

From: Jean Armstrong
To: [Local Government Mailbox](#)
Subject: Special Rate Variation - Port Stephens - OBJECTION
Date: Friday, 8 March 2019 9:33:21 AM
Attachments: [SPCG objection SRV Spencer Park etc March 2019.docx](#)

Local Government Team

Independent Pricing and Regulatory Tribunal of NSW

PO Box K35

Haymarket Post Shop,

NSW 1240.

email: localgovernment@ipart.nsw.gov.au

Re: Special Rate Variation (SRV) OBJECTION - PSC2017-01717-001

Please see attached Soldiers Point Community Group (Environmental Sub-Committee) **OBJECTION** to the Port Stephens Council Special Rate Variation (SRV) of 7.5% per annum for 7 years.

We have made no political donations.

Yours sincerely,

Jean Armstrong

President: Soldiers Point Community Group Inc.

Environmental Sub-Committee

Local Government Team
Independent Pricing and Regulatory Tribunal of NSW
PO Box K35
Haymarket Post Shop,
NSW 1240.
email: local.government@ipart.nsw.gov.au
Re: PSC2017-01717-001

OBJECTION - Special Rate Variation (SRV) of 7.5% per annum over 7 years

The Soldiers Point Community Group (SPCG) Environmental Sub Committee, object to Port Stephens Council (PSC) submitting disputed material to the Independent Pricing and Regulatory Tribunal (IPART) in order to justify its application for a 7.5% per annum SRV.

Our objection is on the basis that information must contain accurate information from stakeholders and must reflect the genuine concerns of the general public. In our opinion, the Council proposal **does not contain accurate information nor reflect** those genuine concerns:

- Proposal for development within an Aboriginal Place.
- \$500,000.00 to provide formal car parking within Spencer Park, and
- the acquisition of community land.
- Soldiers Point Marina consent conditions

Many focus areas of Soldiers Point are part of a declared Aboriginal Place and require consultation with the Worimi Local Land Council prior to **any proposal within** the Soldiers Point Aboriginal Place.

Council does not appear to be aware of this requirement and has included in their forward estimates to **IPART** an amount of \$500,000 for works on Aboriginal land.

This example (Spencer Park) of inaccuracy has called into question the accuracy of many if not all of the projects put forward by PSC in the IPART application. The accuracy of the proposal is being questioned by many residents of Soldiers Point and it requires IPART to examine whether each and every project is accurate and valid.

SPCG question PSC's statement that angle parking at Spencer Park, Soldiers Point (an Aboriginal Place) has been requested by ratepayers and residents and we do not believe this statement to be correct.

We refer to Ordinary Council Meeting of 11 August 2015 Item 1 – Attachment 1. Submission of the Chief Executive Officer of the Worimi Local Aboriginal Land Council, Andrew Smith, dated 29th May 2015.

RECOMMENDATION FOR FA8: *"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."*

"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)

"The proposal to widen Soldiers Point Road for additional parking is contrary to the SPAAAM

4. SOLDIERS POINT ABORIGINAL PLACE PLAN OF MANAGEMENT (SPAPPM)

Spencer Park was designated as Focal Area 8 (FA8) in the SPAPPM. At the Ordinary Meeting of Council dated 11th August 2015 Council agreed to endorse the Soldiers Point Aboriginal Place Plan of Management unanimously. Page 8 of Attachment 1 of the Council Minutes (also vide Attachment 2) contained the following statement from the Worimi Local Aboriginal Land Council:

FA8

"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."

The proposal to widen Soldiers Point Road for additional parking is contrary to the SPAPPM

SPCG further comment: Spencer Park has adequate parking to meet the needs of the children's playground, tennis courts and public space, and that this space in no way should be compromised by the intrusion of car parking. Such an intrusion would necessitate fencing off the children's playground because of closer contact with parked vehicles.

The Spencer Park tennis Courts, public toilet and playground have adequate on street parking in Soldiers Point Road, Ridgeway Avenue and angle parking in Resthaven Avenue. The Community Hall and Thou Walla Sunset Retreat have their own parking area as has the Port Stephens Yacht Club.

The acquisition of community land along Soldiers Point Road is contrary to the Local Government Act (LEP) 1993 – Section 47F *"Dedication of community land as a public road"*.

We suggest that traffic congestion is compounded in Ridgeway Avenue at Soldiers Point by the lack of **compulsory public parking for the Marina complex and patrons.**

Port Stephens Council has permitted the Marina to operate without regard to its former consent conditions to provide, on its own property, an additional 17 car park spaces as

required for operation of its business premises. We estimate that given the number of berths at the Marina that this figure is much higher than 17.

These consent conditions, dating back to 2011, for the Soldiers Point Marina seem to have been overlooked by Council. **(See Appendix)**

In our opinion the 'congestion' is caused in principle by the failure of the Marina to provide sufficient car parking in Ridgeway Avenue whilst the Marina complex car park lies idle.

The expectation that ratepayers and residents of Port Stephens should fund the bill for the Marina is unacceptable. PSC must address this discrepancy. To suggest that IPART should approve an increase in rates to address unrelated issues is not acceptable.

These questions must be asked -

Is it fair and reasonable to attempt to justify a 7.5% SRV for Car Parking at Spencer Park, Soldiers Point, when Council has received strong opposition from the Worimi Aboriginal Land Council and the general public to such a controversial proposal in the past?
Should ratepayers bear the cost of \$500,000 for such a questionable proposition?

Having brought this costing error to PSC in previous submissions, it could be expected that PSC should have immediately removed the \$500,000 cost from SRV estimates and informed IPART of this amendment. **Port Stephens Council have not done so!**

In the interests of transparency, where are the details of the estimates for this and other projects included in the estimates? Can these estimates be verified?

There is no clear consensus on many projects listed by Council and no guarantee that any of these projects will be placed on Council's capital works programme within the time frame mentioned.

And if they are not, we do not see anywhere in the documents stating that the time frame and estimates of works will be/ has to be, strictly adhered to.

What is the penalty if these projects are not completed at all?

It would appear from perusal of Port Stephens Council surveys and submissions that the majority of ratepayers and residents strongly oppose the rate increase and the Soldiers Point Community Group uphold that position.

Yours sincerely,

Jean Armstrong
President: Soldiers Point Community Group Inc.
SPCG Environmental Sub Committee

8 March 2019

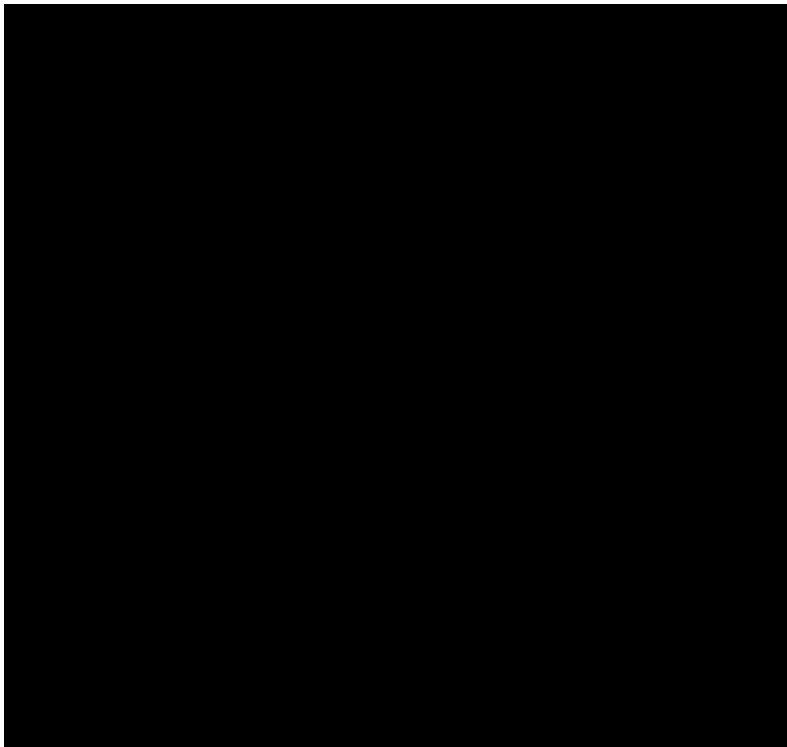
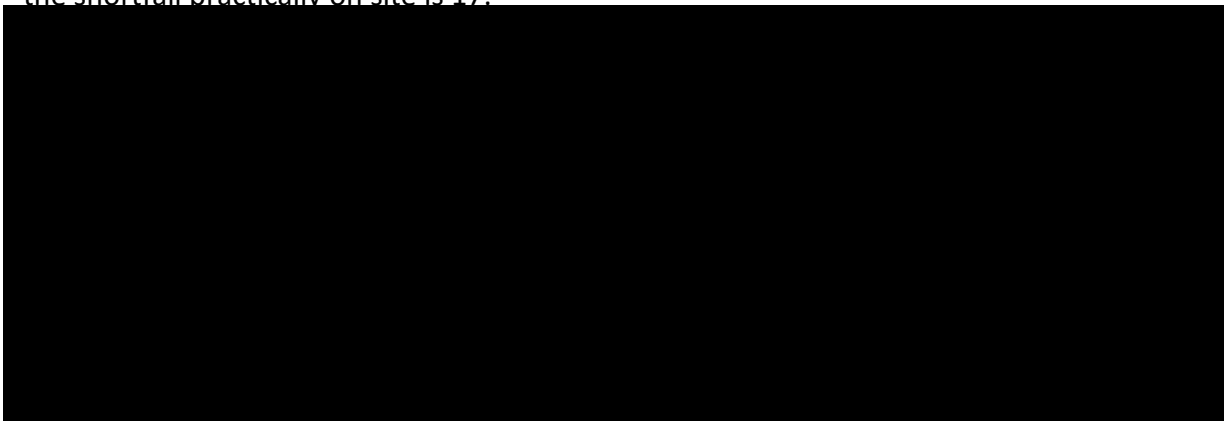


Soldiers Point Community Group Inc. Environmental Sub-Committee

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Appendices: 1: 2.

Pages 1, 2 and 3 – Redacted letter from Port Stephens Council’s Section Manager, Matthew Brown, dated 16 September 2011, regarding the Marina DA 2011-077. The letter states that the shortfall practically on site is 17.



From: Jean Armstrong
To: [Local Government Mailbox](#)
Cc: [IPART](#); council@portstephens.nsw.gov.au; [Mayor](#)
Subject: Submission in OBJECTION to Port Stephens Council's proposed SRV of 7.5% per annum- March 2019
Date: Monday, 11 March 2019 11:17:23 AM
Attachments: [SPCG INC Submission Objection SRV -March 2019.docx](#)

Local Government Team

Independent Pricing and Regulatory Tribunal of NSW

PO Box K35

Haymarket Post Shop,

NSW 1240

email:localgovernment@ipart.nsw.gov.au

11 March 2019

Dear Sirs,

Re: PSC2017-01717-001 OBJECTION - Special Rate Variation of 7.5% per annum over 7 years

Please see attached the Soldiers Point Community Group (Inc) Submission in objection to the Port Stephens Council's request to IPART for a SRV of 7.5%.

The SPCG have made no political donations.

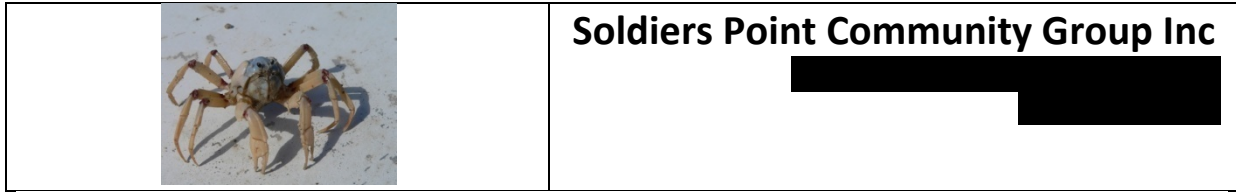
Yours sincerely,

Jean Armstrong

President: Soldiers Point Community Group Inc.

[Redacted]

[Redacted]



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Haymarket Post Shop,
NSW 1240.
email: localgovernment@ipart.nsw.gov.au

11th March 2019

Re: PSC2017-01717-001 Special Rate Variation of 7.5% per annum over 7 years

The Soldiers Point Community Group (SPCG) object to Council's proposal for a Special Rate Variation Option (SRV) of 7.5% per annum for the next 7 years on the basis that Port Stephens Council has not considered the following:

- Previous Port Stephens Council Surveys and majority disfavour,
- one-off recurring costs, reliability of estimates,
- financial hardship,
- ecologically sustainable development.

Concerned residents and ratepayers have contacted the Soldiers Point Community Group Inc (SPCG) registering their concern that Port Stephens Council did not seem to be taking notice of the majority of ratepayers and residents who had opposed the proposed 7.5% per annum increase in the PSC recent survey.

We then invited SPCG members and friends to comment upon the Council decision to apply to the Independent Pricing and Regulatory Tribunal (IPART) for ratification of the proposed increase.

93% of our members and friends responded, 6% did not reply and 1% had moved from the district.

The following are comments/quotations we have received in response to our survey. None were in favour of the increase. The majority were concerned about **financial hardship**.

SPCG Survey Results



[REDACTED]

[REDACTED]

One off and recurring costs

Notwithstanding the affect the 7.5% increase per annum in rates may have on ratepayers we bring to Council's attention the proposed '**one- off-costs**' and '**recurring costs.**'

Out of the 40 estimated future costs, Council has listed just 6 as recurring costs per annum and a massive 24 '**one-off**' costs which presumably should be finished within the first few years or so. Where is the justification in a permanent SRV of 7.5% when 24 of the proposed projects will have been completed within the time frames Council has outlined?

There is no clear consensus on many projects listed by Council and no guarantee that any of these projects will be placed on Council's capital works programme within the time frame mentioned. And if they are not, we do not see anywhere in the documents that state that the time frame and expense has to be strictly adhered too. What is the penalty if these projects are not completed at all?

Financial Hardship

Council has declared itself to be "Fit for the Future." How then is it fair and reasonable to request a rate variation of 7.5% when the Regulator rate pegging for 2019 is set at 2.7%?

We feel that a lot of people, especially pensioners, will be disadvantaged by such a leap in the rate variation and question why Council has not put forward consideration of a more moderate rate variation of perhaps 3-4%.

It is also salient to look at the cumulative costs to ratepayers in this area. Port Stephens, as a favoured retirement locale, has many on limited fixed incomes but whilst the economy has been showing good growth, incomes have been relatively stagnant.

We agree that Council has growing demands upon resources but point out that with the increase in developer contributions and population growth, so too does the amount received in rates grow accordingly. We note that Council has successfully applied for various grants and subsidies and question whether many of the proposals reliant on a 7.5% rate variation, namely sporting facilities estimated to cost \$6.8 million, are absolutely essential.

Ecologically Sustainable Development

One major issue with which ratepayers are concerned is PSC focus on development rather than on consideration of ecologically sustainable development. Unregulated foreshore development on these fragile ecosystems and lack of foresight has led to the degradation of our foreshores, some now considered to be in a critical condition.

Council has stated that specific feedback received from the community prioritises key issues, and that

"Ecologically sustainable development should be formally recognised as a key commitment."

How does Council propose to achieve this when a mere \$3m has been allocated under foreshore improvements and coastal protection? This amount is to be divided between Conroy Park, Corlette; Little Beach Nelson Bay; Soldier's Point Foreshore revetment and pathway west of Thou Walla Retreat; Gibber Point Reserve, Lemon Tree Passage and Tilligerry Habit and Caswell Reserve; Mallabula and Waterfront Road, Swan Bay

Even then, the proposal for Soldiers Point Foreshore revetment is conditional on IPART ratifying the 7.5% increase over the next 7 years. Moreover, Council has indicated that it may not commence works within the next three years.

Examples of this include Council's own property, Thou Walla Sunset Retreat, at Soldiers Point, listed as 9 Mitchell Street. Declared an Aboriginal Place and forming part of the Soldiers Point Plan of Management in 2015, Council's stated objectives for Focus Area 1 - North Eastern Foreshore, was to manage and protect the site's Aboriginal Heritage Significance and protect and enhance the foreshore environment.

The Worimi Local Aboriginal Council (SP POM) in their submission requested that PSC consider the installation of a cement pathway (2m wide) along the foreshore area connecting both the Soldiers Point Marina and the southern end car park.

"In the event that any inspections reveal this not to be possible (ie: wash out and stabilising the pathway, it is thought that a floating boardwalk (similar to that installed at the Tilligerry Habitat) may be more suitable".

Are we to understand that unless Council receives approval from the Independent Pricing and Regulatory Tribunal (IPART) for a 7.5% SRV, ratepayers cannot expect any action to be taken for years by a Council seemingly reluctant to address the longstanding urgent restoration of our foreshores?

This would seem to be a form of blackmail. There is no penalty if Council does not complete these long overdue works within the prescribed timeframe.

Conclusion

Until some of these questions are answered, the Soldiers Point Community Group feel that Council should attend to the outstanding maintenance projects from revenue received from generous grants, current rates and subsidies, Council investments and promised generous Government grants for roads and infrastructure.

We therefore request IPART consider the public outcry against this proposed increase of a SRV of 7.5% per annum and seriously consider the needs of the people of Port Stephens.

Yours sincerely,

Jean Armstrong
President: Soldiers Point Community Group Inc.