

DRAFT

**SOLDIERS POINT ABORIGINAL PLACE
DRAFT PLAN OF MANAGEMENT
2015**

DRAFT

DOCUMENT CONTROL

| ISSUE NAME | ISSUE DATE | PURPOSE |
|-------------------|-------------------|--|
| Draft 01 | January 2015 | Internal Council and Office of Environment and Heritage Review |
| Draft 02 | February 2015 | Stakeholder Review |

DRAFT

Contents

EXECUTIVE SUMMARY

01/ INTRODUCTION

02/ VALUE STATEMENT

03/ LEGISLATION AND POLICY FRAMEWORK

04/ MANAGEMENT STRATEGIES

05/ IMPLEMENTATION AND REVIEW

APPENDICES

DRAFT

Definitions

Aboriginal Heritage Impact Permit (AHIP) – an AHIP is the statutory instrument that the Office of Environment and Heritage (OEH) issues under section 90 of the *National Parks and Wildlife Act 1974* (NPW Act) to manage harm or potential harm to Aboriginal objects and places.

Aboriginal Heritage Information Management System (AHIMS) – AHIMS contains information and records about Aboriginal objects that have been reported to the Chief Executive of the Office of Environment and Heritage. It also contains information about Aboriginal places which have been declared by the Minister to have special significance for Aboriginal culture.

Conservation works – works that assist in retaining the cultural significance of a place or object, and are undertaken to prevent further deterioration and potential loss of cultural significance. Examples include fencing, restoration, signage and adaptive reuse.

Cultural values – the cultural significance of landscapes, places, objects, customs and traditions (and their contexts) that communities have inherited from the past and wish to conserve for current and future generations. These values can relate to physical or ‘tangible’ sites, places and objects; and ‘intangible’ cultural practices associated with those landscapes, sites, places and objects, and include traditional, historical and contemporary associations of people with heritage places. Natural elements of the environment may also have cultural meanings and values.

‘Harm’ to an Aboriginal object or place is defined in the *National Parks and Wildlife Act 1974* (NPW Act) to include any act or omission that destroys, defaces or damages an Aboriginal object or place or causes or permits the object or place to be destroyed, defaced or damaged. Harm to an Aboriginal Place is an offence under the NPW Act unless the harm was authorised by an Aboriginal Heritage Impact Permit (AHIP).

Gazettal – The New South Wales Government Gazette is the official channel for the circulation of Proclamations, Regulations, Government Notices, Private Legal Advertisements and other matters required to be published in the Government Gazette under the Statutes of New South Wales Government.

OEH information agreement – a standardised legal agreement made to protect the privacy of information provided to OEH related to information or cultural knowledge obtained during heritage research.

Section 161 notices – section 161 of the *National Parks and Wildlife Act 1974* enables information about Aboriginal places, objects and culture to be withheld – or kept confidential – in the public interest. A notice under section 161 allows the Director General to say that specified information relating to the cultural values of an Aboriginal Place should be withheld in the public interest.

List of Tables

Table 1: Contents of a Plan of Management as required under the Local Government Act 1993

Table 2: How this Plan meets the Guideline Requirements

Table 3: Soldiers Point Profile

Table 4: Description of Properties covered by this Plan of Management

Table 5: Current Leases and Licences

Table 6: Community Land Category Core Objectives

Table 7: Action Plan

Table 8: Scale and Intensity of Permitted Uses

Table 9: Activities that may harm an Aboriginal Place

List of Figures

Figure 1: Locality Plan

Figure 2: Soldiers Point Land Property Description

Figure 3: Land Categorisation Map

Figure 4: Management Focus Areas

Figure 5: Identified Individual Areas of Aboriginal Significance

Figure 6: Master Plan

EXECUTIVE SUMMARY

The subject land is located at Port Stephens, approximately fifty (50) kilometres North of Newcastle on the North Coast of New South Wales. It includes six (6) individual lots (see Table 3 and Figure 1) with a combined size of approximately 5.9ha. The 2004 Plan of Management for this site will be revoked upon adoption of this Plan of Management.

The Soldiers Point area played an important role in the history of the Worimi Maiangal people and other Aboriginal families, which settled on the southern harbour of Port Stephens. Local Aboriginal people continue to have a strong spiritual and emotional attachment to the area and for this reason Soldiers Point has been nominated as an Aboriginal Place by Les Ridgeway (deceased) former Chairperson, Worimi Traditional Aboriginal Owners and Elders Group. The declaration of Soldiers Point as an Aboriginal Place will enable the ongoing future use, development and maintenance of the area to be compatible with the cultural significance of the Place.

This document seeks to provide a clear and transparent management framework in line with the requirements under the *Local Government Act 1993* and also the requirements of the *NSW National Parks and Wildlife Act 1974* as an Aboriginal Place.

This Plan of Management draws on discussions and negotiations between Port Stephens Council, the community and key stakeholder groups including; the Worimi Local Aboriginal Land Council, the Worimi Traditional Elders Group Inc., the Maiangal Aboriginal Historical Society, and the Office of Environment and Heritage.

Management will be a joint effort between Port Stephens Council and the NSW Office of Environment and Heritage (The Office of Environment and Heritage will act in consultation with Registered Aboriginal Parties to any Aboriginal Heritage Impact Permit for the site). Overall responsibility will remain the role of Port Stephens Council, but management direction will be as a team. This initiative alone is desirable for appropriate future management for Soldiers Point site.

01

INTRODUCTION

1.1 What is a Plan of Management?

The *Local Government Act 1993* (the Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under the Act.

A PoM is an important tool, written by Port Stephens Council (Council) in consultation with the community. A PoM identifies issues affecting the subject land, and outlines how the land is intended to be used, improved, maintained and managed into the future. This document provides a transparent and co-ordinated approach to public land management.

Under the Act, community land is required to be further categorised as general community use, park, sportsground, natural area, or area of cultural significance.

1.2 Purpose of this Plan of Management

The Act requires all public land, which is Council-owned land, to be classified as either 'community' or 'operational' land. Land that has been classified as 'community' land is to be managed and used in accordance with a Council adopted PoM.

The 2004 PoM (prepared by Port Stephens Council and the NSW National Parks and Wildlife Service) for this site will be revoked upon adoption of this PoM.

1.3 Objectives of this Plan of Management

This PoM seeks to provide a clear and transparent management framework, which aligns with the Aboriginal cultural values of Soldiers Point as a gazetted Aboriginal Place under the *NSW National Parks and Wildlife Act 1974*.

The PoM will enable Soldiers Point to continue to develop as a place of:

- Protected cultural heritage;
- Recreational opportunities;
- Strengthened environmental sustainability and ecology; and
- Community and cultural activity.

A key objective for this PoM is to recognise the Aboriginal cultural values within the site and to outline the policies and strategies for their management and conservation.

1.4 Process of preparing this Plan of Management

Prepare Draft Plan of Management

- Review Soldiers Point Plan of Management 2004
- Review Soldiers Point Aboriginal Place document (Office of Environment and Heritage)
- Consultation with the Maiangal Aboriginal Historical Society, Worimi Local Aboriginal Land Council, the Worimi Traditional Elders Group Inc. and the Office of Environment and Heritage (OEH)
- Consultation with existing user groups and key stakeholders



Council Resolution and Public Exhibition

- Council endorse the Draft PoM for public exhibition
- Notify key stakeholders and community groups
- Place notices in the local newspaper
- Place Draft PoM on display on the Council's website and libraries
- Place the draft PoM on 28-day public exhibition, with a further 14 days for written submissions
- Provide a community information session



Adopting the Plan

- Review and evaluate public submissions
- Amend the draft PoM and incorporate feedback from the public exhibition period
- Report to Council to consider adoption of the final PoM
- Prepare final PoM, including amendments Council may endorse



Implementation

- Start to implement the PoM

1.5 Community Consultation for this Plan of Management

This PoM draws upon consultation between Council, the community and key stakeholder groups, including; the Maiangal Aboriginal Historical Society, the Worimi Local Aboriginal Land Council, the Worimi Traditional Elders Group Inc. Soldiers Point Community Group, Soldiers Point LandCare and the Office of Environment and Heritage (OEH).

Outcomes and community values, and in particular Aboriginal cultural values, emerging from these consultations have been considered in developing this PoM and will continue to inform the values, directions and strategies of future use and development of Soldiers Point.

There will be ongoing opportunities for consultation with the key stakeholders and the wider community with the continued management of Soldiers Point.

Public feedback on the draft PoM is fundamental to delivering the key objectives for each category of land. Through the draft PoM Council will continue to engage, collaborate and provide opportunities to include our community.

1.6 Plan of Management Requirements under the Local Government Act, 1993

The Act sets out certain requirements for what a Plan of Management for community land must contain. See Table 1 below:

| TABLE 1 Contents of a Plan of Management as required under the <i>Local Government Act 1993</i> | | |
|--|------------------------------|---|
| Requirements of the Local Government Act | Relevant Sections of the Act | The Section of this Plan that satisfies the Act |
| Categorisation of community land | S36(4) | Section 3 |
| Core objectives for management of the land | S36 E-N | Section 3 |
| A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management. | S36(3A)(a)(ii) | Section 4 |
| A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management. | S36(3A)(a)(i) | Section 4 |
| Performance Targets | S36(3)(b) | Section 4 |
| A means for assessing achievements of objectives and performance targets. | S36(3)(c) | Section 4 |
| The purposes for which the land, and any such buildings or improvements will be permitted to be used. | S36(3A)(b)(i) | Section 5 |
| The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise. | S36(3A)(b)(ii) | Section 5 |
| A description of the scale and intensity of any such permitted use or development. | S36(3A)(b)(iii) | Section 5 |
| Authorisation of leases, licences or other estates over community land | S45 | Section 5 |

1.7 Guideline Requirements for developing a management plan for declared Aboriginal Places

In addition to the above requirements, The Office of Environment and Heritage has also published a set of guidelines for developing management plans for declared Aboriginal Places. Within this document eleven steps are outlined for completing a management plan, refer Table 2 below.

TABLE 2
How this Plan meets the Guideline Requirements

| | | |
|-----|--|----------------------|
| 1. | Define the relevant stakeholders and affected parties | Section 1.5 |
| 2. | Prepare a general statement of management | Section 4 |
| 3. | Prepare a statement of cultural values of the Aboriginal Place | Section 2.3 |
| 4. | Identify the Aboriginal community's management goals | Section 4 |
| 5. | Identify the types of activities that may harm the Aboriginal Place and the associated cultural values | Section 5 Table 9 |
| 6. | Identify what values, objects and areas must be conserved | Section 4.2 |
| 7. | Identify what works and ongoing management activities are required | Section 4 |
| 8. | Identify other matters that may need to be negotiated between all identified groups | Section 5 Table 9 |
| 9. | Define ways in which culturally sensitive information will be treated | Section 4.2 |
| 10. | Explain, if funding and resources are available for conservation projects through grants, ways in which the funds will be used | Section 5.8 |
| 11. | List contacts | Appendix A |

02

VALUE STATEMENT

2.1 Site Description

Soldiers Point is a rocky promontory located in Worimi country on the southern shores of Port Stephens in the mid north coastal area of New South Wales. It is situated in close proximity to the coastal township of Nelsons Bay and is 50km north of Newcastle (See Figure 1).

The subject land is on the north-western side of the point with views to the west and northwest across Port Stephens. Archaeological evidence on Soldiers Point shows that Aboriginal people were living there before European colonisation.

As per the Act the land has been identified as containing the categories of Cultural Significance, Natural Area Foreshore, Park and Sportsground (see Figure 3). 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 3 and their specific management requirements are also outlined in this section.

The steep slopes in the north-western part of the site generally physically separate the site from the adjoining park and from the boat ramp area, however, there is potential for vehicular access to Everitt Park to be developed at the extreme north-eastern corner of the site. The steep embankment in the northwest marks the location of a former quarry.

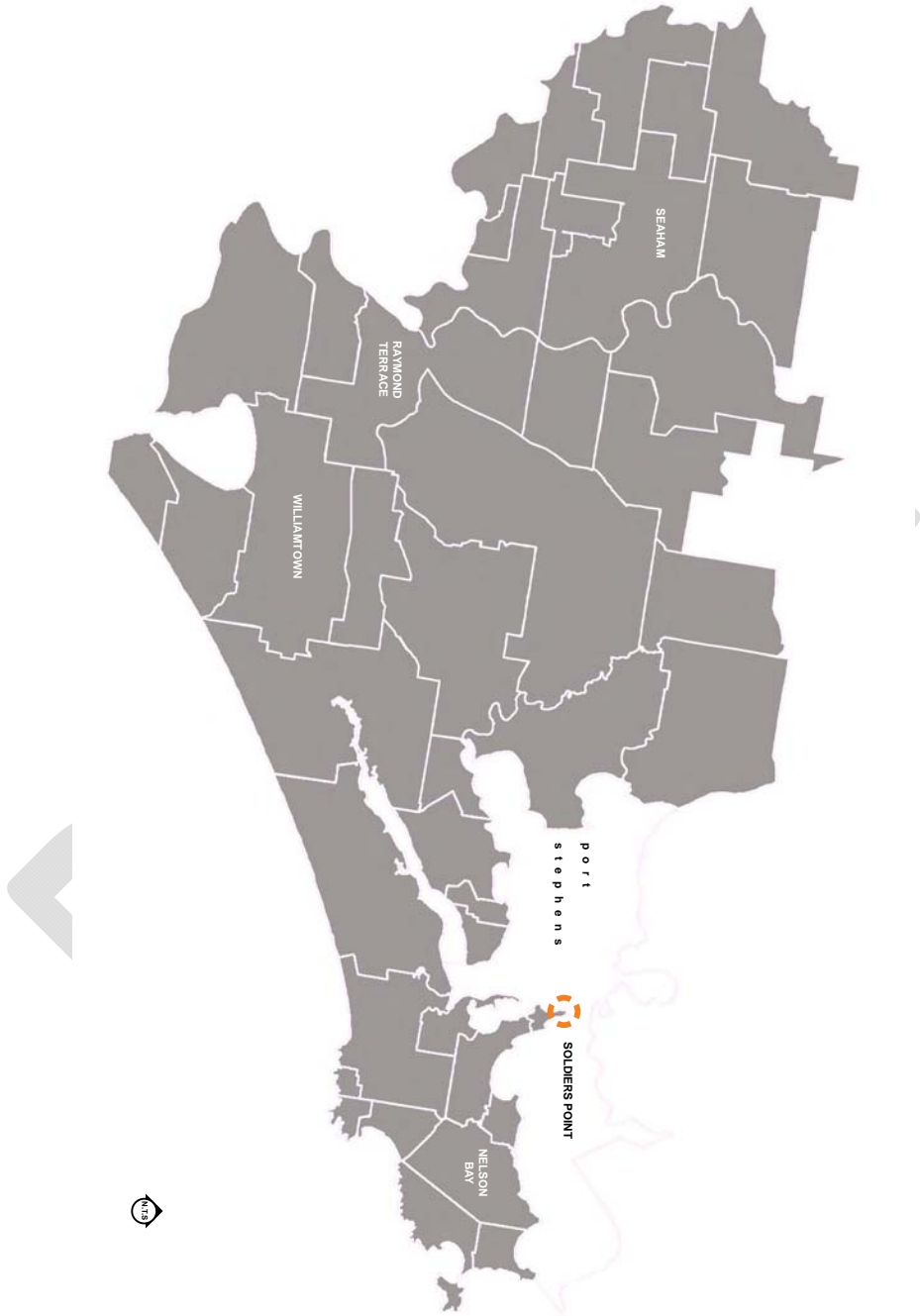
Immediately adjacent to the site is a privately owned marina complex which is supplemented by nearby permanent boat moorings. The boat launching ramp provides access to the Southern parts of Port Stephens and is well patronised throughout the year. Council owned recreational facilities are located on the opposing side of Ridgeway Avenue and include tennis courts, picnic facilities and play equipment.

The land in question has been subject to a range of activities over the years. Historically Everitt Park was subject to extensive quarrying and the signs of such activity are quite evident. The north-eastern portion of the site has been terraced and the natural landform in this area has been altered considerably. Erosion has become evident over the years and the movement of sand on the waterfront requires attention in the future.

Within the site the following buildings/structures are provided: Port Stephens Yacht Club, Holiday Park amenities building, Holiday Park Offices, Everitt Park amenities building, Soldiers Point Memorial Community Hall, Boat Ramp and the tennis court facilities.

The site is bounded by Port Stephens to the West, North and North-east. To the East the site is bounded by private residential dwellings consisting of single dwellings and multi-story apartments as well as street frontage along Mitchell Street and Ridgeway Ave to the South.

Figure 1 – Locality Plan



2.2 Aboriginal Place Significance

The Soldiers Point area played an important role in the history of the Worimi / Maiangal people and other Aboriginal families which settled on the southern harbour of Port Stephens within the historical period.

Below is a summary listing of key events in recorded history of the Worimi peoples in Nelson Bay and surrounding areas taken from OEH 2013: **NEED TO CHECK WITH OEH THAT THIS IS ALL OK TO INCLUDE**

| | | |
|--------------|--|---|
| 1791 | Convict ship Salamander enters the bay | Dallas and Cowlshaw 1994:21 |
| 1795 | W.R. Broughton of H.M.S Providence records four ex-convicts living with Worimi people | Bartlett 1980:9 |
| 1796 | Mr. Grimes fires on a Worimi person, reportedly killing the individual. | Collins 1798:342 in Dallas and Cowlshaw 1994:21 |
| 1822 | Land acquired by Captain William Cromarty. | Port Stephens Council 1999:4 |
| 1822-1826 | Joint use of Soldiers Point with Australian Army | Port Stephens Council 1999:4 |
| 1828 | Land Grant/transfer to Australian Agricultural Company (AAC). Gazettal does not preclude use of Soldiers Point by Worimi. | Port Stephens Council 1999:4 |
| 1829 | AAC establishes a sheep station on the Karuah River. | Dallas and Cowlshaw 1994:22 |
| 1838/41 | AAC reports to the Select Committees of the NSW Legislative Assemblies indicate a level of employment of Worimi people on the Station. | Dallas and Cowlshaw 1994:22 |
| 1861 | Soldiers Point known as a 'Village Reserve'. | Cowlshaw 1996:1 |
| 1873 | Report by William Scott of a significant Worimi population decrease, approximately 50%, in the area. | Dallas and Cowlshaw 1994:22 |
| 1873 | Report of permissive occupancy of 40 acres at Bagnalls Beach given to Willy Price. | Dallas and Cowlshaw 1994:22 |
| 1880's | Reports of conflict between Worimi and timber cutters at Karuah. | Dallas and Cowlshaw 1994:22 |
| 1885 | King Billy Price taken to court after an assault on a man at Stockton, noted as "being of an unsound mind". | Newspaper Clipping 1885 provided by Viola Brown |
| 1884 | Karuah Mission/Aboriginal Reserve established. | Dallas and Cowlshaw 1994:22 |
| 1896 | Linguistic and ethnographic study of Worimi people at western Port Stephens (Karuah) by Enright. Records the people on the southern shoreline as Maiangal. | Dallas and Cowlshaw 1994:28 |
| July 1908 | William Ridgeway declared King (known as King Billy) | A.I.M December 1908. |
| October 1915 | Notification of AR 51060 at Bagnalls Beach. | 8th Edition shire of Tomaree Map (1931) |
| May 1916 | Acquisition of Aboriginal Reserves by Commonwealth Government | Port Stephens Council 1999:4 |
| 1919 | William Ridgeway (King Billy) passes away | A.I.M December 1919. |

| | | |
|--------------|---|--|
| | | |
| 1921 | Construction of Louisa Ridgeway's wooden house. | Cowlshaw 1996:4 |
| 1925 | Record by Enright of the Sandy Point or Salamander Bay women's waterhole. | Dallas and Cowlshaw 1994:34 |
| 1950 | Report in Newcastle Morning Herald (18th August 1950) quotes the superintendent of the AAC 'adapted the Aboriginal name "Thou-Walla" which it is claimed to mean "meeting place" ...' | Cowlshaw 1996:2 |
| 1st Jan 1955 | Purchase of Soldiers Point by Port Stephens Council from the Commonwealth | Port Stephens Council 1999:4 |
| 1961 | Development of the Holiday park by Port Stephens Council | Port Stephens Council 1999:4 |
| 1960's | Demolition of the Feeny's house for construction of the camping ground road | Cowlshaw 1996:4 |
| 1980 | Protest by Worimi at Soldiers Point. | Cowlshaw 1996:3 |
| 1993 | Production of Development Strategy Report (Mandis Report) by Port Stephens Council recommends redevelopment to target mid-budget travellers. | ERM Mitchell McCotter Pty. Ltd. 1998:1 |
| 1995 | Creation of Soldiers Point Holiday Park Development Consultative Committee. | ERM Mitchell McCotter Pty. Ltd. 1998:2 |
| 1996 | Assessment of archaeological, anthropological and community concerns undertaken for Soldiers Point Holiday Park redevelopment. | Port Stephens Council 1999:4 |
| 1998 | Original NPWS Aboriginal Place assessment concluded | NPWS internal file |
| 1999 | Development of Soldiers Point Aboriginal Place Plan of Management | Port Stephens Council 1999:4 |
| 2004 | Amendment to Soldiers Point Aboriginal Place Plan of Management | ERM Mitchell McCotter Pty. Ltd. 1998:4 |

2.3 Aboriginal Place Declaration

Declaring an 'Aboriginal Place' is a way of recognising and legally protecting Aboriginal Cultural Heritage in New South Wales. Land in NSW that is deemed to have special significance for Aboriginal culture, including public and private land, can be declared as an Aboriginal Place.

The Office of Environment and Heritage (OEH) has an ongoing program of assessing and recommending the declaration and gazettal of areas as Aboriginal Places throughout NSW. These declarations are a conservation tool and advance the recognition, protection and understanding of Aboriginal cultural values throughout NSW.

The protective benefits of declaration can be augmented by using other tools such as listing on the State Heritage Register and conservation agreements under Part 4 of the *National Parks and Wildlife Act 1974*. The Aboriginal Places Policy (OEH 2011a) sets out the process for assessing and declaring Aboriginal Places, and includes a requirement to provide guidance on assessment and management planning.

The proposed Aboriginal Place was nominated by Les Ridgeway (deceased), former Chairperson, Worimi Traditional Aboriginal Owners and Elders Group in response to ongoing concerns over further development in the area and to demonstrate the importance of land to Worimi culture. The nomination has the support of the Worimi Local Aboriginal Land Council, however there is some dissent within the Worimi community over some of the claims of cultural values of some zones.

This PoM highlights the cultural significance of the Soldiers Point area and provides guidance for its management as a declared Aboriginal Place. Council has been involved in the early stages of the proposed Soldiers Point Aboriginal Place nomination and, despite differing views of the Aboriginal Place within the Aboriginal community, is supportive of Soldiers Point being declared an Aboriginal Place subject to the strategies outlined in the Plan.

2.3 Statement of cultural values of the Aboriginal Place

The values associated with the special significance to Aboriginal culture include, but are not limited to:

| Cultural Values | Examples at Soldiers Point |
|-------------------------|---|
| The stories of the area | <ul style="list-style-type: none"> • Church gatherings • Association with the Karuah Mission |
| The Worimi Lore | <ul style="list-style-type: none"> • Men's ceremonial site • Area where traditional practices and customs can be undertaken |
| Artefacts | <ul style="list-style-type: none"> • Burials • Middens |
| The landscape | <ul style="list-style-type: none"> • The geomorphology of Soldiers Point |
| Wildlife | <ul style="list-style-type: none"> • Totems |
| Plant Life | <ul style="list-style-type: none"> • Totems • History of scar trees |
| Uses of the land/water | <ul style="list-style-type: none"> • A Worimi meeting place • Former dwellings on the site • Former Aboriginal Reserve and camp • Fishing and marine based activities |

Local Aboriginal people have a strong spiritual and emotional attachment to the area. It is a place where Aboriginal families lived and where traditional knowledge and cultural life was sustained. The significance of Soldiers Point has accumulated over time and embraces the richness and diversity of Aboriginal life including the strong association with the marine environment and the history of the region. For many, Soldiers Point is a key to understanding the past.

For non- Aboriginal people, understanding the cultural values that the Worimi community have for Soldiers Point may be described as the whole landscape having a spiritual nature where all of the cultural values are interconnected. Figure X below is an interpretation of how the cultural values of Soldiers Point are understood by the Worimi community.

INSERT FIGURE HERE

2.4 European History

The following points provide a summary of the developments at Soldiers Point, since the commencement of European colonisation:

- Port Stephens was utilised by settlers, surveyors and sailors, arriving in the area between 1791 till 1821.
- Land acquired by Captain William Cromarty in 1822. Joint use of Soldiers Point with an Army Garrison that was established prior to 1826.
- Land grant/transfer in 1828 of a million acres of the domain of the Worimi Aboriginal people to the Australian Agricultural Company. This resulted in the Worimi continuing to live on Soldiers Point.
- Logging of timber resources from surrounding area, including cedar.
- The land was a Reserve from at least 1861 until its residents were forcibly removed to the Aboriginal reserves at Karuah and Sandy Point in 1915.
- The Commonwealth acquired Soldiers Point and adjacent land on 25 May 1916.
- Port Stephens Council purchased the land from the Commonwealth of Australia on the 1 January 1955.
- Development of the existing Holiday park (1961), adjacent marina and the Yacht Club after 1950. This presented a change in focus to recreational activities for the general community as compared to its use in previous years.
- Port Stephens Council produced plans for the redevelopment of the existing Holiday Park in 1993 which was met with some strong opposition from the existing tenants/users of the Holiday Park. Issues raised at this time have since been resolved through a number of channels. Local Aboriginal groups also raised concerns as a result of the proposed development of the area. Extensive consultation has been undertaken to manage these concerns.

2.5 Soldiers Point Profile

| Table 3 | |
|---------------------------------------|---|
| Owner | Port Stephens Council |
| Management | Port Stephens Council |
| Land Area (m2) | 5.9 hectares; approximately 59,500m2 |
| Lot and DP | Pt. Lot 2071 DP 852662 Lot 322 DP 636840 Lot 1 DP 211909 Lot 2 DP 211909 Lot 31 DP 596092 Lot 205 DP27084 |
| Zoning | RE1 Public Recreation under <i>Port Stephens Local Environmental Plan 2013</i> |
| Land Classification | Community |
| Adjoining Land Uses | Swing moorings |
| Surrounding Development | Low density residential development, characterised by single residential dwellings |
| Access and Circulation | Soldiers Point is primarily accessed by car |
| Community Land Categorisations | Park Area of Cultural Significance Natural Area – Foreshore Sportsground |
| Management Zones | Zone 1: North-Eastern Foreshore Zone 2: Everitt Park Zone 3: Car Park and Boating facilities Zone 4: Western Foreshore Zone 5: Western Holiday Park Zone 6: Eastern Holiday Park and Community Hall Zone 7: Port Stephens Yacht Club Zone 8: Tennis Courts |
| Current Uses | Passive formal and informal recreation spaces Soldiers Point Holiday Park Port Stephens Yacht Club Soldiers Point Memorial Community Hall Boat launching and retrieving facilities Car parking General outdoor recreation facilities i.e. picnic facilities, seating, amenities block Dinghy racks |
| Current Leases and Licences | Yacht Club Commercial Lease Soldiers Point Tennis Club – Licence Agreement Soldiers Point Holiday Park (Thou Walla Sunset Retreat) |
| Current Master Plan | Soldiers Point Plan of Management Master Plan 2015 |

Table 4 – Description of Properties covered by this Plan of Management

| Lot | D.P Number | Street Address | Owner/Classification | Comments | AP Nomination |
|------------------|------------|------------------------|--|---|---------------|
| Crn Lot 1 | DP211909 | 1B Mitchell Street | Port Stephens Council/ Community Land | Includes Community Hall | Yes |
| Lot 2 | DP211909 | 1A Mitchell Street | Port Stephens Council/ Community Land | Includes Holiday Park | Yes |
| Lot 322 | DP636840 | 9 Mitchell Street | Port Stephens Council/ Community Land | Foreshore land, Boat Ramp, Everitt Park | Yes |
| Lot 31 | DP596092 | 2B Ridgeway Ave | Port Stephens Council/ Part Community Land and Part Operational Land | Includes Port Stephens Yacht Club | Yes |
| Part of Lot 2071 | DP852662 | 2A Sunset Boulevard | Port Stephens Council/ Community Land | Foreshore land/ Undeveloped | No |
| Lot 205 | DP27084 | 2A Soldiers Point Road | Port Stephens Council/ Community Land | Tennis Courts | No |

DRAFT

Figure 2 – Soldiers Point Land Property Description

ERROR – Lot 2 DP 596092 should read Lot 2 DP 211909



2.6 Current Leases and Licences

| Table 5 | | | |
|-----------------------------|--|--|---|
| | 1 | 2 | 3 |
| Lease / Licence | Lease | Lease | Licence – non-exclusive |
| Lessee | Clippers Anchorage Pty Ltd | Port Stephens Yacht Squadron Limited | Soldiers Point Tennis Club |
| Facility | Yacht Club | | Tennis Club |
| Address | 2A Ridgeway Ave, Soldiers Point | 2B Ridgeway Ave, Soldiers Point | 2A Soldiers Point Road, Soldiers Point |
| Lease Classification | Commercial | Commercial | Community |
| Term | 25 years (01/12/2011 – 30/11/2036) | 21 years (01/07/2000 – 30/06/2021) | 5 years (01/07/2014 – 30/06/2019) |

DRAFT

03

LEGISLATION AND POLICY FRAMEWORK

3.1 Relevant Legislation and Policies

This section describes the legislative and policy framework applying to Soldiers Point. The most relevant legislation applying to the use and management of Soldiers Point is *the Local Government Act 1993*, the *National Parks and Wildlife Act 1974* and the *Port Stephens Council Local Environmental Plan 2013*. Relevant sections are referenced below. Full versions of the legislation can be accessed at austlii.edu.au and Council's policies are also available online at portstephens.nsw.gov.au.

3.2 Local Government Act 1993

Soldiers Point is classified as community land under the *Local Government Act 1993*. Community land is defined as land that must be kept for the use of the general community, and must not be sold.

Community land must be categorised and managed according to the provisions of *the Local Government Act 1993*, *Local Government (General) Regulation 2005* and any other laws regulating the use of the land.

The area of Soldiers Point in each category is shown in Figure 3.

The Act establishes core objectives for all categories of community land, and Council must manage accordingly. Any additional objectives established by Council must comply with these core objectives. The core objectives for each category of community land at Soldiers Point are set out in Table 6 below.

| Park | Core Objectives |
|---|--|
| Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the 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. | <ul style="list-style-type: none"> - To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and - to provide for passive recreational activities or pastimes and for the casual playing of games, and - to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. |

| Natural Area - Foreshore | Core Objectives |
|---|---|
| Land should be categorised as a natural area under section 36 (4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, | <ul style="list-style-type: none"> - to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and |

| | |
|--|---|
| <p>representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.</p> <p>Land that is categorised as a natural area should be further categorised as foreshore under section 36 (5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.</p> | <p>- to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p> |
|--|---|

| Area of Cultural Significance | Core Objectives |
|---|---|
| <p>Land should be categorised as an area of cultural significance under section 36 (4) of the Act if the land is:</p> <p>(a) an area of Aboriginal significance, because the land:</p> <ul style="list-style-type: none"> (i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974 , or (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or (iii) is of significance or interest because of Aboriginal associations, or (iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or (v) is associated with Aboriginal stories, or (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or <p>(b) an area of aesthetic significance, by virtue of:</p> <ul style="list-style-type: none"> (i) having strong visual or sensory appeal or cohesion, or (ii) including a significant landmark, or (iii) having creative or technical qualities, such as architectural excellence, or <p>(c) an area of archaeological significance, because the area contains:</p> <ul style="list-style-type: none"> (i) evidence of past human activity (for | <p>(1) To retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</p> <p>(2) Those conservation methods may include any or all of the following methods:</p> <ul style="list-style-type: none"> (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. <p>(3) A reference in subsection (2) to land includes</p> |



| | |
|--|--|
| <p>example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or (ii) any other deposit, object or material that relates to the settlement of the land, or</p> <p>(d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or</p> <p>(e) an area of technical or research significance, because of the area’s contribution to an understanding of Australia’s cultural history or environment, or</p> <p>(f) an area of social significance, because of the area’s association with Aboriginal life after 1788 or the area’s association with a contemporary community for social, spiritual or other reasons.</p> | <p>a reference to any buildings erected on the land.</p> |
|--|--|


| Sportsground | Core Objectives |
|---|---|
| <p>Land which is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games</p> | <ul style="list-style-type: none"> - to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and - to ensure that such activities are managed having regard to any adverse impact on nearby residences. |

Figure 3 – Land Categorisation Map



LEGEND

-  Park, Natural Area Foreshore, Area of Cultural Significance
-  Area of Cultural Significance

-  Natural Area Foreshore and an Area of Cultural Significance
-  Sportsground



3.3 National Parks and Wildlife Act 1974

All Aboriginal sites in NSW are protected under the *National Parks and Wildlife Act 1974 (NP&W Act)*, administered by the Office of Environment and Heritage (OEH). Under this Act it is considered an offence to harm Aboriginal places or objects.

Table 8 below illustrates the values of the area and outlines the types of activities that may harm the Aboriginal Place and which activities are either prohibited, requires an Aboriginal Heritage Impact Permit (AHIP) issued under Part 6 of the *National Parks and Wildlife Act 1974* or require advanced notice to the registered stakeholders.

Part 6 of the NP&W Act provides specific protection for Aboriginal heritage. The relevant key sections are below:

- particularly significant Aboriginal sites by the Minister for the Environment (s.84),
- penalties relating to harming or desecrating Aboriginal objects and places (s.86),
- defences to prosecution and exemptions (s.87), including the process of due diligence,
- the requirement to notify the Director-General when finding a new site (s.89A),
- the issue and use of Aboriginal Heritage Impact Permits (AHIP) (s.90),
- the role of the Aboriginal Heritage Information Management System (AHIMS) (s.90Q), and
- the Director General's right to issue stop-work orders, interim protection orders and remediation directions (Part 6a, Division 1-3).

Where harm to an Aboriginal object or place cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) can be issued by the Chief Executive of the OEH under Part 6 of the NP&W Act.

3.4 Environment and Planning Assessment Act

In addition to the NP&W Act, the Environmental Planning and Assessment Act (EP&A Act) is another key piece of legislation relevant to Aboriginal Heritage.

The primary function of the EP&A Act is that 'environmental impacts' be considered in land use planning and decision making. By definition 'environmental impacts' in NSW includes Aboriginal Heritage.

Part III, Part IV and Part V are the three relevant sections (along with associated regulations, schedules and guidelines) in the EP&A Act relevant to Aboriginal Heritage.

3.5 Port Stephens Local Environmental Plan 2013

The Council owned land comprising Soldiers Point is zoned RE1 Public Recreation. The objectives of this zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

3.6 Other Relevant Legislation, Policies and Documents

Australian Government

- Disability Discrimination Act 1992; and
- Environment Protection and Biodiversity Conservation Act 1999.

NSW Government

- Anti-Discrimination Act 1977;
- Building Professionals Act 2005;
- Children (Protection and Parental Responsibility) Act 1997;
- Companion Animals Act 1998;
- Companion Animals Regulation 2008;
- Contaminated Land Management Act 1997;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Food Act 2003;
- Heritage Act 1977;
- Land Acquisition (Just Terms Compensation) Act 1991;
- National Parks and Wildlife Act 1974;
- Noxious Weeds Act 1993;
- Protection of the Environment Operations Act 1997;
- Public Health Act 2010;
- Public Interest Disclosures Act 2008;
- Retail Trading Act 2008;
- Roads Act 1993;
- State Environmental Planning Policies (Infrastructure);
- Water Management Act 2000; and
- Work Health and Safety Act 2011.

Port Stephens Council

- Alcohol in Parks and Reserves Policy
- Foreshore Dinghy Storage
- Tree Management Policy and Procedures

Relevant Office of Environment and Heritage Documents

- The Soldiers Point Aboriginal Place proposal Assessment Report, OEH, 2014
- The Soldiers Point Aboriginal Place Aboriginal Heritage Impact Permit (AHIP) application

04 MANAGEMENT STRATEGIES

4.1 Management Issues and Focus Areas

This section formulates key management strategies relating to the site as an Aboriginal Place and then for the key issues in each of the Focus Areas. The management strategies are consistent with the core objectives for community land in accordance with the Act.

Where not specifically provided for in this PoM, management will also be in accordance with the *National Parks and Wildlife Act*, the *NSW Local Government Act 1993* and any other relevant legislation or policies described in Section 3.

Soldiers Point has been divided up into eight (8) Focus Areas (refer Figure 5):

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

Focus Area 6: Eastern Holiday Park and Community Hall

Focus Area 7: Port Stephens Yacht Club

Focus Area 8: Tennis Courts

Figure 4 – Management Focus Areas



LEGEND

- | | |
|---|--|
|  Focus Area 1: North-Eastern Foreshore |  Focus Area 5: Western Holiday Park |
|  Focus Area 2: Everitt Park |  Focus Area 6: Eastern Holiday Park and Memorial Hall |
|  Focus Area 3: Car Park and Boating Facilities |  Focus Area 7: Port Stephens Yacht Club |
|  Focus Area 4: Western Foreshore |  Focus Area 8: Tennis Courts |



4.2 Aboriginal Heritage – Aboriginal Place

As discussed in Section 2, Soldiers Point has been identified as being culturally significant to the local Aboriginal people for a number of reasons.

Proper treatment of ancestral remains and respect for Aboriginal burials are important aspects of Aboriginal cultural practices in NSW. When ancestral remains are uncovered, Aboriginal communities wish to carry out private reburials or protect the burials, whichever is most appropriate. Great respect is shown for graves in the vicinity of one-time missions and reserves.

Ancestral remains are of deep spiritual significance to Aboriginal people. They are the link with cultural heritage. Aboriginal people do not wish to see their ancestral remains disturbed, certainly not unnecessarily.

Given this, National Parks and Wildlife Service documents the subject area referred to as Soldiers Point, as being an area, supported by scientific research, which demonstrates high Aboriginal cultural significance for the Worimi people. Figure 5 illustrates the identified individual areas of Aboriginal significance.

Key notes relating to Figure 5:

- Areas 3, 4 & 5 are of high significance. They are to be managed in strict accordance with this Plan of Management.
- Aboriginal Midden Sites known as Area 1a & 1b and Area 2
- Aboriginal Men's Ceremonial Area known as Area 6 will not be subject to future development activities.

Key Issues

- Access
- Management and Recreation Activities
- Recognition and Interpretation of the Soldiers Point Aboriginal Place
- Conservation
- Treatment of Culturally Sensitive Information
- Restriction on release of certain information

Figure 5 – Identified Individual Areas of Aboriginal Significance



Strategy

The following are agreed aims for the Soldiers Point Aboriginal Place, as agreed by the Worimi LALC and Worimi community members, Port Stephens Council and OEH:

Access

- As large portions of the Soldiers Point Aboriginal Place are public space, access by the Worimi Aboriginal community need not be managed and the community are encouraged to visit Soldiers Point to continue cultural, educational and spiritual practices.
- In some circumstances, or where access to leased portions of Soldiers Point is desired, this should be through arrangement with Port Stephens Council. Such circumstances may include where a large group will be present or where privacy maybe required. Leased areas include the marina buildings, hall and the Soldiers Point Holiday Park.
- Permission from Council to access leased land should be obtained in advance and conditions such as roles and responsibilities in controlling, accessing and using the land should be agreed upon.
- Actions designed to ensure continuity of cultural practices will be encouraged, such as replanting, retaining vegetation of high cultural value, and integrating cultural and natural heritage needs into land use planning and management.

Management and recreational activities

- All day-to-day and longer term management decision making and implementation of works and other activities should be made with reference to this PoM; no action should be taken if it would have any adverse impact on the significance of the place. The risk of harming Aboriginal objects and places should be minimised wherever possible.
- Any proposed invasive work or activity should be considered on a case by case basis and should comply with the Aboriginal Heritage Impact Permit (AHIP) being developed to accompany this PoM.
- Moveable objects of cultural significance will be conserved in situ wherever possible. If objects are moved, they should be moved in accordance with an Aboriginal Heritage Impact Permit, assessed for significance under *NSW National Parks and Wildlife Act, 1974* or Aboriginal cultural material or under the *NSW Heritage Act, 1977* and professionally recorded, collected and stored. OEH should be consulted in relation to any works that fall outside of the provisions of the AHIP to ensure that it does not impact on the declared values of the place.
- Recreational activities should be limited to already disturbed areas and activities that are not consistence with the Aboriginal cultural values of Soldiers Point should be discouraged from occurring on these lands. This may include some events, large crowds, or activities which do not respect or are not considered appropriate for a place considered of special significance.
- It should be remembered that Soldiers Point is a place of burials and was used for ceremonial purposes, sensitivity to these values should guide decision making. The physical impacts caused by large crowds should also be considered as midden surface material and other cultural values maybe damaged or disturbed by large crowds of people.

Recognition and interpretation of the Soldiers Point Aboriginal Place

- The Soldiers Point Aboriginal place and the values for which it has been nominated should be recognised, interpreted and celebrated, as appropriate.
- The public use of Soldiers Point provides the opportunity to develop interpretative material that will inform and educate the wider community on the history and significance of the place to the Worimi community and other Aboriginal people.
- The positive management outcomes being undertaken by Port Stephens Council and the Worimi community should also be interpreted to the wider community.

Conservation

- Aboriginal sites and areas threatened by natural or manmade causes will be protected if possible or identified as priority sites for detailed recording and research.
- Non-destructive research into the Aboriginal cultural significance of the Soldiers Point area will be encouraged, after consultation and approval from the Worimi community, and in accordance with this PoM.
- Should any material or evidence of Aboriginal or archaeological significance be revealed work must cease immediately and contact made with OEH and the relevant Worimi community representative/s.
- All ground disturbing activities must comply with the Soldiers Point Aboriginal Heritage Impact Permit (AHIP) 2014.
- Port Stephens Council will promote the Aboriginal cultural values of Soldiers Point both internally amongst councils staff, particularly its field based staff, and with key stakeholders such as leaseholders, commercial operators, neighbours and regular users.
- Any community involvement in maintenance and or management activities shall be coordinated by Port Stephens Council, to ensure the protection of the Aboriginal cultural values.

Treatment of culturally sensitive information

Some information collected for the management plan may be sensitive, such as the location of burial sites, and should not be disclosed if there is a risk of damage, or loss of, the items or sites. Culturally sensitive information provided to OEH for the purpose of documenting Aboriginal Places may need to be kept confidential.

Some parts of a management plan or a proposal for Aboriginal Place declaration may be kept confidential to protect culturally sensitive information in accordance with a section 161 notice under the National Parks and Wildlife Act 1974 or OEH information agreement. Cultural sensitive information will be respected and managed in accordance with the National Parks and Wildlife Act 1974.

Restriction on release of certain information

Section 161 of the National Parks and Wildlife Act 1974 enables information about Aboriginal places, objects and culture to be withheld – or kept confidential – in the public interest.

- (1) The Chief-Executive may, by notice in writing, advise the Minister that the Chief-Executive is of the opinion that specified documents in the possession of the Service relating to:
 - (a) The location of threatened species, populations or ecological communities or Aboriginal objects, or
 - (b) The cultural values of an Aboriginal place or Aboriginal object should be withheld in the public interest.
- (2) The Chief-Executive may declare in the notice that information contained in the documents concerned is information for which there is a conclusive presumption of overriding public interest against disclosure for the purposes of the *Government Information (Public Access) Act 2009*.
- (3) The Chief-Executive must not give a notice under this section in relation to documents relating to the location of Aboriginal objects or the cultural values of an Aboriginal place or Aboriginal object unless the Chief-Executive has consulted with the Aboriginal people who the Chief-Executive is aware have an interest in the documents concerned.

4.3 Focus Area Key Management Issues

Focus Area 1: North-eastern Foreshore

Insert Photo/s

The north-eastern foreshore is characterised by dense vegetation that creates a significant buffer between the access road, from Mitchell Street, into the main car park and Port Stephens. No formal access to this area is provided.

Key Issues

- Aboriginal Heritage
- Foreshore erosion and sedimentation
- Management of the informal access tracks to ensure community safety
- Monitoring of unauthorised dinghy storage
- Ongoing beach cleaning maintenance
- Weed / vegetation management

Strategy

The banks of the beach area require replenishing to allow for improvement in the area's aesthetics and functionality. The portion of the beach closest to the boat ramp is the highest priority as there are exposed rocks within this area which limits beach use especially for boats waiting to be retrieved from the water.

The movement of sand within this area needs to be monitored to allow for an identification of behavioural patterns. An analysis of these patterns can then provide the necessary information to allow for a strategy for future management of these movements to be developed.

Stabilisation and vegetation management processes are required for the dunes immediately behind the beach. This area has become weed infested and erosion is visible. The use of this area for access to the beach requires clarification due to aboriginal and environmental significance of the dunes.

The whole of the beach area needs to be carefully managed due to its current use, environmental importance and its significance to the Aboriginal people.

Any development that alters the tidal processes within the area shall only be permitted where tidal movement/hydrological investigations have been completed in conjunction with the appropriate authorities and relevant committees.

Focus Area 2: Everitt Park

Insert Photo/s

Everitt Park is a small elevated grassed area. It can be accessed from the foreshore by some stairs. It is a well patronised foreshore park that provides opportunities for the community to enjoy passive recreational activities and an area to sit and enjoy the views across the water and foreshore surrounds. Stands of native trees in the park provide natural shade cover over the reserve.

The recreational value of Council's parks and reserves is influenced by the provision of quality facilities and amenities for local residents and the broader community. In general, what minimal infrastructure is in the park (e.g. seating, bins, pathways) are all in good condition.

Key Issues

- Aboriginal Heritage
- Access to and within the park, with consideration of disability access
- Future consideration of seating, picnic table and bin provision
- Ongoing general maintenance of park infrastructure and vegetation management

Strategy

Consideration may need to be given as to whether there is adequate provision of seating and bins in the park and also to disabled access within the park. Any additional park furniture in this area should carefully consider not only any potential impacts to the Aboriginal Place, but also the impacts on the views towards Port Stephens and function of the park as a predominantly passive recreation area.

Throughout the park, vegetation should also be managed to ensure the protection and enhancement of views to Port Stephens. Maintenance attention must be given to this area with a focus on removing noxious weeds, other weed species followed by rehabilitation and revegetation of the garden areas. It is important that any bush care volunteers adhere to relevant policies relating to the area as an Aboriginal Place.

Any proposed improvements to Everitt Park and existing components should further complement each other and allow for such facilities to be developed in conjunction with the Holiday Park.

Focus Area 3: Car Park and Boating Facilities

Insert Photo/s

This area of Soldiers Point provides direct boating access to Soldiers Point, which is adjoined by a large sealed car parking area. These facilities are well utilised, particularly during the summer months. A rock revetment surrounds the north-eastern tip of the area and also extends behind part of the beach between the boat ramp and the marina. The beach revetment does not allow access between the car park and the beach.

A short breakwater is located immediately to the north of the boat ramp, which protects the boat ramp from any waves with a nor-westerly fetch. The uneven surface of the breakwater requires ongoing maintenance from a public safety perspective.

The *Port Stephens – Hunter Regional Boating Plan* by Transport for NSW highlights the need for an additional boat launching lane at this facility. It is expected that this facility will be well used, given the existing popularity of Soldiers Point as a boating destination. The floating jetty would enhance the aquatic activity opportunities of the area and complement existing facilities.

Access to the area is via one sealed road in and out of the site off Mitchell Street. During the summer months in particular, the car park is almost always at capacity and as such there is a subsequent need for additional parking to accommodate park users. A potential location for additional parking has been identified along the access road into the site (refer Master Plan in Section 5). Further investigation and design would be required for any additional parking along this section of road. Key considerations for the location of additional parking include any potential impacts on the Aboriginal Heritage significance of the site, the recreational value of the area and the amenity of the local residents and pedestrians.

In general the existing seating, bins, bollards and toilet facilities are all in good condition. Consideration also needs to be given to disabled access with this area and to all publicly available facilities.

Key Issues

- Aboriginal Heritage
- Foreshore beach management
- Requirement for an additional boat launching ramp
- Car management
- Seating, picnic table and bin provision
- Ongoing general maintenance of park infrastructure and vegetation management

Strategy

The two main improvements to this area would be the addition of a boat launching ramp and also the provision of additional car parking.

Ongoing foreshore beach management work, including sand nourishment, should be undertaken to minimise erosion, protect the marine habitat and improve the foreshore access and amenity.

Focus Area 4: Western Foreshore

Insert Photo/s

The western foreshore extends between the boat ramp and the marina facility.

Key Issues

- Aboriginal Heritage
- Foreshore is subject to varying degrees of erosion and sedimentation.
- Management of the informal access tracks to ensure community safety
- Monitoring of unauthorised dinghy storage
- Ongoing beach cleaning maintenance
- Weed / vegetation management
- Future consideration of seating, picnic table and bin provision
- Ongoing general maintenance of park infrastructure

Strategy

The area of land along the Western boundary of the site (facing Port Stephens) is significant to the local Aboriginal people.

Key management issues in this area include the management of the dinghies; management of erosion and protection of the vegetation, and also the protection of the significant Aboriginal sites.

Future protection and management of these issues needs to be a joint effort in collaboration with the key stakeholders, adjoining property owners and the broader community to ensure the development of successful future solutions. .

The boundaries of the site have previously been infested with weed growth and required attention. The continued clearing and control of this infestation is required to meet objectives related to the proposed improvement and also to allow for the native species to prosper. The likelihood of disturbance to the significant Aboriginal plant species will need to be investigated as part of this process.

Council and other relevant authorities shall strive to improve both the recreational and environmental quality of the existing beach which includes implementing beach replenishment measures.

In consultation with the Port Stephens/Myall Lakes Estuaries Management Committee undertake a study of the tidal and subsequent sand movement patterns of the area with an aim to providing strategies and actions for future beach management and development control.

Implement a re-vegetation program along the fore dunes to stabilise this area and restrict further erosion.

Focus Area 5: Western Holiday Park

Insert Photo/s

This area of Soldiers Point is of great Aboriginal Heritage significance, known as an historical burial ground.

The former Soldiers Point Holiday Park (now rebranded Thou Walla Sunset Retreat) has, since 1 December 2013 been managed under contract arrangements with Wilfey Pty. Ltd.

Council's Property Services Section and Wilfey Pty Ltd have during 2013 and 2014 continued to engage extensively with the members of the Worimi community in the process of seeking permissions and common ground for the rebranding of the property to Thou Walla. Continued partnership will see other initiatives such as interpretative art and displays and other educational initiatives materialise within this area.

Council has approved the installation of ten permanent eco-tents in this area to provide a unique accommodation experience on the Tomaree Peninsula and these works are underway now with 3 tents having been erected and the remaining tents continuing to be erected in time for a product launch during summer 2014.

The construction style includes a series of moulded lightweight concrete pods laid out in a grid style upon which is constructed a timber framed floor which anchors and supports the tents. Each tent has a shower and toilet and all services run over the ground surface so as not to interfere with the subterranean aspects of the precinct. There are some power heads installed in this area and while uncontrolled camping no longer occurs on the site it is envisaged that the existing electricity infrastructure will be maintained in a non-invasive manner so as to maintain the power utility.

Council has a tree management program in place and regular maintenance is undertaken to maintain the safety of the site.

Key Issues

- Aboriginal Heritage
- Ongoing general maintenance of park infrastructure and vegetation management

Strategy

Council and Wilfey Pty Ltd will continue to work closely with all stakeholders and the Worimi elders and other representatives in a consultative manner in order to achieve appropriate joint outcomes.

Focus Area 6: Eastern Holiday Park and Memorial Hall

Insert Photo/s

This area provides a range of accommodation alternatives together with an in ground swimming pool / BBQ facilities and includes the location of the Soldiers Point community memorial hall. Predominately this precinct features paved roads and access driveways while the built form aside from the housekeeping shed comprises cabin style design. The housekeeping shed comprises a steel frame and Colorbond steel cladding with a concrete paved floor.

All necessary infrastructure required to service this precinct is located below ground and in 2014 an independent Asset Management advisory firm provided Council with extensive lifecycle planning projections for the precinct through til the end of 2034. The maintenance and asset renewal in this precinct relate to the maintenance of the driveways, pool, internal roads, plumbing, gas, water and electrical utilities and the refurbishment and replacement of accommodation cabins as required.

As in Focus Area 5 active tree management is undertaken in this area.

The Memorial Hall is an important community asset to Soldiers Point. Future consideration needs to be given to formalising the current parking arrangements for the Hall. The design and placement of formalised car parking should also consider landscaping and retaining the surrounding open grassed character.

Key Issues

- Aboriginal Heritage
- Car management
- Ongoing building, infrastructure and park maintenance

Strategy

Council and the Wilfey Pty Ltd will continue to work closely with all stakeholders and the Worimi elders and other representatives in a consultative manner in order to achieve appropriate joint outcomes.

In addition to ongoing general building maintenance works and improvements required to ensure the safety of the Memorial Hall, future consideration needs to be given to formalising parking at the Hall and also landscaping the surrounds.

Focus Area 7: Port Stephens Yacht Club

Insert Photo/s

The Yacht club is situated on the Western side of the subject land facing Port Stephens. Investigations to date have identified two significant midden sites to the North and South of this building and a burial site located under and to the northeast of this facility. The existence of these sites will restrict any further development within this area therefore limit future uses of this building.

The Port Stephens Yacht Club is currently under a commercial lease until 30 November 2036.

Key Issues

- Aboriginal Heritage significance
- Yacht Club economic viability

Strategy

The existing facility shall not be developed to any extent that may impact on the identified Aboriginal significant sites. OEH approval is required prior to any improvement or extension works being undertaken on the existing building.

The economic viability of the Port Stephens Yacht Club needs to be established prior to approval of any strategy for management of the club.

Focus Area 8: Tennis Courts

Insert Photo/s

There are three tennis courts at the Soldiers Point Tennis Club facility. The club house building adjoined to the tennis courts provides both ladies and gentleman's toilet facilities. Both the courts and the club house are generally in good condition.

The Soldiers Point Tennis Club currently has a 5 year non-exclusive licence agreement for use of the courts until 30 June 2019.

Parking for this facility is accommodated on street only. The potential for additional parking in this area could be accommodated along the Soldiers Point Road boundary to the courts. The proposal is to create a 90 degree parking bay along this section of the road. This would maximise the capacity of the existing car parking area and assist with any overflow parking needs generated from visitors to Soldiers Point.

Key Issues

- Aboriginal Heritage
- Car Parking
- Ongoing general maintenance of courts and building infrastructure

Strategy

Investigate the potential to create additional parking facilities adjacent to the courts and undertake all relevant studies to seek approval.

Undertake all general ongoing building and court maintenance works/ improvements required to ensure the safety of the facilities.

4.4 Action Plan

The intent of the following Action Table, in light of the key management issues discussed in Section 4, and as required under the Act, is to:

- Identify the desired outcomes or objectives with regard to each issue;
- Develop actions for the achievement of these objectives; and
- Develop performance measures or mechanisms for the measurement of success

Aboriginal Place

| Objectives | Actions | Performance Measure |
|--|--|--|
| Conserve the Aboriginal cultural values associated with Soldiers Point and establish management protocols for the protection of both tangible and intangible cultural values | Nominate Soldiers Point Community Lands as an Aboriginal Place under the <i>National Parks and Wildlife Act (1974)</i> to recognise and afford legal protection to the cultural significance of the area | Soldiers Point declared as an Aboriginal Place under the <i>National Parks and Wildlife Act (1974)</i> to recognise and afford legal protection to the cultural significance of the area |
| | Inclusion of the Aboriginal cultural values within Council's interpretation and signage strategies for Soldiers Point | Signage installed |
| | Culturally sensitive knowledge of the location of burials will be handled with respect, and according to the wishes of the relevant Aboriginal community | Culturally sensitive information protected |
| | Known culturally significant areas and remains to be protected and undisturbed | Culturally significant remains and areas undisturbed |
| | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEHL unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Culturally significant remains and areas undisturbed |

| | | |
|---|---|---|
| Continuing access for Aboriginal people to the Aboriginal Place will be encouraged to conserve its special significance | Establish site visitation protocols for the Worimi community with Port Stephens Council, particularly for cultural activities or for large gatherings | Worimi Community site visitation formulated |
| | Stakeholders are encouraged to allow ceremonies to be reintroduced to places where they used to be performed. | Number of ceremonies |
| | The ongoing role of the Aboriginal Place as a teaching site will be recognised and respected. | Increased community awareness |

Focus Area 1: North-Eastern Foreshore

| Objectives | Actions | Performance Measure |
|---|---|---|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| Protect and enhance the foreshore environment | Works in accordance with the Umwelt 2009 ' <i>Soldiers Point Boating Infrastructure and Foreshore Management Plan</i> ' | Increase environmental quality and biodiversity |
| Improve the landscape amenity of the foreshore vegetation buffer | Rehabilitate/regenerate and manage weed control of noxious weeds | Eradication of weed problems on foreshore |

Focus Area 2: Everitt Park

| Objectives | Actions | Performance Measure |
|--|---|---|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| Maintain the existing open grass and native tree character of Everitt Park | Ensure appropriate development of the park in accordance with the community land categories | All developments meet the requirements of the development guidelines and relevant legislation |
| To manage the park's vegetation so as to complement the recreation role of the Park | Conduct a program of vegetation management that focuses on removal of weed species and replanting with appropriate species that are consistent with the landscape character of the Park and maintain park user's safety | Weeds removed and replaced with suitable plant species |
| Provide and maintain a high standard of recreational facilities and amenities for Everitt Park users | Investigate opportunities for improved picnic/seating areas with appropriate shade planting and litter bins | Number of improved picnic /seating areas |

Focus Area 3: Boating and Car Park Area

| Objectives | Actions | Performance Measure |
|---|---|---|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| To provide adequate car parking for visitors to Soldiers Point | Develop plans for additional car parking along access road (refer Section 5, Figure 6 Master Plan) | Additional car parking provided |
| To provide improved boat launching facilities for users | Develop and implement plans for an additional boat launching ramp | Additional boat launching ramp provided |
| Provide and maintain a high standards of recreational facilities and amenities for visitors to Soldiers Point | Progressively upgrade recreational facilities, such as seating/tables, bins | Number of facilities upgraded |
| | Provide an improved level of cleanliness, repair and maintenance of amenity facilities | Park users express satisfaction with appearance, cleanliness and maintenance of amenities block |
| Protect and enhance the foreshore environment | Works in accordance with the Umwelt 2009 ' <i>Soldiers Point Boating Infrastructure and Foreshore Management Plan</i> ' | Reduced foreshore erosion |
| Improve the landscape amenity of the foreshore vegetation | Rehabilitate/regenerate and manage weed control of noxious weeds | Eradication of weed problems on foreshore |

Focus Area 4: Western Foreshore

| Objectives | Actions | Performance Measure |
|---|---|---|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| Protect and enhance the foreshore environment | Works in accordance with the Soldiers Point Boating Infrastructure and Foreshore Management Plan | Increase environmental quality and biodiversity |
| Improve the landscape amenity of the foreshore vegetation | Rehabilitate/regenerate and manage weed control of noxious weeds | Eradication of weed problems on foreshore |

DRAFT

Focus Area 5: Western Holiday Park

| Objectives | Actions | Performance Measure |
|--|---|--|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| Maintain the conditions of the contract for the Holiday Park | Council to provide a clear definition of responsibilities to lessee | Clear understanding of the responsibilities for the lessor |
| Ensure the facility is effectively managed and is of minimal impact on the surrounding environment | Council to monitor appropriate usage of the facility | Effective management of the facility and minimal number of complaints from the community |

DRAFT

Focus Area 6: Eastern Holiday Park and Community Hall

| Objectives | Actions | Performance Measure |
|--|---|--|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| Promote opportunities for appropriate activities for which the Community Hall may be booked for hire | Continued use of the Community Hall for community events/activities | Increased bookings for the Community Hall |
| Maintain the conditions of the lease for the Holiday Park | Council to provide a clear definition of responsibilities to lessee | Clear understanding of the responsibilities for the lessor |
| Ensure the facility is effectively managed and is of minimal impact on the surrounding environment | Council to monitor appropriate usage of the facility | Effective management of the facility and minimal number of complaints from the community |

Focus Area 7: Port Stephens Yacht Club

| Objectives | Actions | Performance Measure |
|--|---|--|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| Maintain the conditions of the lease for the Yacht Club | Council to provide a clear definition of responsibilities to lessee | Clear understanding of the responsibilities for the lessor |
| Ensure the facility is effectively managed and is of minimal impact on the surrounding environment | Council to monitor appropriate usage of the facility | Effective management of the facility and minimal number of complaints from the community |

DRAFT

Focus Area 8: Tennis Courts

| Objectives | Actions | Performance Measure |
|--|---|--|
| To manage and protect the site's Aboriginal Heritage significance | Activities and the development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit from OEH unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i> . | Aboriginal Heritage significance protected |
| To provide adequate car parking | Develop plans for additional car parking along Soldiers Point Road (refer Section 5, Figure 6 Master Plan) | Additional car parking provided |
| Maintain the conditions of the lease for the Tennis Courts | Council to provide a clear definition of responsibilities to lessee | Clear understanding of the responsibilities for the lessor |
| Ensure the facility is effectively managed and is of minimal impact on the surrounding environment | Council to monitor appropriate usage of the facility | Effective management of the facility and minimal number of complaints from the community |

Reserve Safety

| Objectives | Actions | Performance Measure |
|---|---|---|
| Adequately address risk management issues | Formulate and implement a regular inspection checklist to identify potential safety issues. | Improved public safety and risk management. |

Maintenance

| Objectives | Actions | Performance Measure |
|---|--|---|
| Ensure that best practice methods are used for all maintenance procedures and where necessary make suggestions for the improvements in the ongoing maintenance of areas | Review current work practices and procedures for maintenance operations through bench marking and adoption of industry best standards. | Soldiers Point is considered safe and well maintained at all times. |
| Promote efficient maintenance operations | Investigate the maintenance regime for the site and make recommendations for improvements where necessary | Reduction of long-term maintenance cost. |

05

FUTURE USE, DEVELOPMENT AND MANAGEMENT

5.1 Legislative Requirements

Uses and developments at Soldiers Point must be consistent with:

- the site as a declared Aboriginal Place
- the objectives of this PoM, including the relevant *Local Government Act* category and its core objectives;
- Relevant legislation, specifically the *Local Government Act 1993*, *National Parks and Wildlife Act 1974* and the *Environmental Planning and Assessment Act*;
- the zoning under the *Port Stephens Local Environmental Plan (2013)* (refer 5.2 below)

5.2 Zoning

The *Port Stephens Local Environmental Plan 2013* sets out, in general terms, what types of developments are permissible within the RE1 Public Recreation zone, and provisions for conservation of culturally significant items. This PoM is an important supporting document for any future proposed works.

5.3 Permitted activities

Whilst it is not possible to forecast every potential use, development or structure that may occur at Soldiers Point, these activities should be generally compatible with the intended function of the land, its role as an Aboriginal Place and the wider community context. These may be an application for use of the site, because funding or another opportunity becomes available, or to address a future need or management issue.

Tables 7 and 8 below have been developed to guide future use for the site:

- Permitted Uses (Scale and Intensity of future uses and development);
This table indicates the type of activities that are permitted and will not harm the values of the Aboriginal Place
- Activities that may harm an Aboriginal Place;
This table indicates the types of activities that may harm the Aboriginal Place and which activities are either prohibited, require an AHIP or require advanced notice to the registered stakeholders

5.5 Permitted Uses - Scale and Intensity of future uses and development

This section outlines the types of activities that will not harm the values of the Aboriginal Place and that will not require an AHIP or advanced notice to the Registered Stakeholders to the site.

Below is a list of general conditions for the Aboriginal Place, followed by Table 8 which provides more details on permitted activities within each of the zones (refer Figure 4 – Management Focus Areas).

General conditions for future use:

- Any work or study conducted on the Soldiers Point Aboriginal Place which is not authorised by the PoM must have an Aboriginal Heritage Impact Permit (AHIP). Contact OEH for further information;
- Undertaking cultural and heritage assessments before undertaking works through the relevant Aboriginal Heritage Impact Permit process (AHIPs);
- Include an exclusion or buffer zone for activities that could harm the place – this can be temporarily marked during works and removed once completed;
- Consult with and involve the Registered Aboriginal Parties to any Aboriginal Heritage Impact Permit for the site;
- Manage fire to prevent large fires;
- Educate people on the significance of the place and safe practices;
- Develop an appropriate Archaeological Management Plan to recover eroded or exposed sites, avoiding activities that will disturb the subsurface;
- Not removing or collecting physical material unless authorized;
- Planting vegetation to stabilise the ground to prevent further erosion while not harming any burials;
- Treat discovered human remains with respect and dignity at all times, and follow relevant legal requirements by reporting the remains to the NSW Police Force;
- Relocating existing roads, pathways or other high use areas when possible to prevent harm to the place;
- Routinely monitoring or inspecting sites for harm to the Aboriginal Place, such as gradual changes to the landscape (e.g. erosion).

Table 8: Permitted Uses – Scale and Intensity of future uses and development

| Management Area | Use / Activity | Scale and Intensity |
|--|--|--|
| Area 1: North-eastern Foreshore | Boating activities subject to Waterways Authority Approval | No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place |
| | Casual or informal recreational use | *Maintenance / Minor works include: |
| | Commercial filming and still photography (subject to Council approval) | - Mowing, whipper snipping |
| | Dinghy and watercraft storage | - Repair and replacement of park furniture |
| | *Maintenance / Minor works (refer Scale and Intensity for specifics) | - Stabilisation of eroded areas |
| | Signage general (including compliance, directional, interpretive, identification and safety) | - Maintenance of trees (under 3m or trunk diameter less than 150mm) |
| | Temporary activities require a casual booking or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing | - Lantana: Hand pull seedlings, cut/paint immature plants. Mature Lantana to be Splatter Gunned/ Cut stump/painted and reduced to smaller pieces and stockpiled to serve as temporary wildlife refuge habitat. |
| Weddings (refer Council's website) | - Fleabanes, Blackberry Nightshade, Asparagus fern remove propagules from site. Hand pull and shake soil from the root ball/ or crown where necessary and leave debris in situ | |
| Area 2: Everitt Park | Casual or informal recreational use | No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place |
| | Commercial filming and still photography (subject to Council approval) | *Maintenance / Minor works include: |
| | *Maintenance / Minor works (refer Scale and Intensity for specifics) | - Mowing, whipper snipping |
| | | - Repair and replacement of park furniture |
| | | - Maintenance of access stairs |

| | | |
|---|--|--|
| | <p>Intensity for specifics)</p> <p>Signage general (including compliance, directional, interpretive, identification and safety)</p> <p>Temporary activities require a casual booking or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing</p> | <ul style="list-style-type: none"> - Maintenance of trees - Signage general - Maintenance of trees - Lantana: Hand pull seedlings, cut/paint immature plants. - Polygala: Hand pull seedlings, pile and raft weed biomass - Fleabanes, Blackberry - Nightshade, Asparagus fern - remove propagules from site. - Hand pull and shake soil from the root ball/ or crown where necessary and leave debris in situ. |
| <p>Area 3: Car Park and Boating Facilities</p> | <p>Boating activities subject to Waterways Authority Approval</p> <p>Car parking area ancillary to the use of the community land, including the development of additional parking along access road (refer Master Plan)</p> <p>Casual or informal recreational use</p> <p>Commercial filming and still photography (subject to Council approval)</p> <p>Dinghy and watercraft storage</p> <p>*Maintenance / Minor works (refer Scale and Intensity for specifics)</p> <p>New boat ramp</p> <p>Signage general (including compliance, directional, interpretive, identification and</p> | <p>No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place</p> <p>*Maintenance / Minor works include:</p> <ul style="list-style-type: none"> - Mowing, whipper snipping - Repair and replacement of park furniture - Maintenance of trees (under 3m or trunk diameter less than 150mm) - Maintenance of car park - Drainage repairs - Toilet cleaning - Stabilisation of eroded areas - Maintenance of boat ramp - Maintenance of dinghy racks - Installation of new dinghy racks - Garbage Collection - Asset development of boat ramp - Asset development of car parking - Foreshore protection measures |

| | | |
|---|--|---|
| | <p>safety)</p> <p>Temporary activities require a casual booking or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing</p> <p>Weddings (refer Council's website)</p> | |
| <p>Area 4: Western Foreshore</p> | <p>Boating activities subject to Waterways Authority Approval</p> <p>Car parking area ancillary to the use of the community land, including the development of additional parking along access road (refer Master Plan)</p> <p>Casual or informal recreational use</p> <p>Commercial filming and still photography (subject to Council approval)</p> <p>Dinghy and watercraft storage</p> <p>*Maintenance / Minor works (refer Scale and Intensity for specifics)</p> <p>Signage general (including compliance, directional, interpretive, identification and safety)</p> <p>Temporary activities require a casual booking</p> | <p>No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place</p> <p>*Maintenance / Minor works include:</p> <ul style="list-style-type: none"> - Repair and replacement of park furniture - Maintenance of trees (under 3m or trunk diameter less than 150mm) - Stabilisation of eroded areas - Lantana: Hand pull seedlings, cut/paint immature plants. Mature Lantana to be cut stump/painted and reduced to smaller pieces and stockpiled to serve as temporary wildlife refuge habitat. - Fishbone Fern: Foliar spray with a combination of Round Up herbicide and a wetting agent/ or rake and pile for future extraction or incubate in black plastic. - Privet: Frill or if threat to public fell and treat with appropriate herbicide - Bitou Bush: Hand pull seedlings, large specimens to be cut/stump/ painted and weed biomass to be left in situ and biomass cut up into smaller sections to increase breakdown - Exotic grasses: To be spot sprayed using glyphosate at appropriate manufacturer's rate |

| | | |
|--|--|---|
| | <p>or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing</p> <p>Weddings (refer Council's website)</p> | <p>of application.</p> |
| <p>Area 5: Western Holiday Park</p> | <p>Boating activities subject to Waterways Authority Approval</p> <p>Car parking area ancillary to the use of the community land</p> <p>Casual or informal recreational use</p> <p>Commercial filming and still photography (subject to Council approval)</p> <p>*Maintenance / Minor works (refer Scale and Intensity for specifics)</p> <p>New installation of permanent eco tents</p> <p>Signage general (including compliance, directional, interpretive, identification and safety)</p> <p>Temporary activities require a casual booking or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing</p> <p>Tourist accommodation in accordance with</p> | <p>No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place</p> <p>*Maintenance / Minor works include:</p> <ul style="list-style-type: none"> - Installation of permanent eco tents - Management of trees (under 3m or trunk diameter less than 150mm) |

| | | |
|--|--|--|
| | <p>Council's commercial agreement pertaining to the site</p> <p>Vehicular access subject to Council approval</p> | |
| <p>Area 6: Eastern Holiday Park and Memorial Hall</p> | <p>Car parking ancillary to the use of the community land</p> <p>Casual or informal recreational use</p> <p>Commercial filming and still photography (subject to Council approval)</p> <p>Community hire / lease of hall</p> <p>*Maintenance / Minor works (refer Scale and Intensity for specifics)</p> <p>New boat launching lane</p> <p>Picnics /barbeques and associated facilities</p> <p>Signage general (including compliance, directional, interpretive, identification and safety)</p> <p>Temporary activities require a casual booking or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing</p> <p>Tourist accommodation and office (in accordance with Council's commercial</p> | <p>No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place</p> <p>*Maintenance / Minor works include:</p> <ul style="list-style-type: none"> - Renovation of hall interior - Renovation of hall exterior - High intensity camping - Management of trees (under 3m or trunk diameter less than 150mm) |

| | | |
|--|---|---|
| | <p>agreement pertaining to the site)</p> <p>Weddings (refer Council's web site)</p> | |
| <p>Area 7: Port Stephens Yacht Club</p> | <p>Activities in accordance with the Yacht Club lease agreement</p> <p>Maintenance / Minor works</p> | <p>Lease of site to Port Stephens Yacht Club until 30 November 2036</p> |
| <p>Area 8: Tennis Courts</p> | <p>Car parking area ancillary to the use of the community land, including the development of additional parking (refer Master Plan)</p> <p>Community hire</p> <p>Commercial filming and still photography (subject to Council approval)</p> <p>*Maintenance / Minor works (refer Scale and Intensity for specifics)</p> <p>Signage general (including compliance, directional, interpretive, identification and safety)</p> <p>Temporary activities require a casual booking or permit from Council. Council permit approval subject to satisfying specific criteria including nature of activity, number of participants, timing</p> | <p>No activity should take place which could harm or desecrate the cultural significance of the Aboriginal Place</p> <p>*Maintenance / Minor works include:</p> <ul style="list-style-type: none"> - Grounds maintenance (refer Table 8 if work requires any excavation below 200mm) - Garbage collection - Repair and replacement of park furniture - Toilet cleaning - Lighting and sewer repairs - Toilet block asset maintenance - Repair and replace playground equipment - Tennis court maintenance and repairs |

5.5 Activities that could harm and Aboriginal Place

Harm to an Aboriginal object or place is defined in the *National Parks and Wildlife Act 1974* (NP&W Act) to include any act or omission that destroys, defaces or damages an Aboriginal object or place or causes or permits the object or place to be destroyed, defaced or damaged. Harm to an Aboriginal Place is an offence under the NP&W Act, unless the harm was authorised by an Aboriginal Heritage Impact Permit (AHIP).

Table 8 below illustrates the values of the area and outlines the types of activities that may harm the Aboriginal Place and which activities are either prohibited, requires an Aboriginal Heritage Impact Permit (AHIP) issued under Part 6 of the *National Parks and Wildlife Act 1974* or require advanced notice to the registered stakeholders.

Exemptions

There are exemptions to the strict liability offence of harming an Aboriginal Place when the relevant activity:

- relates to Aboriginal people 'carrying out traditional cultural activities (except commercial activities)' (section 87B of the NPW Act)
- was required to conserve or protect an Aboriginal object or place and was carried out by a OEH officer or a person under the direction of that officer (section 87Aa of the NPW Act)
- was required or permitted under a conservation agreement entered into under Division 12 of Part 4 of the NPW Act (section 87Ad of the NPW Act)
- was authorised by or under the State Emergency and Rescue Management Act 1989 for an emergency within the meaning of that Act, and the act was reasonably necessary to avoid an actual or imminent threat to life or property (section 87Ac of the NPW Act), or
- was any emergency firefighting act or bush fire hazard reduction work within the meaning of the Rural Fires Act 1997 that is authorised or required to be carried out under that Act (section S87Ab of the NPW Act).

General Management Protocols

- Every 36 months a field survey of the place will be undertaken and the condition of the Place recorded, to be conducted by local Aboriginal community and OEH.
- Port Stephens Council will notify the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit that is associated with this PoM and OEH when Council is undertaking works or activities on the area even if the activity is included in the management plan, and once the activity is completed, will conduct an inspection for any harm to the place.
- An agreed approach to risk management will be adhered to.
- The stakeholders can meet once every 36 months, if not sooner to review the operation of the management plan, and consider recommending amendments to the plan to OEH.
- The Soldiers Point AP cultural values as well as mapping of the zones within the AP and permissible activities within each zone should be made readily available to all relevant PSC staff, contractors and lessees. Briefings of relevant persons should be undertaken.
- Council asset management system should be updated with the relevant information for this area so as to mitigate harm.

Table 9: Activities that may harm an Aboriginal Place

| Cultural value or special significance of the Aboriginal Place | Examples of activities that could harm an Aboriginal Place | Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any – Prohibited, AHIP, advanced notice to stakeholders? |
|--|--|--|
| Aboriginal burial ground Area 3, 4, 5 (refer Figure 5) | 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 | AHIP required |
| | Maintenance of existing trees over 3m in height and/or 150mm trunk diameter | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| | Human interference (vandalism, pilfering) | Prohibited |
| | Moving or collecting objects | AHIP required |
| | Maintenance of access stairs | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| | Installation of fencing requiring excavating below 200mm | AHIP required |
| | Installation of new posts requiring excavation below 200mm for signage | AHIP required |
| | Installation of signage | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| | Installation or maintenance of dinghy storage | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| | Revegetation of bush land edges and gaps: dig and plant up to 200mm in depth, back fill with in situ soil, tube stock | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| Emergency management of underground utilities | 24 hours' advanced written notice to Registered Aboriginal Parties to the | |

| Cultural value or special significance of the Aboriginal Place | Examples of activities that could harm an Aboriginal Place | Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any – Prohibited, AHIP, advanced notice to stakeholders? |
|--|--|--|
| | | Aboriginal Place |
| | Planned management works to underground utilities | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| Men’s ceremonial area Area 6 (refer Figure 5) | 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 | AHIP required |
| | Installation of signage | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| Middens Area 1a, 1B & 2 (refer Figure 5) | 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 | AHIP required |
| | Human interference (vandalism, pilfering) | Prohibited |
| | Moving or collecting objects | AHIP required |
| | Installation of signage | 14 days advanced written notice to Registered Aboriginal Parties to the Aboriginal Place |
| Continuous history of Aboriginal settlement and activity including: · Reserve (1861) · Permanent houses constructed (1920s) and demolished | Most major landscape changes to the place such as clearing trees, development or modification of open space and existing built structures, excavation | AHIP required |
| | Removing, relocating or collecting Aboriginal objects | AHIP required |

| Cultural value or special significance of the Aboriginal Place | Examples of activities that could harm an Aboriginal Place | Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any – Prohibited, AHIP, advanced notice to stakeholders? |
|--|--|--|
| (1980s) · Aboriginal's Inland Mission open air meetings · Tents (visitors from the Karuah mission) · Informal extension of the Karuah mission | Vandalism | Prohibited |
| Fishing and use of the marine environment, including: · Traditionally and historically · Recreationally and professionally · Surrounding waterways · The point | Infrastructure development | AHIP required |
| Places associated with intergenerational teaching, to pass on knowledge to young people | Major landscape changes to the place such as clearing trees, quarrying, mining | AHIP required |
| | Destroying trees that were used for medicine and food and that are used for passing on knowledge | Prohibited |

5.6 Leases and Licences

A lease will be typically required where exclusive use or control of all or part of Soldiers Point is proposed.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the site is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

Leases and licences can be established by the Council for public or private purposes, providing they are consistent with the major objectives of this PoM, that they maintain the integrity of the Aboriginal cultural values, and that the residential and environmental amenity of surrounding areas is maintained. Licences and leases for the use of land for activities must be permissible under the *Local Government Act 1993*, the *Port Stephens Council Local Environmental Plan 2013*, this PoM, and pursuant to development consent if required.

Existing leases and licences

This PoM authorises the current leases and licences until the end of their current terms before exercising any options (refer Table 4).

Future use agreements

Leases and licences formalise the use of community land by groups and organisations. The *Local Government Act 1993* requires that any lease or licence of community land be authorised by a PoM. Activities must be compatible with the categorisation and zoning of the land and provide benefits, services, or facilities for users of the land.

Pursuant to the provisions of Section 46 of the Act, Council may lease or licence community land in a PoM for purposes consistent with the categorisation and zoning of the land.

Activities generally include those permissible in the *Port Stephens Council Local Environmental Plan 2013*, are consistent with the core objectives of the applicable community land category, are in accordance with the Aboriginal Place, and those that do not interfere with the use and enjoyment of the parkland by other park users.

Authorisation of specific future leases, licences, casual hire, service agreements and deeds of agreement will be determined by Council. Approval will depend on the nature of the proposed lease or licence and Council would develop specific objectives and requirements tailored to the proposal.

To enable the Holiday Park to allocate sites to visitors to the park, short term licences will need to be allocated. The allocation of licences for such purposes would be in line with Section 46 (a) (i) and 46 (b)(iii) of the *Local Government Act (as amended) 1993* and should be in accordance with the requirements of any relevant legislation of the time.

Public access to the site needs to be managed so that it is protected for future generations and provided in a controlled a structured manner. There is evidence of private properties developing access to the site without first gaining necessary approvals.

Fees for short-term, casual bookings will be in line with the fees and charges as published annually in the Schedule of Fees and Charges.

In assessing the suitability of Soldiers Point as a venue for particular performances and events, Council will apply the following criteria that the event should:

- not result in physical damage to the park;
- be available to all sectors of the community;
- not result in a significant impact on adjoining residents or other users of the park; and
- Organisers of the event should be responsible for cleaning up the site and repairing any damage that may occur.
- In accordance with the site as an Aboriginal Place

Community land may be used for emergency purposes, including training, when the need arises.

5.7 Master Plan

The Master Plan (refer Figure 6) has been developed to illustrate the major works and improvements proposed. These works have been identified to address the key management issues and objectives, addressed in Section 4 and include:

- Additional Parking along the access road into the main car park
- Additional boat launching ramp
- Additional park along Soldiers Point Road adjacent to the tennis courts

5.8 Funding

Funding is integral to implementing this plan and falls into two categories:

- Capital works funding for new facilities
- Operational budget; for the ongoing maintenance and management of the Holiday park and community land

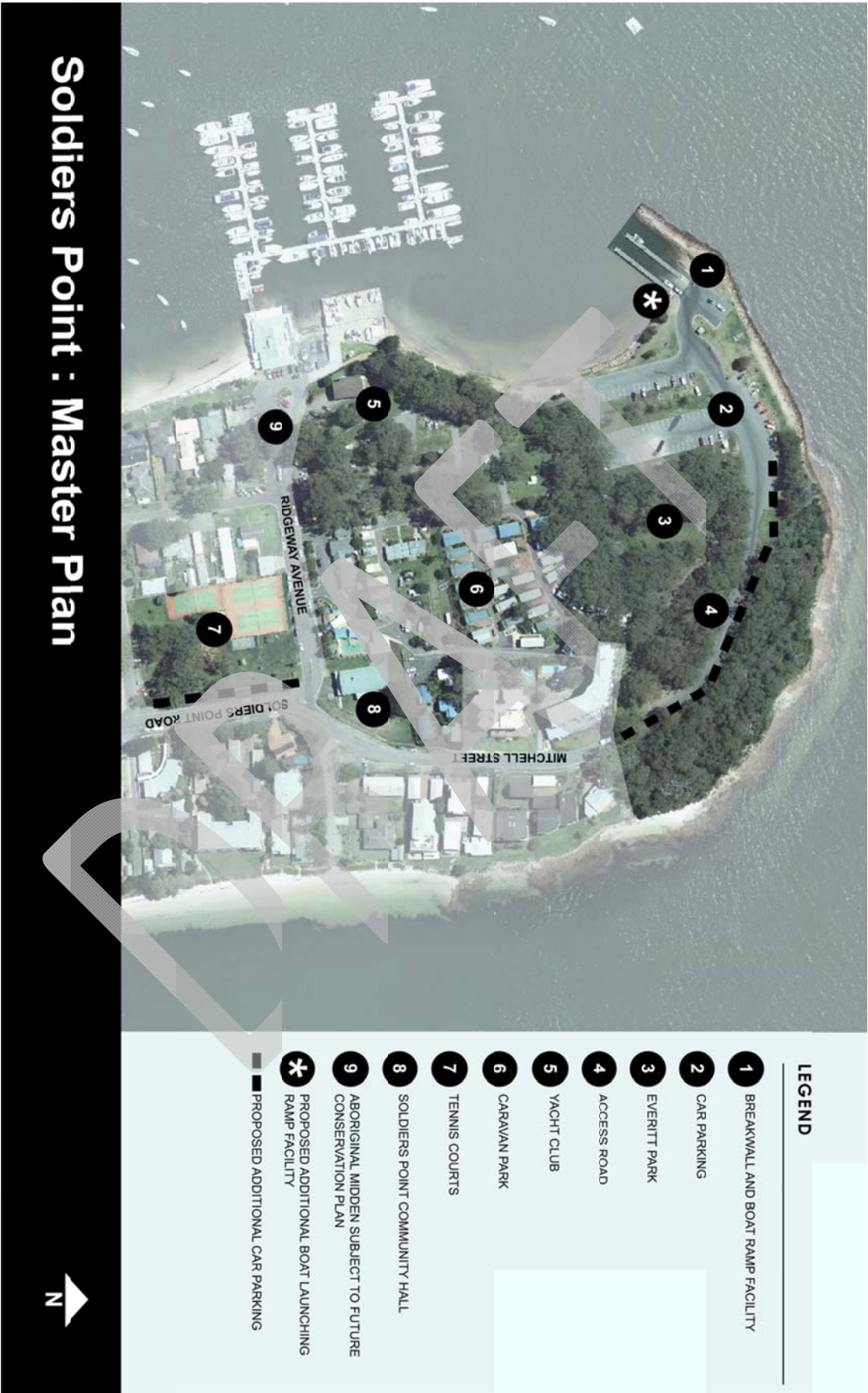
Additional sources of funding include, but are not limited to:

- Section 94 contributions; utilised for new landscaping and/or facilities which complement the core management objectives;
- Site revenue – potential income generated by leases, licences, parking fees, and from applicants for approved functions and events; and
- Grants; several State and Federal Government grants are available to assist with the Capital works on the site.

Funding arrangements for the site need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Funding for the construction of new facilities is generally through the annual budgeting process, but special projects may be partly funded through NSW Government grant applications, which may involve matching funding from Council.

5.9 Review of this Plan of Management

The Soldiers Point Aboriginal Place Plan of Management should be reviewed and updated at least every ten years. This will ensure that the PoM continues to reflect, as best possible, the needs of the community and the resources required to meet its objectives.



Soldiers Point : Master Plan

LEGEND

- 1 BREAKWALL AND BOAT RAMP FACILITY
- 2 CAR PARKING
- 3 EVERITT PARK
- 4 ACCESS ROAD
- 5 YACHT CLUB
- 6 CARAVAN PARK
- 7 TENNIS COURTS
- 8 SOLDIERS POINT COMMUNITY HALL
- 9 ABORIGINAL MIDDEN SUBJECT TO FUTURE CONSERVATION PLAN
- * PROPOSED ADDITIONAL BOAT LAUNCHING RAMP FACILITY
- PROPOSED ADDITIONAL CAR PARKING



References

8th Edition Shire of Tomaree Map (1931)

Dallas, M. & G. Cowlshaw. 1994. *Archaeological and Anthropological study of two development areas at Salamander Bay, Port Stephens NSW*. Unpublished report to Port Stephens Shire Council.

Department of Environment, Climate Change and Water (DECCW) 2010, *Aboriginal Cultural heritage consultation requirements for proponents 2010* - see www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf

ERM Mitchell McCotter Pty. Ltd. 1998. *Nelson Bay Road Segment 8 Archaeological Report*. Unpublished Report for Port Stephens Council.

Newcastle Morning Herald and Miners Advocate, June 1885. *Newcastle, Saturday*. Provided by Viola Brown

Office of Environment and Heritage (OEH) 2011a, *Aboriginal Places Policy*, see www.environment.nsw.gov.au/resources/conservation/110608Abplacespolicy.pdf.

Office of Environment and Heritage (OEH) 2011b, *Code of practice for archaeological investigation of Aboriginal objects in NSW*, see www.environment.nsw.gov.au/licences/archinvestigations.htm

Office of Environment and Heritage (OEH), (2013) *Soldiers Point Aboriginal Place Assessment Report*

Port Stephens Council, 2004. *Soldiers Point Plan of Management (amended)*. Port Stephens Council and National Parks and Wildlife Service.

Transport for NSW, *Port Stephens – Hunter Regional Boating Plan*

Umwelt (2009), *Soldiers Point Boating and Infrastructure and Foreshore Management Plan*

APPENDIX A

List of Contacts

DRAFT