



**IS THE ASH STREET/OASIS CLOSE WALKWAY ONE GOING TO  
NOWHERE?  
WILL IT BE WASTED RATEPAYERS MONEY?**

While we understand how Oasis Close/Ash Street, Soldiers Point residents must have felt about having their short cut access to the Bowling Club closed off, TRRA Inc is concerned that the actions taken since September last year by Council to rectify the situation may very well end up in similar troubled waters years ahead.

We have had confirmation from Council in the last few days that there is no condition of consent included in the DA for the 100 Unit Seniors Development to legally designate access to the Bowling Club (and foreshore beyond ) where the new walkway would end, and then continue onto the new development land owned by the Bowling Club. We quote from Council *"People using the new walkway, once located on the Soldiers Point bowling club site are able to navigate a similar path to the current/historical arrangement."*

***And in answer to this question - "Has Council made it a condition of consent for the Bowling Club to formalise a public easement through the development to link with the proposed walkway?"***

*"No. This was considered through the assessment process and determined to not be able to be imposed as it doesn't directly relate to the DA and there is insufficient certainty to impose this condition. The deeds of agreement for the new walkway and the DA whilst related are separate legal processes."*

TRRA Inc asks ....

Is History set to repeat itself when the units are built and some senior residents may not be that happy to have regular pedestrians through their grounds and decide to just close access off?

Who IS going to impose the conditions and jump the legal hurdles instead of making excuses, so we don't have a re-run of the September 2013 event when the Oasis Close resident closed off the designated access and Council officers did not act then to enforce the re-opening?

We understand the main reason was fear of legal action!



As one Councillor (of 3) who voted against moving the project up the Works Plan and including it in Section 94 funds asked “Are we setting a precedent by not taking action against the owner who closed the original access off. There are plenty of other places in the Shire where this could happen?”

In the interim, what will be the cost to ratepayers if funds are wasted on this new raised level walkway, a construction which has not yet been fully planned or costed and which involves a raised level boardwalk through a storm water retention basin, with no lighting planned?

For those not familiar with the DA, the 100 seniors units are to be built as a staged development on Soldiers Point Bowling Club owned land behind the current car park. Members of the Club would have received plans and information in the mail this week.

#### PLEASE ACT NOW!

If you consider that Council should take a step back and sort the legalities of designated pedestrian access out first, TRRA urges members to ACT NOW. The rush for the construction of this new walkway (potentially to nowhere) may well be a waste of money as legally it may not give public access in the years to come anyway.

WHY THE URGENCY? Currently Council is seeking public feedback (Examiner 18.6.14) on moving the construction of a new raised walkway (estimated **minimum cost \$134,000) to the top** of the Works Plan for 2014-15 ahead of hundreds of other worthy projects – many of which the ratepayers have been waiting to see funded and completed for many years, e.g., Foreshore Drive: Widening of Mambo Wetland outlet and shared path link (eastern end) Yes, that dangerous section of road negotiated by thousands of vehicles each day. It’s a miracle that a cyclist or pedestrian has not been injured or killed.

Most Australians would call this simple “queue jumping” and in other situations in their lives, *would find this quite unacceptable*. .....So why are we not moved to tell Council what we really think of this common practice which has crept in at Port Stephens Council?

**You have until Wednesday 16<sup>th</sup> July to “man up”** about this and send your comment to Council. You can even request your name be withheld.

Similarly you have until **Thursday 17<sup>th</sup> July** to tell Council that it is unfair to insert this walkway project ahead of hundreds of others into Section 94 and 94A funding schedules. The latter are the pool of projects which can be funded when a developer contributes towards future infrastructure, preferably in the area where the development is to occur, but not always.



In this case, we believe that a substantial part of the future Section 94 contribution for the 100 Unit Seniors Development will go towards contributing to the Ash Street/Oasis Close walkway .....and we consider could also relate to the reason for Council calling of an extraordinary meeting of 15<sup>th</sup> April to approve the DA. There were some unusual circumstances noted in the approval process for this DA.

That's OK to allocate Section 94 this way..... if there are not other local projects which have been waiting in the wings for years. ....Bringing the Soldiers Point Community Hall back to life springs to mind first up.

Note that TRRA Inc has not taken this issue up until recently. When the original designated Oasis Close access was closed off by the owner in September last year, residents rallied with a 400 signature petition to request it be re-opened and attended the Council meeting in large numbers. We had an expectation that enforcement would happen.

We are left to wonder if the same 400 residents had the same expectation and would support what has happened since September 2013? The Mayor and Councillors should not be assuming that they do.

If this is "Getting Things Done", I, and many others, are left to wonder about the potential for this to turn around and bite ratepayers in the future with even more legal costs!

**Written by Margaret Wilkinson, Hon Secretary TRRA Inc. for the TRRA website.**