



**Trade &
Investment
Crown Lands**

Hunter Area, North Region
Corner Bank St & New England Highway
East Maitland NSW 2323
PO Box 2215 Dangar 2309

Meeting Minutes

Patonga Crown Reserves and Dark Corner Cottages Plan of Management Community Reference Panel (CRP) Meeting 3

Thursday, 17 October 2013
2.30 – 5.00 pm
Patonga Progress Hall

Present:

CRP Member	Initials	Representing
Stewart Veitch	SV	Crown Lands
Rob Micheli	RM	Crown Lands
Colleen Worthy-Jennings	CWJ	Gosford City Council
Kim Radford	KR	Gosford City Council
Amy Toner	AT	Gosford City Council (Minutes)
Andrew Minto	AM	Patonga Beach Progress Association
Philip Doughty	PD	Patonga Beach Progress Association
Dain Simpson	DS	Patonga Community
Mark Zwan	MZ	Patonga Community

Apologies:

Katherine Bridekirk

SV welcomed all to meeting commencing at 2.35pm

1. Matters Arising from the Minutes

- SV advised minutes of previous meeting were reviewed. DS advised the minutes of previous meeting were not posted on Council's website. RM sent request to GCC. Council officer was on leave and minutes did not get uploaded. KR to investigate.

a. Review of Attachments:

- (i) **Att. 1 – Revised Management Strategy Table - Dark Corner Precinct A.**

5.5.1 Appropriate Tenures

Only minor wording changed requested by AM. Removal of the wording "Permissive Occupancy tenants" and change to "existing occupants" – to be amended in Management Strategy Tables. Agreed by all.

Items in **DS email dated 11 October 2013 concerning issues with new cottages**. DS expressed concerns over the dilapidated cottages and the suggested removal, with no building to be erected in its place. SV advised that all agreed and acknowledged in last meeting that the revised plan would reflect no new cottage development on green field sites.

5.5.3 New Development

RM advised that Council's planning instrument still says "7 cottages" though 5 cottages remain with 1 additional dilapidated cottage. RM asked if CRP were happy for 6 cottages which would allow for the rebuilding of the dilapidated cottage subject to other necessary planning approvals.

DS concerns that the Conservation Management Plan (CMP) did not allow this were addressed. RM confirmed that the CRP Statement of Significance from the CMP acknowledged the group of cottages as being six and the significance of the 'row of early weekender cottages'. It also noted that the site should continue to adapt for recreation and leisure purposes and that specific policies related to rebuilding/replacing cottages in 11.3 of the CMP, particularly items (d) and (j).

RM requested that DS take the matter of the description of the number of cottages up with the Council to have the LEP heritage list amended. DS agreed to follow this up. (Since done)

CRP accepted this position and Management Strategy Tables will be revised to reflect this position. See Version 3 dated 1-11-2013.

(ii) Att. 2 – Revised Action Table for Dark Corner – Precinct A.

Motion moved by SV to accept previous and current changes of Precinct A be adopted. PD & AM seconded Unanimous. Motion carried.

(iii) Att. 3 - Lot 7004 status.

RM advised that the public purpose of the reserve was public recreation only. PD advised the community does not agree, SV asked if their view had any legal perspective.

SV asked for legal documentation showing that the reserve 7004 is currently reserved for access. PD explained that there were three legal documents connected with the draft Plan which were prepared since the previously advised date indicating that the foreshore reserve was still defined for access.

PD advised that the documents were, 1997 Land Assessment, the brief prepared in 2006 to engage consultants and the 2008 draft plan of management for the Patonga Caravan and Camping Area. SV advised that these instances were probably carry over references related to the introduction of computerised records and were probably human errors.

PD referred to the generic description in the draft Plan of the reserves at Patonga and the term access contained in this description. SV advised that this description did not override the previously notified description.

PD accepted this advice.

AM asked if both reserves (Lots 7004 and 7006) public purpose was for public recreation - SV confirmed. AM requested a definition of "public recreation" be forwarded to all CRP; SV agreed to this request.

Note: In response to this request – the possible uses of reserves for Public Recreation (which was gazetted as a public purpose on 15 December 1989) are *athletic sports; bowling green; camping; children's playground; cricket ground;*

football ground; park; playing fields; public baths; public park; public recreation; recreation; rest park; rifle range; tennis courts; war memorial baths.

AM asked if the Plan could prescribe certain uses on separate Lots; SV advised prescribe within context, they can make suggestion but not prescribe. You must have a legal background. We can support something, but not put forward without legal evidence.

SV advised the use of the word “access” in relation to the reserve is too restrictive. Public recreation is a wide definition, including access for public recreation. AM concurred the term is wider.

AM said the reality is the community would like to prescribe what activities can occur on reserve 7004 and 7006 as they perceive a clear conflict as a result of the Camping Ground encroaching into the foreshore reserve. The community wants the camping ground to stay within its allocated reserve.

SV advised Crown Lands is unable to set aside public land for personal or exclusive uses, other than by way of a lease or licence. KR advised the whole intent of Plan was to enable people to have access the whole way around Patonga.

SV explained that people camp and pay to use a space for short term. MZ asked if SV thought resident parking was ‘exclusive use’. SV advised that resident parking as an exclusive use was not considered compatible with the reserve purpose of public recreation given that this use could lead to conflict between residents and other users of the reserve that park there. MZ asked if general parking could be made available for residents and SV advised that this option could be considered.

MZ asked when did the gazette notice revoke the ‘Access’ classification of the reserve, RM advised this was 8 January 1932. Since this time, given that the parish maps were hand charted this purpose was historically carried forward erroneously and only more recently was revealed.

SV said based on the documents provided today it may be the community’s view or perception; however it has no legal basis.

SV noted the comments of the community and advised that Crown has tabled the information on the parcels of land and there is no other legal evidence provided that refutes this advice, as such that the public purposes of Lots 7004 & 7006 are for public recreation only.

AM asked SV to confirm whether the term public recreation could be limited to a number of activities, including but not limited to access for public recreation. SV confirmed.

b. CRP to review Precinct C – Patonga Caravan and Camping Area and bring their requested change of wording/suggested additions to Management Strategies and Actions to the next meeting.

Motion to defer this item was made so that General business items 2a – 2c could be tabled as they relate to the review of this Precinct and may have a bearing on required changes. CWG seconded. Motion carried. (Note due to issues raised below, review of this item has been postponed).

2. General Business

a. Email correspondence forwarded by PD on 11 October 2013 concerning investigations from Mepstead & Associates Surveyors.

Crown Land and Gosford City Council thanked the community for undertaking the investigations and providing the plans.

AM expressed that Patonga Caravan and Camping Area (PCCA) be limited to Lot 7006. AM advised that the black elements on the map were done by GCC and the red lines were done by Mepstead. AM advised that the map suggests PCCA encroached well beyond the Lot 7006 boundary.

SV advised that based on this survey not being a land survey it cannot confidently confirm the boundary line of 7006. The 'survey plan' tabled undertaken by Gosford City Council that details the caravan and camping site and is referred to in CRP as a survey plan is in fact not a land survey but an asset survey. The plan notates all fixed and non-fixed improvements on the caravan and camping site as they relate to an arbitrary lot boundary on the ground. Crown Lands have never adopted this plan as a land survey. SV described the differences between an asset survey and ground survey, consensus on equal understanding was arrived at.

PD put the view that the comments made by SV were not correct and did not reflect the information contained in the Mepstead report and plan. The report and plan tabled at the meeting had been prepared in accordance with the Registrar Generals Directions for such a survey and states that the common boundary between the two allotments is the best fit and would have to be confirmed by a ground survey. The Council survey had been overlaid on the Mepstead plan to show the relationship of this best fit common boundary to the existing site conditions

CWJ advised the CRP that we need to get to the real cracks. We all want to agree. We need to stop haggling so we can move on and come to a resolution. There was no further discussion on the Mepstead report or plan.

AM suggested that if a proper survey was carried out then boundary issues should be resolved and PCCA could be contained within Lot 7006 and that it was considered essential that the boundary line for 7006 PCCA needs to be properly identified.

SV advised the CRP that Crown Lands could not carry out a survey for some months, possibly nine months due to current budget allocations and other commitments.

PD advised that the Progress Association will engage Mepstead Surveyors to perform survey with the community meeting cost. SV advised that the cost should be in the region of \$2000. SV agreed provided that SV prepares the survey instruction. The community can then comment on findings and a copy will be provided to GCC and Crown Lands. SV agreed. It was agreed to proceed.

SV asked the CRP if something built by PCCA was on Lot 7004, did the community expect this to be knocked down. AM & PD said yes. SV advised that this was not going to happen but after the survey boundary of 7006 is confirmed

then he will look at moving camping pads off Lot 7004 and those structures that are not at a substantial cost. DS advised there are no substantial structures on 7004.

CWJ asked KR to confirm what Council has built on Lot 7004. KR advised that GCC had built camping pads (shade cloth on metal frames). A playground was also erected in 2007.

PD requested that after the survey boundary is confirmed, any structures that encroach onto Lot 7004 be removed. After discussion it was agreed that items such as fish cleaning tables could remain and only camping pads would be removed. CWG/SV concurred with this request.

PD raised the community's view that the new office building/kiosk on 7006 was an unauthorised structure. SV stated that this was not the case as he had issued a letter to GCC approving the building of the office /kiosk. CWJ asked KR to confirm if the

GCC had done anything wrong. KR confirmed that the structure had been erected under SEPP Infrastructure as a relocatable office and also following confirmation from Crown Lands that the new office building was ancillary to the use of the reserves purpose – camping ground. PD asked SV if he had the power to approve the structures on 7006 SV responded yes and stated that if PD dissented from this response it should be recorded in the minutes. PD asked that this be the case.

SV advised that the boundary of Lot 7006 be defined and nothing else needs to be done until then.

b. Email correspondence sent by DS on 25 September 2013 raising questions regarding Precinct C and the PCCA Plan of Management.

Crown Lands indicated a preference to have all management strategies and actions combined into a single format in the revised plan so it can be adopted as a single document. It is proposed that the PCCA information will be reformatted to marry in with the rest of the document.

In order to achieve this, there are a number of potentially outdated items that will need to be removed and items of contention that the community will need to advise further on.

SV asked that the community provide alternate options/resolutions where they are not satisfied with the plan's content with regards to Precinct C (and having regard to the outcomes of boundary survey). The community will need to bear in mind that potential options or solutions will be guided by the legislation which Crown Lands will advise on once the options/resolutions are provided.

c. Email correspondence sent by DS on 14 October 2013 outlining community concerns for Precinct C to be discussed by DS for consideration when reviewing Precinct C Management Strategies.

DS suggested that in *5.7.1 Re-establishment of 30 meter wide foreshore reserve* that we remove reference of "residents", DS suggests that car parking for users of the PCCA be contained to lot 7006. DS also suggested that the community believes that the emotional and logical view is that tennis courts stay in the location currently used. MZ shared this view.

KR asked the CRP how they see parking be addressed for the PCCA users vs daily reserve users. DS advised that by defining Lot 7004 & Lot 7006 boundary, 7004 can be turned into car parking for reserve users and PCCA users cars can be contained to Lot 7006 and camping restricted to Lot 7006 only.

KR asked if the community will expect the cars of day visitors from PCCA guests to park within Lot 7006. DS advised that the expectation would be that they would park within Lot 7004 parking.

SV asked if the caravan park was reconfigured would the community want the parking for Creek residents within Lot 7004. DS said yes, and SV did not agree.

SV advised that if identifiable parking on Lot 7004 were to be provided it would need to be via a lease or licence, however the reserve purpose does not provide for exclusive rights parking.

AM suggested putting up "residents only parking" signs. SV advised that this exclusive use could not be supported, regulated or enforced.

SV advised that exclusive or dedicated parking on Lot 7004 for water based residents living on southern side of Patonga Creek would not be sustainable into the future management of this lot as the parking is not compatible with reserve purpose, would be a source of conflict between residents and visitors to Patonga, would require a high cost governance model to administer. It was agreed that the community

representatives would raise this issue and come back to November CRP meeting with a recommended solution.

DS advised that if there were 60-70 additional car spaces made that were "general parking" no lease/licence or creek resident parking would be needed.

MZ advised of possible security solutions for PCCA to implement including a boom gate that was automatic, used sensors, closed at 11.00pm & opened at 5.00am. There was one entrance and the pass would expire when the users stay had ended.

SV and KR noted comments but said that if the community now has access to Lot 7004 then access is not needed via vehicle to Lot 7006. The PCCA management is to be left to GCC & Crown, not the community.

AM pointed out that access to Lot 7004 will need to go through Lot 7006 KR concurred that this will need to be addressed.

Access to the boat ramp on Lot 7004 through Lot 7006 was discussed, being the primary access point on the Crown reserve for Creek residents that live on southern side of Patonga Creek. SV advised that continued access as now provided may not be sustainable with changes to park layout required to confine operations to Lot 7006. It was agreed that the community representatives would discuss this issue and come back to November CRP meeting with a recommended solution.

The playground equipment located on Lot 7006 was agreed to be a community asset and as such not for the exclusive use of caravan and camping users. The relocation of this equipment will need to be considered by community and solution to this problem presented at November CRP meeting.

Discussion then turned to the proposal to relocate the existing tennis courts and to utilise this land for parking for 7006. DS advised that the relocation of the tennis courts and the proposed use of this land for parking for 7006 had a high level of objection in the community PD advised that it was not just this proposed use but also included objection to the loss of amenity by the proposal to build the car park adjacent to an existing dwelling.

KR advised that the Tennis courts are making on average \$4K per year and only a few years ago they were resurfaced for about \$60K funded by GCC and a RAP grant of \$6K that was sourced by the Patonga Progress Association from GCC. **Note:** DS since advised \$8,767.65 surplus player contributions used from former S.355 Committee.

Crown Lands considered this community asset to be underutilised based purely on booking sheets. While there was acknowledgement that the courts are a community asset there was a number of dissenting views that the courts are underutilised and as such no agreement was reached following discussion on relocation. It was noted that costs to manage these courts far outweigh the return currently received; this will need to be revisited, although no evidence was presented to support this assertion.

DS advised the CRP of the outcome of discussions with the State Local Member regarding the purpose of community facilities. SV responded by making in depth comment on the role and the relationship of the Local Member in regard to the draft Plan process.

AM and KR also raised that Patonga Street does not enter Lot 7004 but enters Lot 7006 so vehicle access to Lot 7004 needs to be considered. It was determined that this should also be discussed by the community.

SV advised that alternative suggestions to the current discussion would be requested in writing by SV asking the Community for discussion of possible solutions - see

Annexure 1. DS agreed to arrange for this consultation. PD asked that the information be provided as soon as possible to allow time for the calling of a public meeting and discussion of suggested alternatives. SV gave an undertaking to meet this request.

KR recommended that the community need to consider their priorities being that the community may prefer to lose or relocate the tennis courts than lose the grassed reserve to 60 car spaces on the creek frontage.

SV advised that survey instructions will be provided to PD as early as possible following week. PD advised that once survey results are completed a copy will be forwarded to GCC and Crown Lands in the first instance.

Close

RM left the meeting at 4.15pm. CWJ left the meeting at 4.50 pm. The meeting was closed at 5.00 pm.

Action Table

Meeting & action number	Item number (from Minutes)	Issue	Responsibility	Completion Target	Completion Date
3.1	1	Follow up upload to Council website of Minutes to 19 September 2013 meeting.	KR	23/10/13	23/10/13
3.2	1. a) (i)	Removal of the wording "existing occupants" – from Final Management Strategy Table: Precinct A – Mgt Strategy 5.5.1.	RM	21/11/13	1/11/13
3.3	1. a) (i)	Addition of wording in Final Management Strategy Table: Precinct A – Mgt Strategy 5.5.3. to clarify intent to allow rebuilding on five current standing cottage sites if required and sixth dilapidated cottage site.	RM	21/11/13	1/11/13
3.4	1. a) (iii)	AM request for the definition of public recreation to be forwarded to the CRP reps – see in minutes	RM	21/11/13	1/11/13
3.5	1. b)	CRP to review Precinct C – Patonga Caravan and Camping Area and bring their requested change of wording/suggested additions to Management Strategies and Actions to the next meeting.	All CRP	21/11/13	
3.6	2. a) 3. c)	Crown Lands to forward survey instruction to Mepstead & Associates Surveyors for survey of Lot 7006 boundary to be undertaken at community expense.	SV	6-11-13	
3.7	2. b) 3. c)	Community reps to provide alternate options/resolutions following community meeting where they are not satisfied with the plan's content with regards to Precinct C – as per SV email dated 30 October 2013 (see Annexure 1).	AM DS MZ PD	21/11/13	
3.8		Council/Crown Lands to circulate Minutes of Meeting 3 for CRP review.	AT KR RM	5pm - 21/10/13	1/11/13
3.9		CRP to provide Crown Lands with any changes.	All CRP	12pm - 5/11/13	
3.10		Council to load Minutes onto Council website.	KR	7/11/13	
3.11		Circulate agenda for next meeting.	RM	14/11/13	

From: Stewart Veitch [<mailto:Stewart.Veitch@lands.nsw.gov.au>]

Sent: Wednesday, 30 October 2013 4:01 p.m.

To: Rob Micheli; 'Kim Radford'; 'philiprdoughty@gmail.com'; 'zak005@bigpond.com'; 'Colleen Worthy-Jennings'; 'andrew@glendinningminto.com.au'; 'Katherine Bridekirk'; 'Dain Simpson'

Subject: RE: Update on outcome of October CRP

At the October meeting of the CRP there was agreement by all members that Crown Lands would provide separate to the normal minutes the following information, relevant matters are highlighted in red. In this I have added some additional information so we can capture exactly what I understood was agreed to, this puts the highlighted issues in red below in context:

1. Lot 7006 DP1056612 represents the reserve for caravan and camping;
2. Lot 7004 DP1056613 represents the foreshore reserve that adjoins Lot 7006;
3. Survey Plan tabled by Gosford City Council that details the caravan and camping site and referred to in CRP as the survey plan is in fact not land survey but an asset survey. The plan notates all fixed and non fixed improvements on the caravan and camping site as they relate to an arbitrary lot boundary on the ground. Crown Lands has never adopted this plan as a land survey. Crown lands described the differences between an asset survey and ground survey, consensus on equal understanding was arrived at;
4. The activities of caravan and camping would be located wholly within Lot 7006;
5. All identifiable improvements on lot 7004 that relate to caravan and camping would be relocated to Lot 7006;
6. To assist the CRP in moving to adopt items 4 & 5 above a ground survey would be required. In this Crown Lands noted that Hunter survey team would not be available for some months and possible 6-9 months to undertake this land survey as they are heavily committed to Aboriginal land Claims survey program. Further to this Crown Lands noted that sufficient funds to manage this ground survey are not available in this budget allocation;
7. Community representatives agreed to commission the ground survey and meet the costs for this work, Crown Lands agreed on the grounds that the survey instruction was issued by Crown Lands, appropriate transparent and accountable process;
8. Crown Lands has allocated 7 hours to Hunter Survey team to work closely with community surveyor on agreeing to wording of survey instruction. The instruction will identify Lot 7006 as it was originally survey in early part of last century. From early examination this location does not provide for continuity of access along the foreshore and I would consider this land survey boundary peg layout on the ground to be very controversially. Due to coastal erosion over many decades the foreshore has eroded and in some parts Lot 7004 no longer exists. Not with standing Crown lands is ensuring that the process is open and transparent;
9. Playground equipment located on Lot 7006 was agreed to be a community asset and as such is not for the exclusive use of caravan and camping users. The relocation of this equipment will need to be considered by community and solution to this problem presented at November CRP meeting;
10. Tennis Courts – Crown Lands considered this community asset to be underutilised based purely on booking sheets. While there was acknowledgement that the courts are a community asset there was a number of dissenting views that the courts are underutilised and as such discussion on relocation was not disjointed and no agreement was reached. It was noted that costs to manage these courts far outweigh the return currently received, this will need to be revisited. Not with standing this Crown Lands would like this site to be considered by community in its assessment of items 11 – Access to boat ramp, and item 12 – Parking on lot 7004;

11. Access to boat ramp (being the primary access point on Crown reserve for water based only residents that live on southern side of Patonga Creek) located on Lot 7004 through Lot 7006 was discussed, continued access as now provided would not be sustainable with changes to park layout required to address item 4 above. It was agreed that the community representatives would raise this issue and come back to November CRP meeting with a recommended solution;

12. Parking on Lot 7004 for water based residents living on southern side of Patonga Creek would not be sustainable into the future management of this lot. This parking is not compatible with reserve purpose, would be a source of conflict between residents and visitors to Patonga, would require a high cost governance model to administer. It was agreed that the community representatives would raise this issue and come back to November CRP meeting with a recommended solution.

Stewart Veitch
Senior Manager Hunter Area
East Region Crown Lands Division
Trade & Investment, Hunter Office