

Paul Freeman - Submission Details for Patricia Ann -

From: Patricia Ann - <ljtl61@hotmail.com.au>
To: <paul.freeman@planning.nsw.gov.au>
Date: Wednesday, 15 February 2012 9:08 PM
Subject: Submission Details for Patricia Ann -
CC: <assessments@planning.nsw.gov.au>
Attachments: Bruce MacKenzie letter 1 Copy.pdf; Bruce Mackenzie Letter 2 Copy.pdf; Cliff Johnson letter a Copy.pdf; letter to Andrew Smith Copy.pdf; Worimi Park Map Copy.pdf

 Department of Planning

Disclosable Political Donation: no

Name: Patricia Ann -
 Email: ljtl61@hotmail.com.au

Address:
 63 Straits Outlook

Craignish, QLD
 4655

Content:
 Mr Paul Freeman

Planning NSW

RE MODIFICATION TO MACKAS SAND EXTRACTION OPERATIONS ON LOT 218 & LOT 220 SALT ASH NSW

I am a member of the Towers Family who own Lots 76, 13 and 101 DP 753192 as mentioned in the proposal and I would like to make the following statements and objections to the mentioned modification application.

STATEMENTS

The Towers Family have an agreement with Bruce Mackenzie of Mackas Sand to access Lot 218 across our property which was requested to be drafted up on the day that I found my Father, Owen Towers, deceased in his bed. Bruce MacKenzie requested a further letter to ratify that the Towers Family would not hold any discussions with any other interested Parties in relation to access to Lot 218.

Andrew Smith of the WLALC along with Jackie Henderson requested a meeting with the Towers Family also requesting us to draft a letter to the effect that we would not allow anyone else access across our property to gain access to Lot 218. These 3 letters were pivotal to Bruce MacKenzie receiving the lease to Lot 218.

My cousin, Julie Towers, and I had a meeting with Cliff Johnson from Port Stephens Council in regard to the possibility of anyone using the paper road known as Stockton Bight Track that is marked on the map but is a totally unformed road within the 100 foot high hill that is near the Farmhouse. Cliff Johnson assured me that it would be virtually an impossible proposal to build the road in the exact place as marked on the map.

I have attached the above mentioned letters in my submission.

Bruce MacKenzie informed me on the 20th November 2009 by telephone that he had taken the "commercial decision" to have the Port Stephens Council open the paper road to give him access to the 3 blocks of land that he had bought from our neighbour Mr Neville Moxey. At a later date Bruce MacKenzie bought the remainder of the Moxey Family Farm which gave him access to Nelson Bay Road and nullified this request to Port Stephens Council to open the paper road known as Stockton Bight Track. At this time Bruce MacKenzie was Mayor of Port Stephens Council.

Over the ensuing years at no time ever has the Towers Family Group ever denied access to Bruce MacKenzie or Robert MacKenzie in regard to the access as per the agreement that we have with them. In fact on a number of occasions Towers Family members individually and as a Group have tried to open discussions with Bruce MacKenzie or Robert MacKenzie and they have refused to discuss this issue with them and state "that they are opening Stockton Bight Track and that was all there is to it. End of discussion!"

On a number of occasions Towers Family members individually and as a Group have tried to have our issues placed before the Board of the Worimi Local Aboriginal Land Council and have been refused any access to meet with the Board. Andrew Smith and Valerie Merrick did agree to meet with David Towers, Julie Towers, Leanne Towers and myself and this meeting was unproductive. We as a Group stated that we wanted the Board to hear that we have not

denied access to the Lot 218 lease, we were in fact trying to encourage the WLALC and Bruce and Robert MacKenzie to adhere to the agreement as approved by NSW State Planning Part 3a planning Approval dated 20 September 2009. This meeting ended in tears. Andrew Smith and Valerie Merrick refused our application to meet with the Board of the WLALC.

In the initial letter from Port Stephens Council advising that the Council would be opening Stockton Bight Track they stated that it was for an adjoining Landowner to access their landlocked property that they had purchased from one of our neighbours and that the paper road was the only legal access to these blocks by virtue of the paper road traversing through to them.

The Council has pursued the opening of Stockton Bight Track with a zealotry that is, quite frankly, just a little bit obscene.

In all subsequent correspondence between Port Stephens Council Solicitors, Harris Wheeler Solicitors and the Towers Family Solicitor, Rob Mallik of Cessnock, there is virtually no reference to the need for the Mackenzie Family needing access to their property, instead the Port Stephens Council keep stating that they are opening the road for the public to access Stockton Beach.

I also attach the guide that the WLALC give when a member of the public purchases a Beach Access Pass, which is administered by Port Stephens Council, which shows the access to Stockton Beach and clearly negates what the Council are stating about a public need for access to Stockton Beach.

I have spoken to 2 senior members of the National Parks and Wildlife Department and have been advised that there will NEVER be an access to Stockton Beach through the National Parks and Wildlife Worimi Conservation Land. During a conversation with one of these people, this person stated that all meetings between WLALC, the MacKenzies and the Dept of National Parks and Wildlife have solely been about how the "public road" would enter the MacKenzie lands and then become a private haul road and that the "public" will never be given access as there will be a locked gate on the boundary and "Private Property" notices will be posted. This person asked me to keep their name confidential and that particular person stated that they could not give me any letter with this advice in it to me as it would cost that person their job. Again, quite frankly, I find this obscene.

Anthony Signor, who was acting Regional Manager, stated to me on Thursday, 12th January, 2012 that if I wanted him to give me any information about the Port Stephens Council plan to open Stockton Bight Track through the National Parks and Wildlife Worimi Conservation area then I would have to make a formal request via the GIPPA Act.

OBJECTIONS

I object to this modification due to a number of reasons, safety of access into the Towers Family Farm from Stockton Bight Track, speed, significant Aboriginal Cultural Issues and Towers Family history with this land.

Safety - Attached is a map that shows the areas that give me the most cause for concern in relation to safety.

The area marked "A" is where John Towers enters the Farm and his home, he has 4 young children who reside with him at the farmhouse. Julie Towers and Christine Darcy use this entry to the property to access their office for QSC. The area marked "B" has 2 accesses that could potentially cause huge difficulties for all persons using the Track. "B1" This is where we enter what is known as "The Hole" any vehicle trying to enter or exit is placed in danger due to the "blind corner" effect. We use "B2" to enter the dairy paddocks.

The area marked "C" is where we access the cattle race and our bottom paddocks.

The area marked "D" is where all our vehicles access the Sand Mining Area. Loaded and unloaded trucks enter and exit at this point. If there is as stated 38 vehicle movements per minute it will be nigh on impossible for our trucks to gain access across or onto the Track in a safe and timely manner. This is an OH&S issue and I place extreme importance on making the access safe for all vehicles!

Speed - Port Stephens Council have not addressed the safety of the vehicles and persons that will be visiting the Towers Family as personal or business visitors. I believe that 40 klms an hour is the speed that the Council is proposing on Stockton Bight Track. Bruce MacKenzie imposes a speed limit of 20 klms on the road that traverses through his land to Lot 220 and I believe that he has been known to refuse entry to any truck driver that exceeds this self imposed limit. It was always the Towers Family's intention to have the same speed controls on the access road that was on our land and under our control.

Cultural Issues - Within the areas that are marked for Compulsory Acquisition by Port Stephens Council there are areas of considerable Cultural Significance for the Worimi Peoples. In the area known as the "Deep V" there is a Billabong that has some of the most prolific "Bush Tucka" seen anywhere in the entire Worimi Nation area. There will be willful destruction of native flora and fauna and it would be sacrilegious to desecrate this area.

Towers Family History - My Family have lived on this Property for over 150 years and we have a connection to this land that I believe is even stronger than the Aboriginal Connection. There are very few people in Australia who can say that their Family has lived on, looked after and cared for an area of land for such a long period of time. This is something that should be given due consideration.

In the closing of my statement and objection submission I wish to say that I believe that Port Stephens Council are perpetrating a gross act of injustice toward the Towers Family by persuading the Compulsory Acquisition of sections of our land for the benefit of Bruce and Robert MacKenzie and I would hope that the Department of State Planning will not give permission for this modification application to go ahead and therefore put a stop to this injustice.

Yours Sincerely

Patricia Ann

IP Address: cpe-60-228-229-90.ins8.wo.bigpond.net.au - 60.228.229.90

Submission: Online Submission from Patricia Ann - (object)

https://majorprojects.affinitylive.com?action=view_diary&id=26128

Submission for Job: #5120 Mackas Sand Project Access Road Modification

https://majorprojects.affinitylive.com?action=view_job&id=5120

Site: #1715 Mackas Sand Quarry

https://majorprojects.affinitylive.com?action=view_site&id=1715

Patricia Ann -

E : ljt161@hotmail.com.au

Powered by [AffinityLive](#): Work. Smarter.

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29th June, 2006

To: Bruce Mackenzie

SALT ASH

RE: ACCESS TOWERS PROPERTY LAVIS LANE, WILLIAMTOWN

We hereby confirm our verbal agreement that we will grant to you BRUCE MACKENZIE, access from the proposed sand extraction/mining leases from Worimi Aboriginal Land Council over our property at Lavis Lane Williamtown, on the discussed roadway.

In line with our discussions the access rate of \$1.00 per tonne of sand extracted from Portion 218 and transported along the discussed roadway is to be paid to the Towers family in consideration for access to the property. This rate is to be capped for a period of two years and then increased by the same percentage as your expit price increases. This also includes any sand extracted from any adjoining Crown licences and/or land owned or controlled by the Worimi Land Council.

The access does not exclude the Towers families, their companies and suppliers from accessing the road.
Mr. Mackenzie agrees to maintain the road to an acceptable standard.

Yours faithfully,

B. Towers
B. A. Towers
and the Executors of the late
OWEN HUNTER TOWERS

Patricia Ann
[Signature]

David Towers
D Towers 29.6.06.

Russell Towers
[Signature]

Leanne Towers
L Towers

#SIGNED: Bruce Mackenzie
B. Mackenzie

The Towers Family will not enter into any agreement with any other firm to haul sand from lot 218 over their private access road.

*Like [unclear]
(FOR GUY TOWERS)
POWER OF ATTORNEY*

*David Towers
D Towers
on Behalf of estate of 29.6.06.
OWEN TOWERS.*

31st August, 2006

Mr B MacKenzie
2684 Nelson Bay Road,
SALT ASH NSW 2318

Dear Bruce,

RE: TOWERS LAND LAVIS LANE WILLIAMTOWN

Quality Sand & Ceramics Pty. Limited - Access & other issues

Subject to you or a company represented by you being the successful tenderer to extract/mine sand from Lot 218 owned by the Worimi Land Council we agree to the following:

1. To permit access over the existing track on the property subject to the payment of an access rate of \$ per tonne of sand extracted from Lot 218. This rate is fixed for a period of two years then subject to a percentage increase being the same as the percentage increase between the ex-pit price at the commencing date and the ex-pit price on the date two years from the commencing date.

It is a condition of continued access that you maintain the existing track to a standard acceptable to us at your expense.

2. To commence negotiations for the lease of up to six hectares of our land adjoining Lot 218 to be used by you or a company represented by you for the purpose only of stockpiling and processing the sand extracted from Lot 218. The area of land leased will need to be determined by a plan of the land to be provided at your expense and the rent applicable determined. As you are aware, we also carry out a sand drying process on our land and the use of the lease will not be exclusive to you or to the company represented by you.

We look forward to hearing from you when the tender process with Worimi Land Council has been completed and you have been advised that you are the successful tenderer.

Yours faithfully,

Mrs. B. Towers

B. A. Towers

David Towers

D. Towers
3/8-06.

Patricia Ann

Patricia Ann
3.8.06.

Port Stephens

C·O·U·N·C·I·L

... a community partnership

116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 4, Raymond Terrace NSW 2324 • DX 21406 • ABN 16 744 377 878

Telephone Enquiries

Cliff Johnson

4980 0265

Property Section

Please Quote File No:

PSC2005-3104

Your Ref.

Towers Family
"The Ridge"
Lavis Lane
WILLIAMTOWN NSW

COPY

Dear Sir/Madam

**RE: Your Enquiry Concerning the Use of the
Council Road Through Your Property**

The road you enquired about from the end of Lavis Lane through lot 76 D.P.753192 and others to lot 228 D.P.1097995 is a Public Road under the authority of this Council. The road along the western boundary of lot 228 D.P.109795 to lot 218 D.P.1044608 is also a Public Road, however, the road authority for this length is the Department of Lands.

The existing constructed track to your sand extraction business is partly within the subject road reserve but considerable lengths are outside the road reserve and on your property. Any future development or expansions of your business which required use of this Public Road would require a Development Application for any required construction on the road reserve. Such construction standard would have to meet council's requirements to service such things as the size and frequency of vehicles proposed to use it. All construction, including cut or fill batters would have to be contained within the 20 metre wide road reserve as any "spill over" would be on private property. Road design would be involved and difficult in this location, so I would suggest you make contact with a professional designer.

In some locations the electricity transmission lines are within the road reserve and the stability of these would have to be ensured. The sensitive nature of the area in regard to stabilisation, conservation and environmental concerns would require all to be addressed. I imagine extensive studies would be required prior to any consents being considered by a consent authority. Nearby residences would have to be considered as well, if their current quality of life would be affected by an increase of vehicle movements with issues such as noise.

1st November 2006

Mr Andrew Smith
Manager
Worimi Local Aboriginal Land Council
Murrook
Williamtown NSW 2318

Lavis Lane
Williamtown NSW 2318

Dear Mr Smith,

Re: Issues relating to Sand Extraction from Lot 218 Williamtown

We, The Towers Family, of Lavis Lane Williamtown, would like to bring to the attention of the Worimi People a number of issues that need to be taken into consideration when making the decision to allocate the Sand Extraction Lease on Lot 218.

1. We, The Towers Family, have an exclusive agreement with Mr Bruce Mackenzie of Salt Ash that allows him access across our Property at Lavis Lane to the area known as Lot 218.
2. Mr Bruce Mackenzie has shown "Good Faith" in all his dealings with The Towers family.
3. The Towers Family will not open discussions with the Saddington Party due to loss of faith and trust.
4. We understand that the Saddington Party have stated that they will force a road through the unformed Parish road, this action will result in Court Action to ensure that our Property will not be damaged in any way at all and that all current operations that operate from our property will not suffer any loss of business or any down time which could have huge detrimental financial effects.
5. We state categorically that if the Saddington Party are the successful Tenderer of Lot 218 then from legal advice given we will be forced to place an exclusion boundary around our exact Property Boundaries to exclude the Parish Road. This will have a huge impact upon the public access to Stockton Bight. Port Stephens Council and The Towers Family will enter into separate negotiations for the access to Stockton Bight to ensure continued Public Access.
6. We believe that other access options have been talked about from an adjoining property and after discussions with Port Stephens Council we believe that the RTA and Port Stephens Council would not look favourably at these options due to the safety needs that are required by heavy vehicles to access onto Nelson Bay Road. There would also be considerable time delays whilst the relevant studies were carried out.
7. We believe the agreement between The Towers Family and The Mackenzie Family will be the most beneficial to The Worimi People as the alliance of two local Families who have many years experience in all Specialty Sand Related and Transport Industry matters will ensure the application processes are expedited and the extraction of sand from Lot 218 will proceed in a timely manner.

We are available to discuss any of the issues raised in this letter with you at your convenience.

Yours faithfully,

Mrs B. A. Towers

B. A. Towers

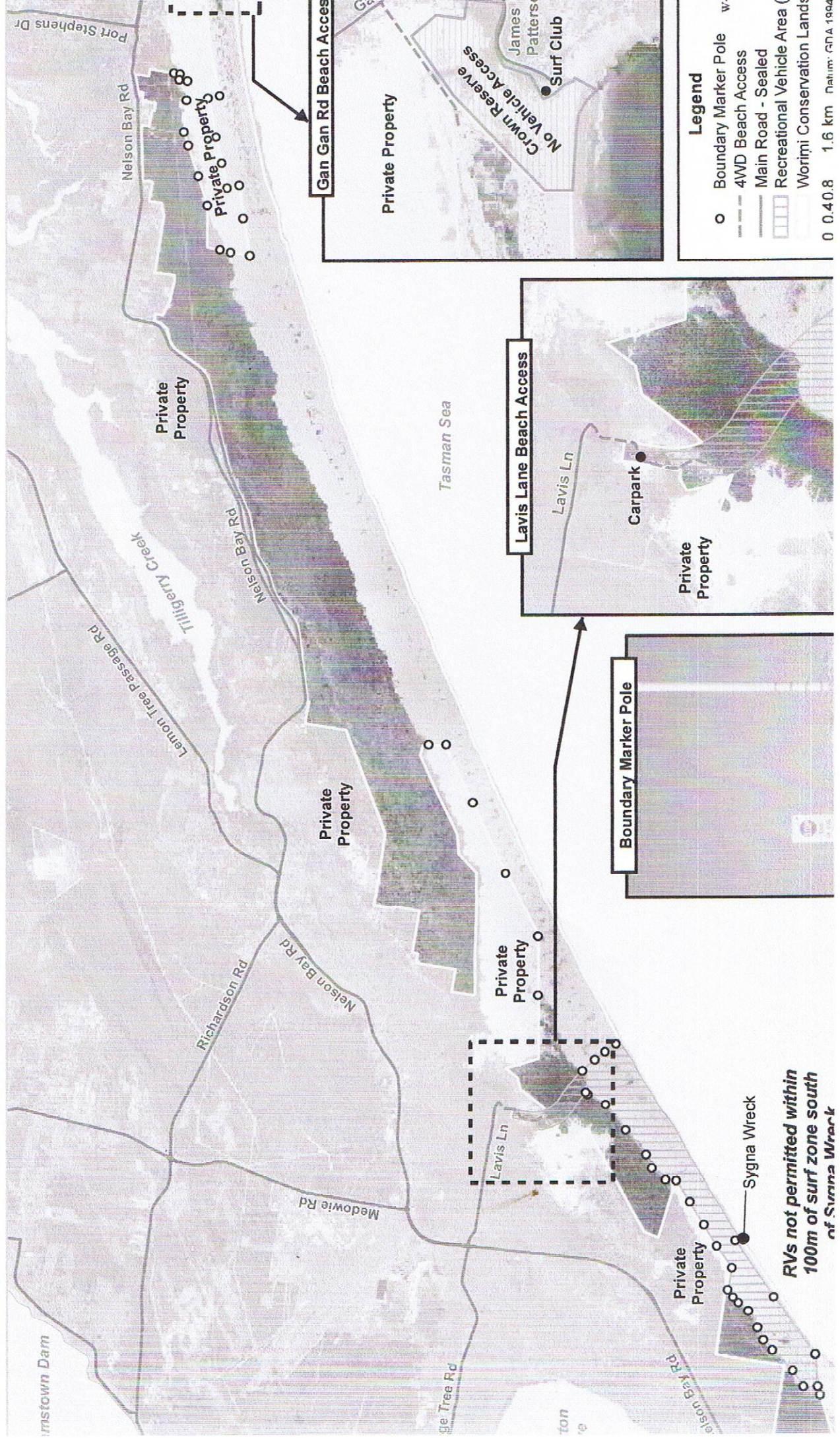
Patricia Ann
0429651862

Patricia Ann

David Towers

David Towers
1-11-06

- ▶ Take care when swimming or fishing within the Worimi Conservation Lands, as strong rips, undercurrents and dangerous surf conditions sometimes occur along the beach.
- ▶ The beach within Worimi Conservation Lands is unpatrolled. Birubi Surf Lifesaving Club patrol a swimming area in adjacent Birubi Point Crown Reserve near Anna Bay.
- ▶ Take all of your rubbish with you.
- ▶ No vehicles are permitted on vegetation, Aboriginal middens or shell accumulations.
- ▶ Dogs are permitted on the beachfront only and must remain on a leash.
- ▶ No firearms or other weapons are permitted.
- ▶ Check the tide chart—the best time to travel is low tide.
- ▶ Road rules apply to driving in the Worimi Conservation Lands. You must display a current Beach Vehicle Permit on your vehicle. Bikes, motorbikes and other recreational vehicles (RV) require additional registration, and must remain within the designated zone.
- ▶ Driving is permitted only within 100m of the mean high tide mark. Roads, fauna, Aboriginal sites and historic sites are protected.



RVs not permitted within 100m of surf zone south of Sygna Wreck