



4 April 2013

The General Manager
Port Stephens Council

For attention of Development Assessment Team

**Development Application (127/2013)
73 James Paterson Street Anna Bay NSW 2316
for Recreation facility – Surf Club (Demolish existing)**

Tomaree Ratepayers and Residents Association Inc. (TRRA) supports the redevelopment of the Birubi Surf Club. In our submission dated 11 March 2010 for the initial proposed redevelopment (DA 947/2009) we “acknowledged the need to up-grade the Birubi Point Surf Club and that there is potential to introduce additional associated facilities at or near this location which would enhance the location as a prime tourist attraction”. Mention was made then of the Port Stephens Tourism Plan 2010 with particular emphasis on the Stockton Bight sand dunes as one of the main attractions of Port Stephens, with the Birubi Beach car park often the first introduction to Port Stephens for international visitors; and also the significance of Birubi Point to the Aboriginal people.

On 26 June 2012 Council adopted a recommendation to proceed with a single level building following objections to the earlier planned two level development.

TRRA continues to acknowledge the importance of this area and in particular notes the recent 2012 NSW State Government Visitor Economy Task Force report which aims at doubling the value of tourism by 2020. One recommendation of this report is to raise the profile of aboriginal heritage.

TRRA believes that a redevelopment of the existing Surf Club has the potential *if planned properly* to improve the experience of the local and international tourists; provide safer swimming through improved facilities surf club facilities and protect and promote the significant aboriginal heritage of the area, as well as the exceptional natural environment.

TRRA sympathises with the Birubi Surf Club, and wider Anna Bay Community, who have worked long and hard for a much needed upgrade of the club facility, and would understand their frustration with any further delays.



TRRA makes the following comments on the DA.

Lack of Master plan

In our March 2010 submission, TRRA called for an overall plan for the Birubi Point precinct: "Council is further urged to initiate the preparation of a joint interagency plan for the integrated redevelopment and management scheme for the all of Birubi Point and northern end of Stockton Beach and sand dunes. Once this is complete a funding proposal should be presented to both the State and Federal governments to implement the new development plan."

Had this occurred seeking additional funding grants would be easier and additional funds could have been requested to cover a new access road and improved parking which is not included in this development (see below). We continue to argue that an overall Master Plan for the Birubi Point precinct is desirable as soon as possible.

Aboriginal Heritage and Consultation.

Although a number of meetings have occurred since the initial application leading to the decision to only have a single level building there appears to be a lack of recent consultation with the local aboriginal community, the most recent documented is between 6 December 2011 and 8 March 2012 which is 12 months ago.

The Aboriginal Heritage Impact Assessment report in the SEE, dated March 2013, page 44 states "However, the Worimi Aboriginal community believe that the single story design plans for the expansion of the surf club will detrimentally affect what is considered to be a deeply spiritual landscape."

In the Council report 11 December 2012, the preferred EJE Architecture design is described as being "arranged by the Club" and it would appear that the architects brief was based solely on the Club's requirements and may not have fully incorporated the concerns of the Worimi.

The Council report also mentions, under *Legal, Policy and Risk Implications*, the requirement to "complete all cultural reports *prior to lodgement* of the DA" (our emphasis).

This appears not to have been done, as the first recommendation of the Aboriginal Heritage Impact Assessment is that:

"An Aboriginal Heritage Impact Permit (AHIP) will need to be sought for the Aboriginal midden (AHIMS#35-5-0012) which will be impacted by the proposed development."

Had proper consultation been undertaken, the architects may have been able to build around the midden – perhaps with an observation window and education display rather than completely build over it. We suggest that this possibility be explored.

Car parking and Access

The application has included a new bus drop off point, however it doesn't address the current road access via James Paterson Street which is partly residential and involves multiple speed humps which are very difficult for the tourist coaches to negotiate. It also does not address coach parking or the possibility of significantly expanded traffic and parking demand attracted to a redeveloped club and café facility.

TRRA in our earlier submission suggested the upgrading and expansion of the bottom car park with an alternative access road via the 4 wheel drive entry to Stockton Beach. This should be integrated into a planning initiative for the whole area. Even without the initially proposed restaurant/function room, the existing parking facilities, based on our own members' observations, continue to be inadequate and can only get worse with increased local population and tourist growth.

Financial Implications

While we understand that a development approval is separate from any final financial commitment by Council, we have significant concerns about the financing.

- 1) The Development Application quotes the value of works at \$3,000,000, and this is repeated in the *Examiner* article on 2 April. However, the report to the Council meeting on 11 December 2012 estimates the value of work at \$4,500,000 using the EJE Architecture plan as adopted. Which figure is correct?
- 2) There is significant shortfall of funding - stated at the Council meeting on 11 December 2012 as being \$1,685,000 – presumably based on the revised total cost. This has increased from the shortfall of \$350,000 stated at the council meeting on 26 June 2012, which was then hoped to be funded by as yet unconfirmed grants. There appears to be no current plan for how to fund the massively increased shortfall.
- 3) The current proposal appears to have been driven largely by pressure to “spend” the Federal government grant of \$2.2 million before a 31 July 2014 deadline. While we share community concern about the potential loss of such a sizeable grant, the deadline should not take precedence over other considerations.
- 4) The current proposal only really replaces the existing building with the addition of a small caretaker's residence for an outlay of close to \$5

- million. This is arguably a disproportionately large expenditure to provide replacements of the club house, cafe and toilets.
- 5) No costing is given for the required ongoing funding from general revenue to cover asset maintenance. The report to the 26 June 2012 meeting acknowledged that a single level redevelopment will not provide a viable commercial return to support ongoing costs.

Conclusion

We conclude that the current DA, subject to resolution of outstanding aboriginal heritage issues, should be approved, to give a clear 'product' that can be used to bid for further external funding.

We submit however that the approval should be made conditional on further work, to be carried out by Council, to address access and parking issues. Proposals for additional supporting infrastructure works should form part of further grant applications.

There appears to be no plan for financing the redevelopment without very substantial additional cost to ratepayers – both initially and on an ongoing basis. In the context of Council's overall financial position, we question whether this project is a priority, *unless* additional grant funding can be guaranteed. We understand that an approved DA, representing a clear objective, may be helpful in securing additional funding, and for that reason do not oppose the DA. Our conditional support for the DA should not however be taken as endorsement of any specific financial commitment by Council to the project, which needs to be the subject of a separate Council decision based on a clear business plan both for the capital cost and the ongoing maintenance and operational costs of the Birubi tourist precinct.

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