
EcoNetwork – Port Stephens Inc.

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Submission: DA 16-2019-8-1 Soldiers Point Marina- Extension to Building and Related foreshore works.

EcoNetwork-Port Stephens is a grassroots community-based environmental and sustainability network comprising 27 community and environment groups and eco-businesses with a focus on sustainable planning. We are non-party political and do not donate to political parties.

We write in support of an affiliated group, the **Soldiers Point Community Group** which has been researching this proposal for several years. We are concerned that Port Stephens Council is neglecting its duty of care for our unique coastal environment and is more concerned with private developments than community benefit.

EcoNetwork Port Stephens objects to the proposal on the following grounds:

1. Neglect of process. Incorrect addresses, lot numbers and lack of clarity about current zoning have characterised this process. Incorrect information has been provided by the proponent and the corrections were only made when inconsistencies were communicated to PSC by the Soldiers Point Community Group. Information provided to the public, consultants, relevant consent authorities and PSC Planning Department about this marina development have been incorrect and confusing. Descriptions of the exact land area on which the development is to take place, its zoning and relevant permissions have been changed several times through this development process. This does not allow for a free and honest scrutiny of the proposal and the application should be rejected.
2. The proponent is proposing a change in use. Marinas do not have swimming pools and gyms. This is made clearer when the impact of linking the two current structures with the infill slab is viewed in plan, the proponent appears to be then able to complete a viable development in a future stage. It would seem appropriate for Council to look carefully at this proposal and whether it is part of a staged development. Council planning processes should require developments to be fully disclosed. The implications for future amenity and infrastructure in the area will be profound if, for example, the proponent seeks permission to build a hotel or resort using this footprint at a later date.
3. Proximity to the Aboriginal Place. Misleading information was provided to PSC and then the Department of Environment and Heritage regarding the proximity and impact on the adjacent Aboriginal Place.

4. The appearance, if not the actual conflict of interest, within PSC Planning Department. A person appears to have made enquiries or decisions about the Marina proposal both as an employee in the Planning Department of PSC and as an employee of Perception Planning.
5. Non-compliance with previous consent conditions. Council acknowledges non-compliance of the proponent with previous parking and access conditions. The EPA has documented environmental breaches by the proponent in this space and questions remain around the current use of various parcels of land at and around the entrance to the current facility. Prior consent conditions and conditions of use have not been met.
6. Environmental damage. The proposal will impact the immediate and wider bay areas both during and after construction. The proponent has a history with the EPA of breaches of environmental law. We have no confidence that this will change while the construction in an environmentally sensitive area takes place. The precautionary principle should apply, especially in this case with so many previous instances of not only disregard for the law, but for the environment.

In summary, the inadequate and misleading documentation offered has not allowed for informed decision making on this proposal. The poor record of compliance of the proponent, not only with consent conditions but with environmental laws leads us to the only possible conclusion, that this latest proposal should be refused.