and even some community groups, would not necessarily have realised that a consultation 'labelled' as about aboriginal heritage included issues of general interest such as use of and access to public land, traffic and parking. Captioning Figure 7 in the consultation document as 'Soldiers Point: Master Plan' (unqualified) appears to have added to the confusion about the nature of the current exercise.

We appreciate that you needed to follow certain consultation and notice requirements in relation to the proposed Aboriginal Place, and existing area of Aboriginal cultural significance – as you explained at the 'drop-in' session on 2 May, what you are attempting is a pioneering and complex 'joint' exercise with OEH, and we understand that this presents some real challenges.

Nevertheless, in retrospect, it might have been useful to have simultaneously, or jointly, advertised the draft PoM as in effect a general master plan for land use, traffic and parking for the northern tip of Soldiers Point. That of course would have opened up the question of the boundaries of the planning area, but one of the points we will be making in our submission is that those boundaries in any case appear somewhat arbitrary – in particular the inclusion of Area/Zone 8 (Spencer Park), but not surrounding streets which are affected by traffic and parking associated with the Council owned land.

It might also raise questions about allocation of responsibility for 'area plans' within Council – they are typically handled by the Strategic Planning section, but in this case the emphasis on Aboriginal cultural heritage appears to have 'located' the exercise in another part of Council. This perhaps highlights the importance of internal communications, and of appropriate composition of project teams.

I offer these observations partly as a pointer to the way in which future area plans might be managed, and how consultations might be more clearly advertised to reduce the perennial problem of interested

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

stakeholders only arriving 'late to the party', and feeling left out, with only limited time left even within generous exhibition periods.

Reverting to my original point, can I take it that you will be happy to receive our submission a little later than this Friday?

Thanks

Nigel Waters
planning@trra.com.au
02 4981 0828 and 0407 230342
www.trra.com.au

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Page | 1



28 May 2015

The General Manager
Port Stephens Council

**Re: PSC2012-02935 - draft Soldiers Point Aboriginal Place Plan of
Management**

This is a submission by Tomaree Ratepayers & Residents Association Inc.
(TRRA) on the draft Soldiers Point Aboriginal Place Plan of Management.

Public exhibition and consultation

We firstly commend Council on setting a new high standard in relation to public consultation, with detailed information available, including a newsletter and FAQs, and a helpful 'drop-in' session on 2 May at the Community Hall. However, the consultation was flawed in that while it was promoted as being primarily about Aboriginal Heritage, the Masterplan is in effect for land use, traffic and parking more generally. It is clear that many interested members of the public, and community groups, only belatedly became aware of this wider significance. We welcome Council's willingness, when this was pointed out, to extend the consultation period, but this does not fully compensate for failure to advertise and otherwise promote the consultation as being about the wider future of the tip of the peninsula, not just about protection of Aboriginal heritage. Further confusion was created by the captioning of Figure 7 on pages 62-63 as 'Master Plan' and 'Soldiers Point : Master Plan' without any qualification that it is 'only' a Master Plan specifically for the purposes of an Aboriginal Place Plan of Management.

We have already passed on to staff a minor but significant criticism of the size of the draft Plan pdf file, and the difficulties and cost implications of the very 'glossy' plan format. What works well on paper, and for viewing online, does not always work for interested parties needing to print copies – we suggest providing the draft plan in more easily handled smaller part files, and also providing 'no frills' versions with the main text and key plans that can be printed at lower cost, preferably in black and white or grey-scale. These suggestions apply to all future Council exhibitions/consultations.

We note that the Council notice explains that 'redacted version (s) of ... submission(s) may be made public'. TRRA would like our submission to be made public in full, and as a matter of principle urges Council to routinely publish



A: Po Box 290, Nelson Bay 2315 **T:** 4981 0828 **E:** planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 2

all submissions in full unless the submitter can make a case for confidentiality.
We note that Council's policy in this respect remains confused and inconsistent.

The standard wording about DA submissions in the weekly Council notice contains two statements about access to information:

'The Government Information (Public Access) Act 2009 (GIPA) applies to Council. All submissions received are considered to be 'open access information under GIPA and will therefore be made available to members of the public.'

but also

'Please note that the Freedom of Information Act applies to Council. Under this Act, information held by Council may be released upon application by members of the public. Council will not consider your submission confidential, and may reproduce it in part or in whole'.

Apart from the fact that the second statement should also refer to the GIPA Act, which replaced the FOI Act in 2010, both statements clearly warn persons making submissions that they may be made public. We believe that this is the correct approach for Council to take, in support of transparency and accountability objectives, although the notice should be rationalised for clarity.

The current wording used in (some but not all) notices of policies etc. on Public Exhibition is inconsistent with the notice relating to DA submissions, and in our view is both misleading as to potential access under the GIPA Act, and contrary to best practice.

Complexity

We acknowledge the complexity of this particular exercise in which Council is trying to simultaneously meet the requirements of at least two separate pieces of legislation and combine two 'plans of management' into a single document. It took personal explanation by staff at the drop-in session to clarify Council's intentions, which could perhaps have been better explained in the draft Plan. It was not clear, for instance, whether the need for a plan of management was contingent on a successful application for designation as an Aboriginal Place. We now understand that it is not dependent on designation – an updated management plan is required in any case for the area as an existing place of cultural significance. We assume that if the application for designation as an Aboriginal Place is not successful, the plan of management could still be adopted and implemented as a successor to the 2004 plan.



A: Po Box 290, Nelson Bay 2315 T: 4981 0828 E: planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 3

Objectives

We support the objective of protecting and promoting Aboriginal cultural heritage, as far as possible in accordance with the wishes of the local Aboriginal community. We note from the draft Plan that there are different views within the Aboriginal community, as there are in all communities. We hope that the extensive consultation processes around this Plan will result in proposals which reconcile any differences to the satisfaction of those involved.

TRRA also sees the Plan, and the prospective designation of an Aboriginal Place, as an important opportunity to increase public awareness and understanding of the Aboriginal cultural heritage both of Soldiers Point and of the wider Tomaree area.

However, it is unclear what the precise effect of designation would be in terms of restrictions on land uses, infrastructure works vegetation management etc, and/or processes required for approval of any changes in use or new works. We question how workable it would be if the entire area subject to the Plan of Management – including boat ramps, car parks and recreational facilities, became subject to stricter controls or approval processes.

Issues

Areas included

We note that Council has chosen to include the Spencer park/reserve at the corner of Ridgeway Avenue and Soldiers Point Road, which includes tennis courts, in the draft Plan (Area/Zone 8) even though it is not within the boundaries of the existing area of cultural significance (or the 1999 and 2004 Plans) or within the proposed 'Aboriginal Place' (nowhere in the document is the precise area covered by any proposed application for an Aboriginal Place declaration explained).

The draft plan states that 'While the whole of the site has been considered as having cultural significance to Aboriginal people, the individual identified areas of significance (from previous studies) are outlined in Section 4 and Figure 5' (page 9). We can see no specific reference in Section 4 or Figure 5 to any particular site of significance in Area/Zone 8. The table in Section 4 includes an entry for Focus Area 8 relating to management and protection of Aboriginal Heritage significance (page 46) but this is common to *all* Areas/Zones and no evidence is provided for any such 'significance' in this particular Area/Zone.

We cannot therefore see the justification for including Area/Zone 8 in the draft plan. To the extent that the inclusion has allowed a proposal to be made for additional parking in the Area/Zone, the same argument could be used to justify inclusion of an even wider area. To the extent that the wider Soldiers Point area



A: Po Box 290, Nelson Bay 2315 T: 4981 0828 E: planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 4

has Aboriginal cultural significance, then a better justification is needed for inclusion of Spencer Park but not other areas.

The only reason we can see for inclusion of Spencer Park (Area/Zone 8) in the draft plan is that it is Council owned land. This cannot however be the sole basis for inclusion in an Aboriginal Place Plan of Management. Council could set out to develop a plan for all Council owned land in the area, or an overall traffic and parking plan for the northern tip of the peninsula, and we would welcome either or both – but this is not how the current consultation has been labelled or promoted.

We submit that Council should withdraw Area/Zone 8 from the current draft Plan, and deal separately with the wider issue of traffic management and parking.

If Council persists in including Area/Zone 8 in the Plan, we have concerns about the design and use of proposed parking spaces which we set out below.

Land categories – core objectives

The draft Plan identifies four categories of land within the Plan area:

- Park
- Natural Area – Foreshore
- Sportsground
- Area of Cultural Significance

We agree with the core objectives specified for each of these categories, while noting that there may be some unavoidable tensions between them, particularly in light of existing uses. (If our submission concerning removal of Area/Zone 8 (above) is accepted, the Sportsground category would be redundant).

Focus/Management Areas

TRRA has comments on some of the areas, as follows:

Area 2 Everitt Park

We understand that this area (and the adjacent Area 1 – Northeast Foreshore is partially maintained by local volunteers through the Soldiers Point-Salamander Bay Landcare Committee. This Committee has received substantial funds from OEH for the Benapi Point Corridors Restoration Project and is spending a large amount of money each year in this area. It has its own plans for three zones making up the area which it knows as Everitt Park, which includes what in this draft plan is designated separately as Area 1 – North East Foreshore. It seem to be a major omission that there is no reference in the draft Plan to the Committee, the Benapi Point project or the existing landcare activity, and particularly



A: Po Box 290, Nelson Bay 2315 **T:** 4981 0828 **E:** planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 5

surprising given that OEH is involved in both initiatives. Council should ensure that the views of the Soldiers Point-Salamander Bay Landcare Committee are sought and taken into account.

Area 3 Car Park and Boating facilities (and access road)

The draft Plan canvasses the possibility of additional parking along the access road from the end of Mitchell St to the boat ramp car park, between Everitt Park (Area 2) and the North-Eastern Foreshore (Area 1).

TRRA understands that the terrain means that the provision of additional parking along the access road would be very difficult, potentially damaging to mature vegetation in Area/Z one 1 to the north east, and potentially hazardous to pedestrians and cyclists.

Safety of pedestrians and cyclists is a major consideration in this area – the current access road can be quite dangerous, with poor sight lines. We suggest both a separately marked footpath/cycleway (similar to that around the headland between Fly Point and Little Beach) and an appropriate low speed limit.

Area 4 Western Foreshore

This area includes the public access from the end of Ridgeway Avenue to the beach, which we understand was secured when Council resolved in 2014 to re-classify and rezone Council owned land including part of Area 4, and to license some of that land to the Soldiers Point Marina. I refer to our letter of 18 October 2014 (attached) expressing our conditional satisfaction with the ultimate outcome of this process (which we understand is still pending).

We submit that the Plan of Management should expressly confirm the availability of public access to Sunset Beach north between the Marina operation and the Yacht Club. It should also provide for better signage to encourage use of the link, which is currently not obvious as public access to the foreshore. The Plan should also confirm Council's assurances that despite pending re-classification of some of the Council owned land in the area from community to 'operational', there is no intention to compromise community access to any of the land within the Plan area (other than limitations associated with the Holiday Park). To the extent that it is proposed to allow commercial uses on land re-classified as 'operational' this should be made clear in the Plan. The relationship between the proposed licence of land east of the Marina to the Marina, and arrangements for Yacht Club parking also needs to be clarified.

Area 5 Western Holiday Park

We understand that the recent storm (20-22 April) resulted in significant damage to the new eco-tents. Given that this part of the park remains heavily treed, there



A: Po Box 290, Nelson Bay 2315 T: 4981 0828 E: planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 6

must be outstanding questions about the safety of the area for camping, and this may in turn have an effect on the viability of the Holiday Park. TRRA has continuing reservations about the management of Council Holiday Parks and the transparency of their finances. We submit that the way in which the Plan of Management deals with the Holiday Park (Areas 5 & 6) needs to be realistic about the long-term future of accommodation facilities within the Park.

We also have concerns about any limitation on public access to this area. We note that recent fencing has cut off public access between this part of the holiday park and the Western Foreshore. This may be connected to the change in management contract and rebranding of the park as 'Thou Walla', neither of which was sufficiently transparent. It has until now been possible for the public to enjoy the wooded western part of the holiday park and this access has coexisted happily with tourist use including camping. We can see no justification for cutting off public access to this area – effectively privatising a public asset – particularly when the area includes specific sites of Aboriginal cultural significance which the Plan otherwise seeks to promote as well as protect.

Area 6 Eastern Holiday Park and Memorial Hall

We support the need to formalise parking for the newly re-furbished Memorial Hall, which is an important community facility and likely to be well used. Parking immediately to the south of the Hall needs sensitive design and landscaping, and would be supplemented by proposed parking bays in Area 8 (but see our comments on this below).

Area 7 Port Stephens Yacht Club

This area is restricted to the very limited area of land leased to the Yacht Club and occupied by the current building – it does not even include the access and current parking which are part of Area 4 - 'Western Foreshore'.

Given that this land apparently abuts a site (burial area) identified as of specific Aboriginal significance, and that the Yacht Club's lease expires at the end of June 2021 – only 6 years off – we are surprised that the Plan has not given more consideration to the future of the Yacht Club. We understand that the previous (current) plan canvassed the possibility of a re-location to a site further north.

We submit that Council should include in the Plan options for the future of the Yacht Club, which appears to be a valuable and well-used community facility.

The Plan should also formally acknowledge the use of part of Area 4 for Yacht Club parking and clarify the extent to which this parking is dedicated to the Club (and on what terms) as opposed to being available for general public use. As already noted above, the relationship between the proposed licence of land east



A: Po Box 290, Nelson Bay 2315 **T:** 4981 0828 **E:** planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 7

of the Marina to the Marina and arrangements for Yacht Club parking also needs to be clarified.

While the Yacht Club remains in its current building/location, we can see no justification for cutting off access to the Western Foreshore and Western Holiday Park (Areas 4 & 5) – see our comments above about the effective privatisation of the Western Holiday Park by recent fencing. Free public access between these three areas (4,5 & 7) is in the public interest to promote enjoyment of the public land and we cannot see any incompatibility of uses that would justify separation. We submit that the Plan should re-affirm public access between these three areas.

Area 8 Tennis Courts (and park/reserve)

We have already submitted (above) that this area should be withdrawn from the draft Plan.

If Council persists in including this area, we have some concerns about the design, and use of any additional parking.

The draft Plan canvasses the prospect of constructing formal parking bays along the Soldiers Point Road frontage of the park/reserve. It was explained at the drop-in session that the current footpath along this frontage and some of the reserve itself is actually located on the road reserve, so that construction of parking bays would not legally involve an alienation of any of the park. These proposed works would however require a new footpath within the existing park. However, at the southern end parking spaces would likely require the removal of three reasonable sized trees. This would adversely affect the amenity of the park (including shade) and we therefore submit that if any parking was to be provided it be limited to the northern end of the Soldiers Point Road frontage.

Some additional parking may be acceptable, subject to further consultation on detailed designs, and with associated enhancements to park furniture and facilities. We are aware of concerns that design standards for 90 degree or angle parking may leave insufficient space around the childrens play equipment and otherwise adversely affect the amenity of the park. It has also been questioned whether, given these constraints, there would be any net advantage over the existing parallel street parking and that any expenditure would therefore be wasted.

TRRA would also be very concerned if any new parking in the area was 'taken up' by the commercial Soldiers Point Marina operation, which already has a deficit of parking required under conditions of previous planning approval, and which generates traffic volumes which cause significant parking congestion in the entire peninsula area. These issues were extensively canvassed in the recent



A: Po Box 290, Nelson Bay 2315 T: 4981 0828 E: planning@trra.com.au

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Page | 8

DA for a marina expansion, which was refused by the Joint Regional Planning Panel in 2014.

We submit that this Plan of Management should not address the issue of parking. A separate traffic and parking study should be conducted for the northern tip of the peninsula. One essential outcome of such a study would be the provision of assurances that any new parking provided at ratepayers' expense would not regularly be 'taken up' by clients of neighbouring commercial activities – particularly long term users of the marina. Many members of the general public drive to this area to enjoy the park, foreshore walks and magnificent views, and they must not be denied the benefit of any new parking. The attraction of this area to the general public will only increase with greater recognition of the Aboriginal heritage. There may be ways of managing this issue through parking restrictions – these should be canvassed in a separate Plan.

We look forward to the next stage in this process, which will hopefully see Council respond to some of the concerns raised in this and other submissions. This can be a valuable initiative, but it is clear that more time and thought needs to go into achieving an outcome acceptable to all interested parties.

**Nigel Waters, Convenor, Planning Committee
Tomaree Ratepayers & Residents Association Inc.
0407 230 342 planning@trra.com.au**



A: Po Box 290, Nelson Bay 2315 **T:** 4981 0828 **E:** planning@trra.com.au

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

PORT STEPHENS COUNCIL
116 ADELAIDE STREET
RAYMOND TERRANCE 2324

Submission 7

SUBJECT - CHANGE TO PARKING ALONG
SOLDIERS POINT RD ALONGSIDE SPENCER
PARK BETWEEN RIDGEWAY AVENUE AND
RESTHAVEN AVENUE ADJACENT TO TENNIS
COURTS.

DEAR SIA, I have been a Rate Payer in Soldiers
Point for [REDACTED] years and a Tennis player for
many years so I am very aware of the small
amount of vehicle areas alongside Soldiers
Point Road.

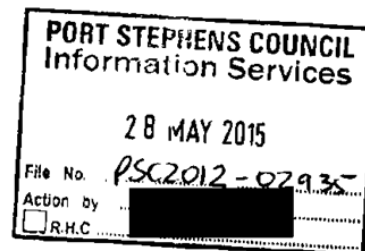
In March 2013 I raised my objection to
Council debating 90° Parking on Soldiers Point
Road.

My reason for objection to the 90° Parking
again is Spencer Park is the only Park in
Soldiers Point for many Parents with young
children living in the area plus tourists in
the caravan Park their children ~~playing in~~
the Park. The Park is used every day so it
is very important to leave the Park as it's
been.

90° Parking will only cause more congestion
with so many extra cars backing & filling
onto & leaving Soldiers Point Road.

I declare I have not made any reportable
Political Donations to any Parties or Political
Candidates in the last 2 years (including
Donations of or more than \$1,000)

yours faithfully



ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 8

The General Manager

Port Stephens Council

P.O.Box 42

Raymond Terrace NSW 2324

council@portstephens.nsw.gov.au

13th May 2015

Reference PSC 2012-02935 Soldiers Point Aboriginal Place Plan of Management.

I wish to object to the proposal in its current form.

Our Family has owned property in the area for more than [REDACTED] years, and as such have no objections to the Aboriginal significant areas, but this plan should be separated from other areas

Spencer Park has no Aboriginal significance and seems to be included only as a way of trying to fix the PARKING SHORTAGE which has occurred due to POOR PLANNING in the past.

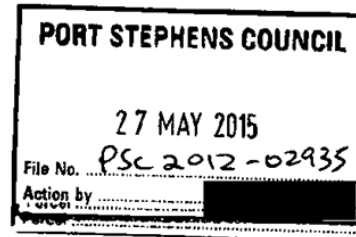
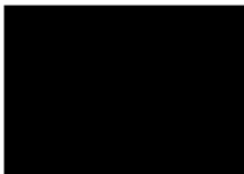
The PARKING SHORTAGE could be solved very easily by using No 2 Sunset Boulevard as FREE PARKING, instead as PAID PARKING.

No letter box drop was done in my area and as such I feel MANY RESIDENTS were not aware of the meeting held at the Community Hall on 2/5/2015. Some Notices were placed on the Toilet Block in Spencer Park. This was not enough for the majority of people in the area.

The Soldiers Point Tennis Club has over 100 Members and the 3 Courts are used on most days, and Coaching Classes are run on several days a week. The idea of taking some of the Park for Parking is absurd.

I declare that I have not made any reportable financial donations to political parties or political candidates.

Yours faithfully



ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 9

The General Manager

Port Stephens Council

PO Box 42, Raymond Terrace NSW 2324

council@portstephens.nsw.gov.au

Dear Mr. Wallis,

RE: PSC2012-02935 – Aboriginal Place Plan of Management – 2015

Having just returned from interstate I regret that I have not had the opportunity to read the original documentation on display. As a long term resident of Soldiers Point frequently interstate I am frustrated by Port Stephens Councils' policy of not making documentation electronically available when the capability exists.

However, I have received from other residents a comprehensive briefing of what is contained in the documentation and I believe I have sufficient information to make the following points.

1. It is incorrect of Council to package together an Aboriginal Place Plan of Management (APPoM) with a Masterplan for Soldiers Point (MfSP). I doubt the Office for Environmental Heritage, co-promulgator for the APPoM would endorse such a strategy as in my opinion it increases the chances of failure of achieving community endorsement. My view is sympathy for the APPoM and rejection of MfSP.
2. The APPoM is a precursor to the MfSP. The attempt of treating these two separate issues concurrently has confused the Community and has resulted impressions of overlap where they do not exist. Focus Area 8 (Spencer Park) is a clear example. This alone means I reject PSC2012-02935.
3. Some of the proposals within MfSP are very significant for the future of the permanent Community of Soldiers Point. Issues of such magnitude should receive much more Community involvement than appears to have been the case to date. One face-to-face opportunity, advertised as the APPoM is in defiance of transparent consultation with the Community when viewed from the MfSP perspective. I believe the MfSP would attract much greater participation from the Community, and that has not occurred.
4. For the MfSP to receive my endorsement I would need to be convinced of the following:
 - a. Plans to significantly improve the access infrastructure to Soldiers Point through Salamander Bay and within Soldiers Point, to support such development with all safety issues detailed and addressed.
 - b. Long term independent forecasts that justify the plans of future development, especially those proposed for Spencer and Everitt Parks and the Boat Ramps.
 - c. Assessment of alternative sites and why Soldiers Point has been determined as the best option.
 - d. Community agreement that this is the social direction they want to encourage, rather than external proponents desires being given precedence.
 - e. Compliance with all aspects of the LEP and DCP, as well as all statutory legislation, demonstrated, articulated and documented within the plan.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

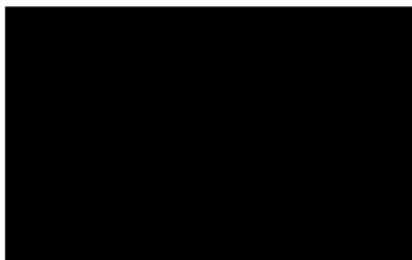
- f. That the plan clearly shows it is not a proxy for addressing private enterprise groups non compliances with the rules and regulations per point e. I am not convinced the parking developments with regard to Spencer Park would satisfy this test, as they are the same as those proposed in a recently JRPP rejected application by Clippers Anchorage Pty Ltd.

Please reject PSC2012-02935 – Aboriginal Place Plan of Management.

I declare that I have made no reportable political donations within the last two years.

Please acknowledge receipt of this submission for consideration by Port Stephens Shire Council.

Yours faithfully,



**ITEM 1 - ATTACHMENT 1
EXHIBITION (REDACTED).**

COPY OF EACH SUBMISSION TO PUBLIC



Soldiers Point Tennis Club Inc.
Ridgeway Av. Soldiers Point NSW

ABN: 44 375 734 069

27th May 2015

The Council
Port Stephens Council

Re: The Soldiers Point Aboriginal Place Draft Plan of Management

I represent the views of the Committee of Soldiers Point Tennis Club (SPTC). The Tennis Club has a Licence Agreement with Port Stephens Council to conduct tennis club activities until 30 June 2017. (Please note the Draft Plan incorrectly shows the Termination Date of the licence to be 30 June 2019 – see page 41).

SPTC has a long history spanning over 50 years in Spencer Park, Soldiers Point. The club has three all weather tennis courts, two of which are regarded by many as the best courts in the Port Stephens area. We have a small and basic clubhouse, and for toilet facilities we use the public ones in the park adjacent to the courts. There is also a practice wall adjacent, which is not part of our licence agreement.

SPTC functions for the purposes of Social Tennis, as well as young person sport and development. The club is growing and vibrant, having over 125 financial members including over 25 Juniors, who play regularly at the courts each week, year round. In addition there are many more players who can book a court and play there for a fee. This usage is especially prevalent at holiday times, when visitors to the Holiday Park increase.

SPTC has no objection to the general thrust of the Aboriginal Place Draft Plan of Management, except for one significant proposal included in it. That is, the proposal to reduce the size of Spencer Park on the eastern side to provide additional car parking.

We object to this proposal on four grounds:

1. The conversion of Community Land (part of Spencer Park) to a Public Road (widening Soldiers Point Rd) in order to provide additional car parking seems to have no place in a Aboriginal Place Draft Plan of Management of the area. The inclusion of this proposal seems to be more related to satisfying the needs of commercial activities at the northern end of Soldiers Point, and unrelated to managing and conserving the Aboriginal Place there. Why is this included in the Aboriginal Place Draft Plan of Management?
2. There is no requirement for additional parking for the tennis club, or other users of Spencer

Postal Address: PO Box 310, Salamander Bay NSW 2317
Email Address: soldierspointtennisclub@gmail.com

**ITEM 1 - ATTACHMENT 1
EXHIBITION (REDACTED).**

COPY OF EACH SUBMISSION TO PUBLIC



Soldiers Point Tennis Club Inc.
Ridgeway Av. Soldiers Point NSW

ABN: 44 375 734 069

Park. The existing parking in Resthaven Av. and Soldiers Point Rd is adequate for all users of the park, including tennis players, users of the playground and picnickers. Tennis players have no difficulty in finding a parking spot in one of these two streets at the perimeter of the Park.

3. The cost of widening Soldiers Point Rd in order to add what would be perhaps 12 extra car parking spaces would approach \$100,000. We believe that not only is this expense unwarranted, but if the Council wishes to spend this sort of money in improving the area, a much better use would be to put it towards a fourth court for the tennis Club and a new Clubhouse Both of these are needed now, but will be urgent in the next two years as Club membership continues to grow as it has in the last two years. Already, our courts-to-members ratio is well below that of, say, Nelson Bay Tennis Club.
4. If additional parking is seen to be required for the future, then for reasons of safety and responsible use of Council funds, upgrading and expanding the 90 degree parking bay in Resthaven Av. would seem to be more appropriate than on Soldiers Point Rd. Upgrading this area would be less costly and could add perhaps 6 car spaces. Resthaven Av. has much less traffic than does Soldiers Point Rd, which at busy times has many cars with boats on trailers passing, as well as visitors and guests to the Holiday Park, and buses. Cars driving out of a 90-degree parking space in front of vehicles towing boats, travelling at 50kph, face a serious safety risk.
5. The proposal to reduce the size of Spencer Park would require removal of a number of large trees in Spencer Park. These trees provide necessary shade for casual users of the park and would be a loss to all users of the Park.

In summary, the Committee of Soldiers Point Tennis Club supports the Soldiers Point Aboriginal Place Draft Plan of Management, with the exception of the proposal to create 90-degree parking on Soldiers Point Rd. We object to this proposal.

Paul McQuarrie
President
Soldiers Point Tennis Club

Postal Address: PO Box 310, Salamander Bay NSW 2317
Email Address: soldierspointtennisclub@gmail.com

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 11

From: Steve Bernasconi [REDACTED]
Sent: Tuesday, 12 May 2015 12:32 PM
To: [REDACTED]
Cc: Jason Linnane; Wayne Wallis; Cr John Nell (SMTP); Cr Geoff Dingle (SMTP); Sarah Eggin
Subject: Request for 28 day Extension of Submission period for proposed Soldiers Point Aboriginal Place Plan of Management.

Dear Ms Armstrong

Mr Wallis and I have discussed your request for an extension to the submission period for the draft Soldiers Point Aboriginal Place Plan of Management.

The draft Plan of Management has been on public exhibition since 1 April 2015 for a total of 45 days ending Friday 15 May 2015.

However, given your groups interest in the plan and to ensure thorough consultation with the community has occurred, an extension for your group to prepare submissions is granted until 5pm Friday 29 May 2015.

Any extension beyond this point places significant constraints on the ability for submissions to be properly reviewed, final amendments made to the draft plan and reporting to Council by 11 August 2015 – a date that was agreed to with representatives of the local Aboriginal community in December 2014 to ensure the timely assessment of the Aboriginal Place nomination on the lands in question.

I trust that this extension to your group to 29 May 2015 meets with your approval.

sb

Steven Bernasconi
Community Services Section Manager



PORT STEPHENS
COUNCIL

Port Stephens Council

Email: [REDACTED]
Web: www.portstephens.nsw.gov.au

From: [REDACTED]
Sent: Monday, 11 May 2015 12:43 PM
To: Wayne Wallis; Cr John Nell; Cr Geoff Dingle
Subject: Request for 28 day Extension of Submission period for proposed Soldiers Point Aboriginal Place Plan of Management.

Dear Mr Wallis,

The Soldiers Point Community Group Inc., Environmental Sub Committee request an extension to the submission period for

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

the proposed Soldiers Point Aboriginal Place Plan of Management on the grounds that the inclusion of the new Soldiers Point Draft Plan of Management 2015 depicts significant changes to Everitt Park and Spencer Park which go way beyond the terms of reference in the Draft Aboriginal Place Plan Management which is scheduled to be reported and tabled at the ordinary council meeting of 11 August 2015.

Neither the PSC leaflet drop or the notice in the Port Stephens Examiner of 30th April made mention of these changes and consequently the community require time to properly assess this document in accordance with the provisions of the community consultation process.

Your urgent attention to this matter will be appreciated.
Yours faithfully'
E.J.Armstrong
SPCG Env.Sub-Committee



ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

The General Manager

Port Stephens Council

PO Box 42, Raymond Terrace NSW 2324

council@portstephens.nsw.gov.au

Dear Mr Wallis,

RE: PSC2012-02935 – Aboriginal Place Plan of Management - 2015

Initially the Environmental Sub Committee of the Soldiers Point Community Group Inc. (SPCG) was in favour of the Soldiers Point Aboriginal Place Plan of Management, (The Plan) believing that the recognition of areas of Aboriginal Significance would protect Aboriginal Heritage sites, whilst protecting the vulnerability of the peninsular from indiscriminate development. Sadly, that is not the case.

This objection is made on the basis that the Soldiers Point Aboriginal Place Draft Plan of Management:

1. Seeks to engage in activities that could harm an Aboriginal Place and the associated cultural values by proposed major landscape changes, modification of open space and the clearing of trees.
2. Is contrary to the ministerial direction under the Coastal Protection Act 1979-No.13, Section 38(1)(b1) that the development shall not, in any way, *"be inconsistent with the principles of ecologically sustainable development"*.

It is believed that the proposed further encroachment of both Everitt Park and Spencer Parks in order to create additional car spaces in Soldiers Point will have a deleterious effect on the cultural and environmental integrity of the area.

Focus Area: 1 is described in the Plan as 'Foreshore and Cultural' and includes an Aboriginal Shell Midden located on the northern point of Soldiers Point. This coastal area is part of the Great Lakes Marine Park and is listed as a Habitat Protection Zone. The land is also subject to State Environmental Planning Policy No 71 – Coastal Protection, and is currently managed by Landcare under a Government Grant titled the Benapi Point Restoration Project.

This north eastern aspect is subject to buffeting winds and is steep and densely wooded. The Australian Standard for Protection of Trees on Development Sites AS 4970-2009, highlights the specific protective measures that need to be undertaken. It considers amongst other things the possible impact of compaction by road works, laying of pavements, root damage and changes through drainage patterns.

The Tree Protection Zones (TPZ) govern the distance by which a tree may be encroached upon including potential loss of root mass resulting from the encroachment. The TPZ is a combination of the root area and crown areas requiring protection. There is evidence that the roots of trees on the access road are already exposed and any form of construction on these roots will inevitably mean the loss of the trees resulting in the destabilisation of the bank and erosion of the foreshore.

1.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).



Focus Area: 1 – North Eastern Foreshore

These same comments equally apply to the trees in Spencer Park and to those which have already been impacted on Ridgeway Avenue close to the Marina where it is evident that Council has allowed car parking to encroach upon trees and, controversially, on areas of Aboriginal and archaeological significance.

The Aerial photograph, pg.17 of the document, courtesy of Newcastle City Library, identifies trees and vegetation bordering the peninsula which offered protection from buffeting winds and prevented erosion of the foreshore. Inappropriate land based development and clearing over the last decade has resulted in the damage experienced in recent storms. As a result of climate change, more extreme weather is forecast making it more important to protect the existing trees and vegetation especially on lands categorized as foreshore.

Focus Area: 3 - Car Park and Boating Facilities

Land based development is the prime cause of marine degradation and sedimentation, ultimately affecting the Marine Environment. It is one of the major causes of shoreline erosion and a hazard to estuary health through run-off from large expanses of sealed areas.

2.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).



Focus Area: 3 – Car Park

Photographs of **Focus Area: 3** were taken at 10am on a Saturday morning when it can be seen that the car park is virtually empty. Council is relying on a generic survey of a number of boat ramps in the Hunter Region where it is acknowledged that *“there is limited land available to expand parking at many sites”*. This does not support Council’s claim that this *“highlights the need for an additional boat launching lane at this facility.”*

It is hard to comprehend that the boat ramp and car parking can be described on pg. 52 of the document as “Maintenance/Minor works”.

As part of the Better Boating Program Grants (BBP) Council has already received amounts over \$200,000 for the present configuration of boat ramps. It is unlikely that the Port Stephens Council could expect to be the recipient of additional funding when other areas are as equally deserving.

The construction of an additional boat ramp would impact on the shoreline and interfere with the tidal process in an area where Council proposes replenishment and restoration of the bank.

This being the case, the requirement for additional car parking spaces in Focus Areas 1 and 2, and additional boat launching facilities located within Everitt Park, cannot be justified. 3.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).



Focus Area: 3 – Effect of Run-off from hillside creating a sink hole on re-claimed land.



Focus Area: 3 – Run-off from hillside

Focus Area: 5 – Western Holiday Park

Unrestricted car parking in Ridgeway Avenue has severely impacted trees to which the TPZ applies and it is something of a disgrace that whilst these trees are supposedly protected, this damage is allowed to continue. 4.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).



Focus Area: 5 – Western Holiday Park



Ridgeway Avenue

This once wooded and densely vegetated natural and significantly cultural area (AHIMS Midden) Figure 3: pg.20 of the documents, has been significantly harmed by the removal of vegetation and by the construction of Council provided car parking spaces within the site. Car parking in this area is one of the most damaging environmental aspects and should be restricted to authorized designated parking areas north of Sunset Boulevard.

5.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

In consideration of the evidence of current hazards and the potential for future harm to the coastal environment and the potential harm to areas of Aboriginal Significance, the proposal for the implementation of additional parking in the areas included in the Plan cannot be supported.

The purpose of the planning instruments is to ensure generational equity. The Plan fails to deliver, it falls outside the terms of reference and must therefore be rejected.

Please acknowledge this submission.

Yours faithfully,

pp SPCG Inc. Environmental Sub-Committee

Elspeth J. Armstrong

Eja.armstrong@gmail.com

26 May 2015

References:

State Environmental Planning Policy No. 71 - Coastal Protection

State Environmental Planning Policy No. 71 - Coastal Protection commenced on 1 November 2002. The policy has been made under the *Environmental Planning and Assessment Act 1979* to ensure:

- development in the NSW coastal zone is appropriate and suitably located
- there is a consistent and strategic approach to coastal planning and management
- there is a clear development assessment framework for the Coastal Zone.

Coastal Protection Package

The NSW Government, in June 2001, announced its \$11.7 million Coastal Protection Package to protect the State's beaches, headlands and other coastal features for generations to come. As a part of this package, planning and development within the NSW Coastal Zone (as declared under the *Coastal Protection Act 1979*) is now subject to:

- a ministerial direction for coastal protection - issued under section 117(2) of the *Environmental Planning and Assessment Act 1979* - see Local Planning Directions
- NSW Coastal Policy
- State Environmental Planning Policy No. 71 - Coastal Protection
- State Environmental Planning Policy (Major Development) 2005, which identifies coastal development that will need the approval of the Minister for Planning.
-

Environmental Protection and Assessment - Act 1979

Local Government Act 1993

National Parks and Wildlife Act – 1974

Port Stephens Council Local Environment Plan – 2013

Port Stephens Development Control Plan - 2013

6.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 12

25th May, 2015

The General Manager,
Port Stephens Council,
council@portstephens.nsw.gov.au

OBJECTION TO DRAFT SOLDIERS POINT ABORIGINAL PLACE PLAN OF
MANAGEMENT PSC2012-02935

Dear Sir,

I wish to object to this plan which I consider has a misleading title. It should have been advertised as a new Master Plan for Soldiers Point because it contains significant changes (one of which was previously overwhelmingly rejected by the community) which are unrelated to aboriginal heritage. (The community are uninformed that this proposal is FAR MORE than just a recognition of aboriginal heritage so are not getting as much opportunity to comment as I consider they have the right to.) Additionally, the Master Plans of 1999 and 2004 (amended) only concern the area NORTH of Ridgeway Ave. There is no justification for the inclusion of Spencer Park in this Master Plan especially when it was not even an area where aboriginal heritage was identified.

I chose to live in Soldiers Point because of the beautiful natural environment - beaches on 2 sides of the point, and lots of trees, birds , and even koalas. I would imagine that the aborigines would also value these things.

Unfortunately the natural environment has been denuded of many trees (especially in the holiday park since the storms) and the "beach" between the marina and boat ramp has been progressively degraded and its bank destabilized. This issue should have addressed long ago before the situation deteriorated so much.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

I also chose to live in Soldiers Point because I thought that Port Stephens Council would be responsible in its use of ratepayer funds. Unfortunately, I have recently seen great wastage of money especially in the conversion of the popular caravan park into what has been for 9 months an EMPTY big tent park, which now has a name which doesn't even mention "Soldiers Point" in it. I think the rebranded park will continue to be a drain of ratepayer money like the park at Samurai Beach.

I have read the whole report and am appalled at its errors and inconsistencies eg. that "Everitt Park is well patronized" - hardly. Also, that "during the Summer months, in particular, the car park is almost always at capacity" - in my observations this is only the case some weekends and public holidays. New car parking is described as 90 degrees yet in another place illustrated as parallel! What a poor misleading report! How could it possibly be taken seriously? It must be rejected.

Additional parking provisions on narrow Mitchell Street are likely to threaten the future of more trees. It seems inappropriate to me why Soldiers Point Marina's extension proposal desiring 90 degree angled parking and taking away community land and trees in Spencer Park (absolutely rejected by an outraged community) has been resurrected by Council. This park is outside the aboriginal heritage concerns and previous Master Plans and must not be touched, or traffic flow be further impeded by 90 degree parking. What a further waste of ratepayers money that would be!

The Marina (not the Council) has the responsibility of providing adequate parking for the clientele it generates. For a start it could remove the boomgate (and fees) to its car park so that it is not so underutilized. Council should devote attention primarily to the denuded "beach" and bank below its holiday park, and trying to attract tourists to its park.

This draft plan should be rejected because it is only superficially about aboriginal heritage, and mainly about unadvertised changes, which would be detrimental because of increased traffic on narrow roads (if another boat ramp was built) and the chopping down of more trees to provide unnecessary parking

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

outside of real peak times. It is also detrimental because of the waste of ratepayer monies that its implementation would entail.

I declare that I have made no reportable political donations that could influence this submission. I await your acknowledgment of this submission. Please reject what I consider to be a ill-founded, tokenistic and misleading Draft Soldiers Point Aboriginal Place Plan of Management.

Yours sincerely,



ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 13

From: [REDACTED]
Sent: Sunday, 24 May 2015 7:02 PM
To: SwitchPC
Subject: Soldiers Point Aboriginal Place Draft Plan of Management

Mr. Steven Bernasconi
Community Services Section Manager,
Port Stephens Council.

Dear Mr. Bernasconi,

As a resident and ratepayer of Soldiers Point for the past [REDACTED] years, I wish to voice my objection to the proposed reduction of Spencer Park for additional car parking adjacent Soldiers Point Road. The park is an important part of our local recreational lifestyle.

To gouge out a large portion of this lovely play area and picnic spot, used by locals and visitors alike, in order to provide additional car parking may, to a degree, cause a safety problem for all who enjoy this facility. The removal of any large trees frequented by koalas who live in this area should also be considered.

Personally, I have no objection to the proposed Aboriginal Place Draft Plan of Management. There is no mention in this Draft Plan regarding the addition of extra parking, therefore I emphasize my objection to any changes to Spencer Park for the purpose of additional car parking.

[REDACTED]



This email has been checked for viruses by Avast antivirus software.
www.avast.com

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 14

The General Manager,
22nd May 2015

Port Stephens Council

PO Box 42,

Raymond Terrace NSW 2324

council@portstephens.nsw.gov.au

ref: PSC 2012-02935

Dear Mr Wallis,

Objection to Draft Plan: Soldiers Point Aboriginal Place Plan of Management in its Current form.

I have been a resident and a ratepayer at Soldiers Point for over a [REDACTED] As such I applaud Council in its attempt to recognize, value and conserve aboriginal heritage in the area and the remaining natural environment of the area so valued by the aboriginal people as well as newcomers to the area.

I am concerned that within this proposal, it appears that Council has attempted to include car parking development that would cause the loss of trees or damage to their footprint that would eventually lead to loss. A mature eucalypt closest to the kerb in Mitchell street has been the nest site for a family of kookaburras for the last 2 years at least.

The area does need management and urgent remediation particularly to the shore on the western boundary of councils holiday park, to my mind currently there is little to attract families to this park as compared to the excellent beaches at Fingal, Nelson and Shoal Bay's. Does Council want value from this asset? I'm sure this ratepayer does.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Any consideration of the area in question that includes the 'regional' boat ramp must consider access to this area. Soldiers Point road is narrow enough in places now when vehicles are parked on each side. The situation in Mitchell Street is ridiculous. When vehicles park on each side of the road as they are allowed to now, only one vehicle of any size can drive through at any one time. No stopping signs, or a resumption of land in front of the large units to create a wider road is urgently required.

I note that some parking proposals consider 90 degree parking on Soldiers Pt Rd and Mitchell St. I think this would be an absolute nightmare and a further disruption to smooth traffic flow to the regional ramp and holiday park.

Thank you for considering my submission. Could you please acknowledge its receipt. I declare that I have made no reportable political donations that would affect this submission.

Yours sincerely,



ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 15

From: [REDACTED]
Sent: Wednesday, 20 May 2015 1:36 PM
To: SwitchPC
Subject: Threat to spencers park, Soldiers Point

I am writing to you in order to object to the proposed 90 degree angle parking at Spencer Park for the reasons listed below.

I am a person who has enjoyed the Park as a child and now have children who use it.

My objection is based on the following:

1. 90 degree angle parking would encroach on the Park and result in the loss of magnificent shade trees.
2. If bays were formed around the trees, there would not be any more space than those provided by the current parallel parking
3. Either of the above methods would reduce Park area.
4. I'm also concerned that this represents increased risk of harm for children from vehicles
5. I'm really unsure why the council would opt for even less green space in favour of concrete. Soldiers Point is becoming barren. perhaps it is time to look at preserving what little green space we have left.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 16

Subject: FW: TRIM: FW: Comment on Aboriginal Place Draft Plan of Management (SPAPM)
Attachments: Feedback form.pdf

HP TRIM Record Number: PSC2012-02935/080

From: [REDACTED]
Sent: Friday, 15 May 2015 4:21 PM
To: Steve Bernasconi
Subject: Comment on Aboriginal Place Draft Plan of Management (SPAPM)

Steve

Attached is the feedback form issued by Council at Soldiers Point Community Hall on 2nd instant.

I have viewed the Soldiers Point Aboriginal Place Draft Plan of Management (SPAPM) & noted on pages 62 & 63 there is a Master Plan that shows additional car parking along the Soldiers Point Road frontage of Spencer Park as well as additional car parking along Mitchell Street within the bounds of Everitt Park. At the Community "face to face" session I was advised that this additional parking will be configured as angle parking. The provision of angle parking in these locations will require the widening of the road reserves & encroachment into both parks. I have also been advised that these two areas of parking have been included so that Council will not have to go to future public consultation when it decides to construct these facilities.

The purpose of this email is to register my objection to the widening of Soldiers Point Road & Mitchell Street. The reasons for my objections are as follows:

1. SOLDIERS POINT MASTERPLAN

A draft Master Plan is shown on pages 62 and 63 on the Plan of Management. This Master Plan shows two areas of road widening for the purpose of providing additional parking. This additional parking was not shown on the plan issued with the letterbox drop and seems to be Council's way of inserting a hidden element to the document. What relationship does this additional parking have with any aboriginal artefacts or heritage items?

Objection: The proposal to show additional areas of parking on the Master Plan should be deleted as it has no bearing on aboriginal heritage or artefacts. In fact it could have an adverse impact on Focus Area 1 (see later in this email).

2. ROAD WIDENING

The widening of Soldiers Point Road will require an incursion into Spencer Park by relocation the existing face of kerb to the west and move the face of the existing kerb 4.8 metres toward Spencer Park (vide AS2890.5) for 90⁰ parking (vide page 41 of SPAPM). Allowing for the pavement construction to be a further 300 mm behind the face of kerb and the fact that the existing footpath area is 4.0 metres wide the actual incursion into the park will be 1.1 metres. There are three significant trees located adjacent to the park boundary and this widening of the road will require the construction of the pavement to occur well within the "tree protection zone" (vide AS4970-2009) of those trees thus having a detrimental effect on those trees.

The widening of Mitchell Street will occur wholly within Everitt Park (vide DP636840) on its NNE side. Widening here will require the destruction of a large number of trees, the construction of retaining walls & have a significant impact on Focus Area 1 (see page 29 of SPAPM).

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC EXHIBITION (REDACTED).

Objection: The construction of angle parking in these two locations will require the removal of a significant number of trees thus severely affecting the amenity of the parks.

3. EXISTING PARKING

Spencer Park - Spencer Park has a total road frontage of 120 metres. Allowing for parallel parking along the north & east boundaries coupled with 90° parking along the south boundary there are already 46 existing parking spaces available to users of the park. This is more than adequate for the current usage of the park & there is no need to provide additional parking. The intended widening of Soldiers Point Road is likely to cost approximately \$80,000 and is an unnecessary expense to Council.

Objection: The widening of Soldiers Point Road for the purpose of providing additional parking is unwarranted & is an unnecessary expense to Council. It will encroach into Spencer Park & result in the destruction of three significant trees, this intern will have detrimental effect on the amenity of the park.

Mitchell Street - The Mater Plan on pages 62 & 63 shows additional parking on the north side of Mitchell Street. This location already contains parallel parking so **why is it included in the Master Plan?** The only conclusion to this is that Council may be intending to install angle parking in this location. I make the following observations wrt this site:

- a. Parallel parking already exists in the local. The opposite side of the road has NO STOPPING signage.
- b. This existing parking area serves as overflow parking for cars with trailers when the main car park is saturated at Christmas & Easter.
- c. If angle parking is installed there is only enough space to provide parking for single cars and not cars with trailers.
- d. The construction of angle parking may increase the availability of single car parking spaces but they are not the problem. The problem at peak times is cars with trailers and if Council restricts this area to single car spaces the problem for cars with trailers becomes exacerbated as the number of available parking spaces for trailer parking is reduced.
- e. Angle parking here will require the removal of trees and I have personally witnessed the local kookaburra population using one of the large trees adjacent to the existing kerb as a nesting hollow.
- f. Alterations to this area may have a detrimental effect on Focus Area 1 that contains a shell midden (vide pages 29 & 31).

The widening of Mitchell Street for the purpose of providing additional parking for the boat ramp is unwarranted. The boat ramp parking only becomes saturated on two occasions per year; these are the Christmas to New Year period and the Easter four day holiday weekend (*total of 12 days of the year*), the widening here will see Council expend a large sum of money on a facility that is rarely used.

Objection: The widening of Mitchell Street for the purpose of providing additional parking is unwarranted & is an unnecessary expense to Council. It will be constructed totally within the park bounds & result in the destruction of large number of trees as well as having a significant detrimental effect on Focus Area 1

4. LOCAL GOVERNMENT ACT

Soldiers Point Road - As the existing pathway width on Soldiers Point Road is 4.0 metres the new kerb line will encroach onto Spencer Park by a minimum of 800 mm (vide AS2890.5) plus a further 150 mm for the top of kerb width the road boundary will have to be relocated a minimum of 950 mm into community land. If the Council elects not to move the road boundary there could be a problem with Compulsory Third

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Party Insurance & vehicle insurance as there is a potential for injury or damage to occur on a public reserve & not on a roadway; this could also lead to insurance problems for Council.

Section 47F of the Local government Act 1993 states the following:

"47F Dedication of community land as public road

(1) *Community land may not be dedicated as a public road under Section 10 of the Road Act 1993 unless:*

- a. the road is necessary to facilitate enjoyment of the area of community land on which the road is constructed or of any facility on that land, &*
- b. the council has considered means of access other than public road access to facilitate that enjoyment, &*
- c. there is a plan of management applying only to the land concerned & provision of the public road is expressly authorised in the plan of management.*

(2) *Subsection (1) does not apply to:*

- a. a dedication of land for the purpose of widening an existing public road, or*
- b. a dedication of land for the purpose of other roadworks of a minor character, authorised by the plan of management applying to the land, in respect of existing roads, or*
- c. a dedication of land for the purpose of a road that is the subject of an order under Division 1 of Part 5 of the Roads Act 1993".*

These principals are also stated in "Department of Local Government – Practice Note No 1 Public Land Management" and "Land & Property Information Registrar General's Direction - Action Affecting Public Reserves".

With the park fronting three roads there is no need improve the access to the park so Section 47F Subsection (1)(a)&(b) can't be applied.

Examination of the Council's document "Urban Parks - Generic - Plan of Management" dated April 2004 show that this document is a generic plan & covers the management of all urban parks in the Port Stephens Shire. As there is no specific plan of management relating to Spencer Park Section 47F Subsection (1)(c) prohibits the community land from being used as public road.

As Soldiers Point Road is 20.115 metres wide with 4.0 metre footpaths on both sides the carriageway width is over 12 metres wide. The road is a collector road that is capable of carrying 3,000 to 6,000 vehicles per day & contains a bus route (*vide Landcom NSW Street Design Guidelines*). It is highly unlikely that this northern end of Soldiers Point Road will attract that volume of traffic so the existing carriageway is more that capable of carrying the volume of traffic that utilises it, hence road widening is not applicable. As there is no need to widen the road Section 47F Subsection (2)(a) can't be applied. Likewise Subsection (2)(b) can't be applied as there is no need to widen the road for traffic reasons & there is no site specific Plan of Management.

It is also obvious that there is no Ministerial Order applying to Soldiers Point Road hence Section 47F Subsection (1)(c) does not apply.

Objection: As the existing parking along the three Spencer Park road frontages is more than adequate the provision of angle parking bays is not warranted. The use of any part of the park will contravene the Local Government Act.

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Mitchell Street - The area shown on the Master Plan for additional parking (page 62 & 63) already contains parallel parking. If angle parking is not proposed here why has this been included in the Master Plan? I make the following observations wrt this area:

- a. The north side of Mitchell Street already contains parallel parking whilst the south side has a NO STOPPING zone.
- b. This area acts as an overflow parking area for cars with trailers when the main car park is full in the Christmas & Easter holiday periods (12 days of the year).
- c. If angle parking is installed there is only enough space to provide parking for single cars & not cars with boat trailers.
- d. The construction of angle parking may increase the availability of single car parking spaces but they are not the problem. The problem in peak times is cars with trailers and if Council restrict this area to single car spaces the problem for trailer parking is exacerbated as the number of available parking spaces for trailer parking has been reduced.
- e. Angle parking here will require the removal of trees and I have personally witnessed the local kookaburra population using one of the large trees adjacent to the existing kerb as a nesting site.
- f. Alteration to this area may have a detrimental effect on Focus Area 1 that contains a shell midden (vide pages 29 & 31).

The construction of additional parking in Everitt Park section of Mitchell Street is totally contained within that park & can't be justified. Similarly to the argument stated above the construction of these parking bays will be in contravention of the Local Government Act.

Objection: As the existing parking in Everitt Park is adequate for most of the year hence the provision of angle parking bays is not warranted. The use of any part of the park will contravene the Local Government Act.

5. DCP2007 Existing Trees

Existing trees

Clause B3.P9 of DCP2007 states:

"Trees located within the road reserve should be retained & adequately protected. Council may require a report from a suitably qualified Consulting Arborist with the development application to determine the necessary tree protection measures". It is the opinion of the undersigned that this clause applies to the existing trees in Spencer Park and Everitt Park as they will be affected by the proposed road works. It is generally acknowledged the once 50% or more of material is removed from within the tree drip line the tree will not survive " (vide AS4970-2009).

The proposed widening of both of these sections of road will require the removal of existing trees. Whilst the section of Mitchell Street is not within a dedicated public road it has the appearance of being a public road so the Public Roads Act applies and the section of Soldiers Point Road that is affected may come under the Public Roads Act when it is widened. The above mentioned clause from Council's DCP must be deferred to.

It is also noted that the occurrence of koalas and nesting kookaburras in both of these areas has been observed and an Endangered Species Studies should be undertaken before the removal of any tree.

Objection - The removal of the established trees in Spencer and Mitchell Park will severely compromise the use and amenity of the parks and be in conflict with DCP2007. These trees should be protected.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

I trust that Council will take the above information into account and remove the proposed parking alterations from the SPA.MP.

Regards

[REDACTED]

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Feedback

PORT STEPHENS
COUNCIL

Draft Soldiers Point Aboriginal Place Plan of Management

Name

Address

Email

Telephone

Do you want to know what Council decides about this project?

☒ Yes ☐ No (Email preferred)

Do you want your email to be added to a listing for a regular council updates?

☒ Yes ☐ No (please circle)

Did you find today's face to face drop in session useful?

☒ Yes ☐ No (please circle)

Comments

Do you have any questions unanswered?

Comments ~~NO~~ YES BUT I WILL MAKE A SUBMISSION



ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Feedback

PORT STEPHENS
COUNCIL

Has the information provided assisted your decision to make a formal submission?

Yes/No (please circle)

How did you find out about the community consultation held today?

(please tick all that apply)

☐ Newspaper

☐ Web

☐ Social media

☐ Email

☒ Letterbox drop

☐ Word of mouth

☐ Other _____

How would you prefer to find out about similar future plans?

(please tick all that you prefer)

☐ Newspaper

☐ Web

☐ Social media

☒ Email

☐ Letterbox drop

☐ Other _____

Do you have any other suggestions?

AN ADDRESS FROM THE LALC REPRESENTATIVES ON THEIR
THOUGHTS WOULD HAVE BEEN HELPFUL

Thank you for your time

Steve. bernasconi @ port stephens nsw . gov . au .

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 17

The General Manager,

Port Stephens Council

PO Box 42,

Raymond Terrace NSW 2324

council@portstephens.nsw.gov.au

13 May 2015

Re: Objection to the inclusion of Soldiers Point: Master Plan 2015 in the document entitled

SOLDIERS POINT ABORIGINAL PLACE PLAN OF MANAGEMENT

I refer to the community invitation to a Face to Face session on the 2nd May 2015 intended to inform the Community about the significance of the Soldiers Point Aboriginal Place Plan of Management 2015.

The advertising document prepared by Port Stephens Council in the local paper and by way of leaflet drop to residents inviting public comment, refers only to the Aboriginal Place Plan of Management. The leaflet drop advises that *"June/July Assess and respond to submissions and then make changes to the plan of management."*

However, the proposed changes to the Soldiers Point Plan of Management were omitted from the information provided in the local paper dated 30 April 2015 and no reference was made to those changes within the leaflet drop, resulting in the fact that many community members remain unaware of the proposed changes to this day. It could be argued that the consultation process is flawed and the document should be re-exhibited with full disclosure.

Additionally, the Draft Plan of Management, pg 31 of 66 of the Draft. Figure 6: **Identified Individual Areas of Aboriginal Significance** makes no mention of Spencer Park as being identified as an area of significance. Neither does the National Parks and Wildlife Service identify this area as of being an area of Aboriginal significance.

It is therefore not clear why and for what purpose Spencer Park **Focus Area: 8** Page 29 of the Draft has been included in the Aboriginal Place Plan of Management 2015.

As a long term resident of Soldiers Point I feel that the community has not been consulted according to the requirements for Community Consultation and is deserving of full disclosure of the proposed plans prior to any decision to include Spencer Park in its Aboriginal Place Plan of Management 2015.

Please acknowledge this submission

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

The General Manager

Port Stephens Council

PO Box 42

Raymond Terrace NSW 2324

council@portstephens.nsw.gov.au

Dear Mr Wallis,

Objection to Draft Plan: Soldiers Point Aboriginal Place Plan of Management in its Current form.

Although the Community was appreciative of the 'Face to Face Drop in Session' organized by Port Stephens Council on 2 May 2015 it came as a complete surprise to residents and visitors alike that the advertising, newspaper notification and leaflet drop, inviting comment on the Soldiers Point Aboriginal Place Plan of Management, did not disclose the proposed changes which incorporated a Master Plan for Soldiers Point.

This objection is made on the basis that there has not been sufficient detail provided to assess the proposal, and that the proposal is not consistent with the stated objective of the proposal.

The proposal is characterized by:

- a) Conflicting information and discrepancies;
- b) Lack of information about the proposed additional parking areas; and
- c) Lack of justification for the proposed additional parking and boat launching facility.

The area displayed on the Master Plan Map, page 62 of 66 of the document, portrays the additional parking in Focus Area 8, Tennis Courts, as parallel whereas the information found on page 41 of the document states *"The proposal is to create a 90 degree parking bay along this section of the road."* The alignment of the car spaces will have significant impact on the park and mature trees within it, as well as the number of spaces achieved.

The same comments apply to the lack of information about the proposed parking along the access road to the boat ramp, commonly called "Mitchell Street," where no detail has been provided. The depiction of parallel parking on this stretch of road to the car park is not consistent with the space available and securing those spaces appears, on the face of it, to be unachievable.

Council has stated that *"the car park is almost always at capacity and as such there is a subsequent need for additional parking to accommodate park users."* This statement cannot be justified without evidence which has not been provided. The same comment applies to justification for an additional boat ramp.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

The advertised title "*Soldiers Point Aboriginal Place Plan of Management*" indicated that the proposal is concerned with aboriginal place planning.

The Press release stated "*a review of the existing management plan for Soldiers Point was prompted by an Aboriginal Place nomination for the tip of Soldiers Point encompassing Everitt Park, Soldiers Point Holiday Park, Soldiers Point Community Hall, Port Stephens Yacht Club and Ridgeway Avenue*".

The Soldiers Point Management plan of 1999 and 2004(Amended) was confined to those same areas north of Ridgeway Road. Council's Land Property Register identifies Lot 205 DP27084 as 'Tennis Courts and Spencer Park' and has now added these to the previously defined 'tip' of Soldiers Point.

There is reference in the present proposal renaming the entire Spencer Park as a "Sports ground" Figure 4: page 23.

Given the above, the objective of Council's proposal for additional parking is unclear. If it is to support car park demand generated by further redevelopment of the Soldiers Point area, then it should state this, and seek justification on that basis.

In addition, the conflicting objectives and statements point to lack of coordination between Council's Engineering, Planning and Environmental Departments which further suggests incomplete and/or erroneous assessment. Until these issues are addressed, further documentation is made public and consultation occurs on these issues, the adoption of the Soldiers Point Aboriginal Place Plan of Management must be rejected.

Please acknowledge this submission,

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

18 May 2015

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 18

From: Neil Hansford <neil.hansford@bigpond.com>
Sent: Friday, 15 May 2015 12:57 PM
To: SwitchPC
Cc: 'SPCG'
Subject: PSC2012-02935 Draft Aboriginal Place Plan of Management Soldiers Point

ATTENTION: GENERAL MANAGER

PSC2012-02935 Draft Soldiers Point Aboriginal Place Plan of Management

I write as a Soldiers Point resident and as an office bearer of Soldiers Point Community Group.
This e-mail is written in a personal capacity as Soldiers Point Community Group will be providing to Council a very detailed submission and draft re-write of the inappropriate plan circulated.

Soldiers Point Community Group first met with Council on January 6th, 2015 when President, Colin Howard and I met with Council Representatives, Penny Amberg and Elizabeth Ackman to be briefed on the proposed public consultation in relation to a Draft Soldiers Point Aboriginal Place Plan of Management that Council proposed to bring forward for community consultation.

We saw this proper form of consultation by Port Stephens Council as a real watershed as Council were professionally looking to take the community with them from the outset. What has happened I don't believe is any reflection on Penny or Liz who have acted professionally and with a purpose and clearly understanding the need for structured community consultation on significant matters.

At this meeting the focus was on the protection of Worimi sensitive heritage land and the process to take the Plan to the NSW Environment and Heritage Department to have the necessary overarching classification as an Aboriginal Place legislated by the NSW Government. I accept that what Council has proposed since 2012 is a right and proper process which was capable of my support.

I suggested that this being the first proper community consultation held in the area that a Question and Answer document be included in any publicity to ensure residents were aware of the need and mechanisms. Thankfully this suggestion was adopted and had the final outcome document been in line with what was outlined at the January meeting I doubt that there would be other than minimal correspondence on the issue.

At no stage was it advised that under the proposed Aboriginal Place Plan of Management the following items would be included:

- Area 8, on circulated Council maps provided at the public forum, to cover the whole of Spencer Park including the Tennis Courts less a now advised Road reserve on Soldiers Point Road. This area is shown as Area 7 on some Council documentation
- Future development of the parking reserve abutting Soldiers Point Road for 90 degree parking. It is noteworthy that during the Soldiers Point Marina DA deliberations it was never declared by your planners that a road reserve in fact existed.
- An additional boat launching ramp
- Parking to be provided on the widened Mitchell Road on the approaches to the boat ramps

Whereas at the initial consultation I supported the Aboriginal Place Plan of Management this support would not have been forthcoming had the full content as now displayed been outlined. I agreed to an Aboriginal Place Plan of Management for the areas now designated by Council as Areas 1-7 as Area 8

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

(Spencer Park) wasn't even contemplated or highlighted. My support was based on the very full briefing I was given by the very competent Council representatives.

I have to assume two things:

- Council's representatives deliberately misled us as the content of the proposed plan, which I doubt based on the integrity of the persons concerned, or
- From the time of early community support other elements of Council believed to be led by Mr Steve Bernasconi have endeavoured to include under the umbrella of the Aboriginal Place Plan of Management future development opportunities that are unrelated to the purpose of an Aboriginal Place Plan of Management that had been rejected in the DA to expand the Soldiers Point Marina rejected by the JRPP in the full knowledge that the Community were opposed to them. Thus the good intentions of the Aboriginal Place Plan have been "hijacked" to enshrine future plans already either rejected by the community or never discussed and unrelated.

To this end the community attended the consultation in substantial numbers which can't be validated as no record of attendance was kept. Why?

I attended the feedback briefing held at the Soldiers Point Community Hall on May 9th, 2015 by Council in conjunction with The NSW Department of Environment and Heritage with Worimi Elders, Neville and Lorraine Lilley and Graham Russel in attendance.

I was very surprised to be provided with not only the subject areas 1-7 to be covered by the Aboriginal Place Plan of Management but also an additional area 8 covering Spencer Park. In addition there was also a "Future Plan" which showed other items to be included under the umbrella of the Aboriginal Place Plan of management. The 2 different plans were on different tables. Why?

These included:

- The provision of 90 degree parking along Soldiers Point Road abutting Spencer Park. Mr Steve Bernasconi was quick to inform those in attendance that the area is already a "road reserve" and that the significant claimed aboriginal land area covers Spencer Park save the "road reserve". This is strange as the Worimi Elders only wanted the tennis courts included. What is the agenda for Council then to want to include all of Spencer Park and rename it a sportsground?
- Area 8 being Spencer Park had never been mentioned as a significant aboriginal place
- Parallel parking on Mitchell Road to support increased activity at the boat ramp
- The addition of an additional ramp at the boat ramp area without onsite parking increases

At no stage did any Council representative endeavour to justify the actual aboriginal significance of each designated area in particular any relevance of Spencer Park to Worimi heritage. The representatives of NSW E & H were almost silent on everything even though they are the ultimate approving body.

I questioned what relevance all these future planned infrastructure plans had, particularly around Spencer Park, to do with the Aboriginal Place Plan of Management being considered. I stated clearly that the inclusion of these unrelated future plans of Council had no relevance to Aboriginal heritage to be protected by the proposed Aboriginal Place Plan of Management to go forward to the NSW Government.

Community members focussed heavily on Area 4 which is the tract of land that is between the Port Stephens Yacht Club and the boat storage hardstand, slipway and entrance to Soldiers Point Marina.

I advised representations of the Council attending and officers of NSW Environment and Heritage that any consideration of Area 4 should be done in full recognition of PSC's proposal to have so much of this land reclassified from "Community Land" to "Operational Land" which would allow PSC to lease or sell so much of this land as required to Soldiers Point Marina /Clippers Anchorage to give them protected access to the hardstand and slipway. Currently Soldiers Point Marina cross community land over which they have NO

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC EXHIBITION (REDACTED).

title to access these facilities. One has to ask how Development Approval was given where the only access is over community land. Only in Port Stephens!!

Those present made it very clear that the Plan of Management would have to include specific reference to a requirement that for all time an unobstructed public footpath would have to be maintained from Ridgeway Avenue to the boat ramp area and Council would have to be constrained under the Aboriginal Place Plan of Management from dealing in this land and doing any action that would preclude a walking track being created from Ridgeway Avenue to the boat ramps and beyond to allow full circumnavigation of the lands covered by the proposed Aboriginal Place Plan of Management by able bodied and disabled persons.

The Council attendees (3) and the NSW E&H representatives (2) clearly understood this requirement as did Lorraine Lilley representing the Worimi Elders.

It was suggested that an educational trail be created circumnavigating highlighted sites of Worimi heritage, initiation grounds, burial grounds, etc. and areas of Port Stephens history, Areas 1-7.

Council's representatives were advised that the inclusion of unrelated future plans for Soldiers Point was regrettable and compromised community acceptance and support for the acceptance of an Aboriginal Place Plan of Management but no suggestion was accepted to remove the unrelated future plans from the proposal.

Having now attended the informative pre-brief in January and the community consultation it is my belief that the current Draft Aboriginal Place Plan of Management should be rejected by the Council as it goes beyond the necessity of providing the protections of an Aboriginal Place Plan of Management for the Soldiers Point area.

Council and the NSW Department of Environment and Heritage should be accept that the community will only accept a plan under the following terms:

- Area 8, Spencer Park not be included in the Draft Plan until such time that Council and the Worimi Elders provide detailed proof of the aboriginal significance of Spencer Park to the community. This may well mean the plan is put on ice until this can take place. Since the Worimi only laid claim to the tennis courts why is Council wanting to include all of Spencer Park?
- That Council remove all reference to the "future plans" that Council propose for parking on Soldiers Point Road abutting Seymour Park, parallel parking on Mitchell Road, construction of an additional boat ramp from the Aboriginal Place Plan of Management PSC2012-02935
- That the Aboriginal Place Plan of Management include the following specific conditions in relation to Area 4.
 - That should Council be successful in having the identified areas of Area 4 reclassified from "Community Land" to "Operational Land" that Council not contract to either lease or sell the land adjacent to the Soldiers Point Marina entrance, access to the slipways, access to the boat storage hardstand if by these contracts a public footway suitable for disability access couldn't be provided in perpetuity and maintained at the cost of Council to ensure pedestrian and disabled access is available at all times from Ridgeway Avenue to the boat ramp area
 - Should council contract this land in any way to any party, particularly Soldiers Point Marina/ Clippers Anchorage that it would be a breach of any lease or sale agreement if the person so provided the land blocked the free flow of pedestrians on the pathway by vehicles, vessels or any other object with a prescriptive fine of not less than \$10,000 on each

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

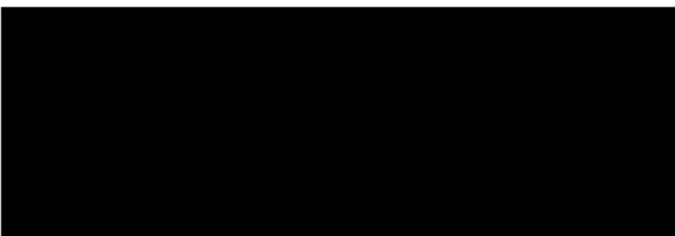
recorded occasion. If the controlled area is by way of a Memorandum of Lease if after 3 reported blockages the lease would be terminated without recourse or conciliation

It is also necessary that Council confirm that the land on which The Holiday Park operates is on "Community Land" and that Council has no intention to have this land reclassified as "Operational Land" to allow its lease or sale whilst under the umbrella of the Aboriginal Place Plan of Management.

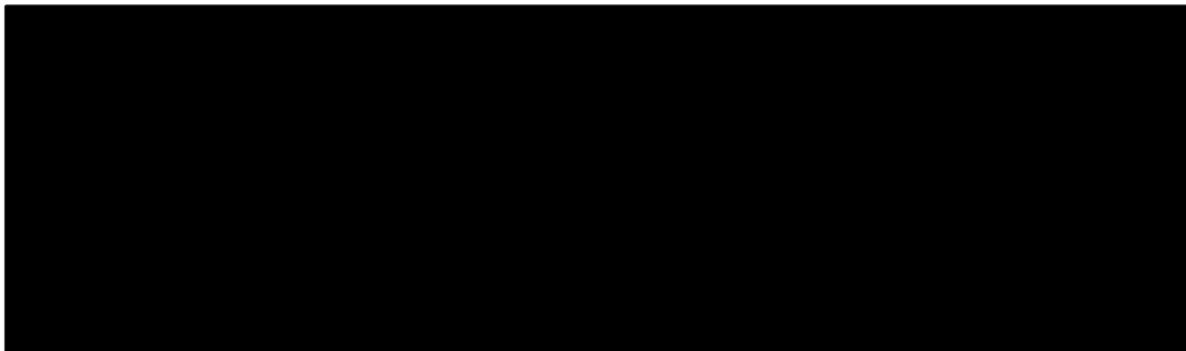
I find that again when an appropriate process was in hand likely to get the support of the community, elements within Council staff have tried to complicate what was a simple, honourable process of Council.

I look forward to a redraft of the plan being available that is totally in line with the needs of an Aboriginal Place Plan of Management recognising the need to put usage qualification on Area 4.

Regards



Neil Hansford



This email has been checked for viruses by Avast antivirus software.
www.avast.com

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 19

PSC2012-02935

Submission – Soldiers Point Aboriginal Place Plan of Management

I am writing this submission for the Soldiers Point Aboriginal Place Plan of Management.

As a Worimi Traditional Owner I am in full support of the plan and am pleased with the outcome detailed in the plan for the protection of cultural significant sites and the Core Objectives in the SPAP Plan of Management.

I am also pleased with, Key Issues and Strategies outlined in:

- Focus Area 1: North-eastern Foreshore
- Focus Area 2: Everitt Park
- Focus Area 3: Car Park and Boating Facilities
- Focus Area 4: Western Foreshore
- Focus Area 5: Western Holiday Park (now rebranded as Thou-Walla)
- Focus Area 6: Eastern Holiday Park and Memorial Hall
- Focus Area 7: Port Stephens Yacht Club
- Focus Area 8: Tennis Courts

The Objectives; Actions and Performance Measures for the Focus Area mentioned above will give this special place the attention and respect it deserves.

I congratulate Port Stephens Council Staff for their sensitivity of this special place and their cooperation with OEH, NPWS and the Worimi people in drafting together a Plan of Management for Soldiers Point Aboriginal Place.

The Soldiers Point Aboriginal Place Plan of Management will acknowledge those involved in the process who have now gone and will benefit those that are here now and those that will come in the future.

Sincerely Yours

[REDACTED]

Worimi Aboriginal Traditional Owner

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 20

From: [REDACTED]
Sent: Monday, 11 May 2015 12:15 PM
To: SwitchPC
Cc: Mayor; Cr Sally Dover; Cr John Morello; Cr John Nell; Cr Chris Doohan; Cr Geoff Dingle; Cr Steve Tucker; Cr Peter Kafer; Cr Ken Jordan; Cr Paul Le Mottee
Subject: Draft Soldiers Point Aboriginal Place Plan of Management 2015

Attention: Mr Wayne Wallis, General Manager, Port Stephens Council

Reference: PSC2012-02935

Dear Mr Wallis

I wish to register my objection to the Draft Soldiers Point Aboriginal Place Plan of Management.

While I fully support Council's intention to protect the very significant Aboriginal cultural and social values of Soldiers Point, I do not think the current proposals for the development of 90 degree angle parking along Soldiers Point Road adjacent to Spencer Park and an extension of Mitchell Street to the Boat Ramp would contribute positively to the preservation of Aboriginal cultural values nor to the conservation of public amenity of the area.

Table 9 of the Draft Plan of Management clearly states the activities that could harm an Aboriginal Place including:

"Maintenance of existing trees over 3 metres and/or 150mm trunk diameter"

"Most major landscape changes to the place such as clearing trees, development or modification of open space and existing built structures, all forms of excavation"

If the additional parking plan were to be implemented, there would be significant destruction of trees. Excavation and disturbance along any extension of Mitchell Street and Soldiers Point Road could not only cause destruction of Aboriginal heritage but also have a negative impact on the amenity of the area.

It is well understood by the community that Council attempted to address the Soldiers Point Marina parking shortfall by proposing to add 90 degree angle parking at community expense adjacent to Spencer Park. At that time it was clear that a number of mature koala habitat trees would have to be removed. The community and the JRPP sent a clear message to Council that it is not acceptable to the community for Soldiers Point Marina to avoid its responsibility to provide adequate parking on its own premises. It appears that Council has not heeded the message and is now attempting to get the plan up by subterfuge.

If angle parking were to be placed along an extension of Mitchell St to the boat ramp, many mature trees would need to be removed and excavation work undertaken which would further compromise the foreshore embankment and have a negative impact on the visual amenity of the area. I question whether or not it is in the best economic and environmental interests of the wider community or indeed in keeping with the terms of reference of the PoM, let alone the Aboriginal community, for additional parking to be developed for a peak period which lasts only a few weeks and for an additional boat ramp which may or may not be developed. I also have a cynical suspicion this proposal is yet another strategy aimed at addressing the Marina parking shortfall at community expense.

Council has made no reference to the proposal to change the status of foreshore land adjacent to the Soldiers Point Marina to allow the marina to legally access its hardstand. This change of

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

classification process has been ongoing for several years and yet is not mentioned in the draft Soldiers Point Aboriginal Place PoM. Why has Council omitted this proposed change when it has canvassed other less certain changes?

I am concerned that Council has labelled the diagrams on page 62 and 63 as the "Soldiers Point Master Plan 2015", not "Soldiers Point Aboriginal Place Master Plan". Is Council attempting to get a new Soldiers Point Plan of Management implemented by using a trojan horse strategy? If so, I request a stop to the current consultation process and for Council to begin anew with the two Draft Plans on separate exhibitions.

I declare that I have not made any financial donations to any political parties.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

Submission 21

PSC2012-02935

Submission – Soldiers Point Aboriginal Place Plan of Management

Herein I make my submission for the Soldiers Point Aboriginal Place Plan of Management.

As a Worimi Elder and Traditional Owner I am pleased with the outcome for the protection of cultural significant sites addressed and the Core Objectives in the SPAP Plan of Management.


I am also pleased with, Key Issues and Strategies outlined in:

- Focus Area 1: North-eastern Foreshore
- Focus Area 2: Everitt Park
- Focus Area 3: Car Park and Boating Facilities
- Focus Area 4: Western Foreshore
- Focus Area 5: Western Holiday Park (now rebranded as Thou-Walla)
- Focus Area 6: Eastern Holiday Park and Memorial Hall
- Focus Area 7: Port Stephens Yacht Club
- Focus Area 8: Tennis Courts

The Objectives; Actions and Performance Measures for the Focus Areas mentioned above will give this special place the attention and respect it deserves.

In conclusion I congratulate Port Stephens Council Staff for their sensitivity of this special place and their cooperation with OEH, NPWS and the Worimi people in drafting together a Plan of Management for Soldiers Point Aboriginal Place that will benefit those that are here now and those that will come in the future.

Sincerely Yours


Worimi Aboriginal Elder/Traditional Owner

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 22

[REDACTED]

11 May 2015

Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW

FEEDBACK: SOLDIERS POINT ABORIGINAL PLACE -
Draft Plan of Management

Thank you for the detailed information provided on Saturday, 2 May 2015 and the helpful support from Council's Management Team and the representatives of the Aboriginal Community at Soldiers Point Hall, Soldiers Point.

We are in the process of renovating our property at [REDACTED] and so we were vitally interested in what is proposed for the Soldiers Point Aboriginal Place, Plan of Management. The details that were provided and the answers to our questions, provided us with a clear picture of what is intended, and for that we thank you.

We would like you to keep us informed of the outcomes of this project and this can be achieved by sending reply by email as was suggested at the hall presentation. Please add our email address to your listing for regular Council updates.

The face to face drop in session was most useful and was considered a valuable form of communication that should be encouraged and possibly expanded for future Council projects.

We agree and support the need to protect our local heritage and now that we better understand the plan for maintaining the Aboriginal Heritage in the designated area of Soldiers Point Aboriginal Place, we feel comfortable with the plan as presented to us on Saturday 2nd May. Our concern prior to the meeting was that our property in [REDACTED] may have been affected by the plan, which we now understand is not the case at this present time, however, since we have invested our future into this property, how can we be sure that this situation will not change at a later time.

Sincerely yours,

[REDACTED]

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).

Submission 23

From: Steve Bernasconi <Steve.Bernasconi@portstephens.nsw.gov.au>
Sent: Wednesday, 29 April 2015 5:04 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] Soldiers Point Aboriginal Place Plan of Management draft on display

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]

[REDACTED]

[REDACTED]

Steven Bernasconi
Community Services Section Manager



PORT STEPHENS
COUNCIL

Port Stephens Council
Phone: (02) 4980 0162 Mobile: 0409 460 925
Email: steve.bernasconi@portstephens.nsw.gov.au
Web: www.portstephens.nsw.gov.au

From: [REDACTED]
Sent: Wednesday, 29 April 2015 3:44 PM
To: Steve Bernasconi
Cc: [REDACTED]
Subject: [REDACTED] re Soldiers Point Aboriginal Place Plan of Management draft on display

FYI,

Some HW info re SP AP/AHIP etc... [REDACTED]

[REDACTED]

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

From: John Simpson [mailto:john.simpson@hunterwater.com.au]

Sent: Wednesday, 29 April 2015 3:39 PM

To: [REDACTED]

Subject: [REDACTED] Soldiers Point Aboriginal Place Plan of Management draft on display

OK thanks Nicole.

In that case, for what it's worth I should point out that Hunter Water has existing sewer & water services in Ridgeway Ave (& other streets of course), as shown in the clip below.

Sewer pipes (pink & red) generally run along the northern side of Ridgeway Ave but cross to the southern side at the western end. A sewer pipe also crosses the street to service the amenities block next to the tennis courts. The sewer was constructed in the early 1990s & varies in depth from approx. 1.2m to 2.5m. There is a wastewater pumping station adjacent to the marina on the southern side.

The water service (blue) runs along the southern side of the street, is shallower than the sewer (typically about 0.6 to 1.2m deep) & was installed in the mid 1960s.

These utility assets would have been excavated to the depths identified above during their installation. I'm not aware of any current problems but they will undoubtedly require some maintenance in future so it would be sensible for the plan to acknowledge their presence. I don't expect this would affect council activities but of course I'd be interested in any implications for Hunter Water arising from the plan of management review process.

Cheers, JS



John Simpson | Environmental Planner | Hunter Water Corporation
36 Honeysuckle Drive Newcastle West NSW 2300 | PO Box 5171 HRMC 2310
T 02 4979 9437 | john.simpson@hunterwater.com.au | M 0400 364080

Please consider the environment before printing this email

ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC EXHIBITION (REDACTED).

From: [REDACTED]
Sent: Wednesday, 29 April 2015 2:24 PM
To: John Simpson
Subject: [REDACTED] Soldiers Point Aboriginal Place Plan of Management draft on display

Hi John,

Yes, I am going to be at the open day and have been working on the AP nomination, POM and associated AHIP for about 18 months now. Its progressing very well.

[illegible]

From: John Simpson [mailto:john.simpson@hunterwater.com.au]
Sent: Wednesday, 29 April 2015 12:14 PM
To: [REDACTED]
Subject: [REDACTED] Soldiers Point Aboriginal Place Plan of Management draft on display

Hi [REDACTED]
I received the attached info this morning. It says OEH & PSC officers are involved so I wondered if you were aware of it, or involved.
I'm aware of long standing management issues at Soldiers Point but I wasn't aware of the nomination or the existing plan of management.
Cheers, JS

John Simpson | Environmental Planner | Hunter Water Corporation
36 Honeysuckle Drive Newcastle West NSW 2300 | PO Box 5171 HRMC 2310
T 02 4979 9437 | john.simpson@hunterwater.com.au | M 0400 364080

Please consider the environment before printing this email

This transmission is confidential and intended for the addressee only. If you have received it in error, please delete it and notify the sender. Unless explicitly attributed, the opinions expressed in this e-mail are those of the author only and do not represent the official view of Hunter Water Corporation.

Hunter Water Corporation checks all inbound/outbound e-mail for viruses. However, we advise that this e-mail and any attached files should be re-scanned to detect viruses. Hunter Water Corporation accepts no liability for the loss or damage (whether caused by negligence or not) resulting from the use of this or any attached files.

**ITEM 1 - ATTACHMENT 1 COPY OF EACH SUBMISSION TO PUBLIC
EXHIBITION (REDACTED).**

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the [REDACTED]

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

This transmission is confidential and intended for the addressee only.

If you have received it in error, please delete it and notify the sender.

Unless explicitly attributed, the opinions expressed in this e-mail are those of the author only and do not represent the official view of Hunter Water Corporation.

Hunter Water Corporation checks all inbound/outbound e-mail for viruses. However, we advise that this e-mail and any attached files should be re-scanned to detect viruses. Hunter Water Corporation accepts no liability for the loss or damage (whether caused by negligence or not) resulting from the use of this or any attached files.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the [REDACTED]

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

