

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of five minutes** to put their case.

Ordinary Meeting of Council on 28 July 2015

Name	Subject/Comments
Public Access Session – 9:30pm	
Nil	
Agenda Items – 10.00am	
Peter Cormick	GMR15/017 Huntfest
Arthur Lagos	PSR15/029 Adoption of Policy Directions Paper for Rural Lands Strategy
Daiva Ceicys	PSR15/031 NATA Oval – Companion Animal Management Plan Inclusion

PUBLIC FORUM 28 JULY 2015 – PETER CORMICK
ITEM GMR15/017/HUNTFEST

The need for a review of the Huntfest approval process arose with the delivery of a letter from the Environmental Defenders Office to the General Manager, on 21 May of this year. The letter was headed “Threatened breach of Development Consent by Huntfest 2015”.

At the conclusion of the five page letter, the EDO expresses the view that “the proposed expansion of Huntfest 2015 to incorporate an Arms Fair [etc] is clearly not authorised by the 2012 Consent Further, as the proposed Huntfest 2015 is so substantially different from the development approved in 2012, ..., a fresh development application would be required under the EPA Act for this year’s event (as opposed to any modification under s96 of that Act)”. The development approved in 2012 followed on from Development Application No. 51/13, dated 24 June 2012. The “Proposed development” is described in that DA as “Temp[orary] use of structures”, and the “Proposed use” is described as being “hunting [!], camping, photo/DVD competition, food stalls”.

It appears from the archived video recording of the Ordinary meeting of council held on 26 May 2015, four days after the EDO letter was received by the GM, that a copy of the letter had not been provided to councillors prior to the meeting – although Stop Arms Fairs in Eurobodalla Incorporated (SAFE), being the EDO’s client in this matter, had provided Councillors Harding and Brice with a copy. Hence, on becoming aware of the contents of the EDO letter, Councillor Harding proposed an urgent motion at that meeting that council revoke its approval of those activities within Huntfest that have not been included in the 2012 approval, and she was supported in this motion by Councillor Brice. With the exception of Councillor Leslight – whose abstention was counted against the motion - the remaining pro-Huntfest councillors were quite happy to rely entirely on the legal advice received by council and to not acquaint themselves with what the EDO had to say. They voted knowing that they were ignorant of relevant information.

On 4 June, SAFE emailed a letter to all councillors, with a copy to the GM, which incorporated the EDO’s further legal opinion, formed following its receipt of the opinion of council’s lawyers. That further opinion by the EDO was extensive and addressed all of the arguments put forward by council’s lawyers and anticipated further argument, in particular as it relates to council’s now-relied upon yet faulty reference to section 65 (2) of the Infrastructure SEPP of 2007. Of the pro-Huntfest

councillors, only Councillor Burnside had the courtesy to respond to that letter but he spoilt his good manners by summarily dismissing the EDO's legal opinion in saying that "I've seen all the exchanges between our legal advisors and the EDO and am satisfied that the Council has acted entirely correctly." There is world of difference between seeing the exchanges and in reading, understanding and then responding to them.

Then, following the Huntfest event on the June long weekend, Councillors Harding and Brice sought an Extraordinary meeting of council, to seek an independent review of the approval process – a review by an independent planner. But as it turned out – and this is where the General Manager's report comes in - Councillor Burnside proposed that the review be undertaken by the General Manager; that she should review the work of her staff; work for which she is responsible. Clearly, to any reasonable observer, there is an apprehension of bias in such a review – as there is in any internal review. One can have no confidence in the outcome.

Worst of all, it was proposed by this councillor, who was elected on a platform that included a commitment to ensuring a transparent and accountable council. Well he has well and truly left that commitment behind in this instance. Of the pro Huntfest councillors present on the day, only Councillor Leslight voted against the motion – on the ground that it was contrary to these principles.

Time prevents me from addressing the issues of legal costs and council's reliance on section 65(2) of the Infrastructure SEPP but I am happy to take any questions on those matters.

It is my view that in allowing this internal review to take place, rather than an independent one, you, as a council, have failed the community badly. And if those councillors responsible don't agree with that view, they need to take another look at what it means to be a true representative.

A handwritten signature in dark ink, appearing to read "Peter Burnside". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Mr Mark Hitchenson
Land Use Planning Co-coordinator
Rural Lands Strategy
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rural.lands.strategy@eurocoast.nsw.gov.au

Feedback on Rural Lands Strategy Policy Directions Paper

Dear Mark,

I would like to thank you and the Council for the opportunity to provide feedback on The Rural Lands Policy Directions Paper (April 2015).

My overall comments are that I support the general direction in which Council has adopted in particular, the formal engagement process with landowners.

As I have discussed with you in the past, I have a particular interest in ensuring that "Draft Policy Direction 7: Supporting rural residential living opportunities" is implemented.

As you are aware, I have a property at 608 Windywoppa Rd Benandarah (Lot 10 (608) DP263081). I have an existing approval for a dual occupancy and I have just completed building the eastern dwelling, which is where I intend to live.

In theory, I can build the second dwelling (western side) now, however as I am unable to "subdivide or strata title" the site it has proven to be economically unviable as it is virtually impossible to sell the western side because a separate title cannot be offered to the market.

My desire is to ultimately be able to subdivide/strata title my lot into 2 parcels of land (please refer to the attached plan), which will allow for the second dwelling to be built and sold off separately.

I believe that the ability to subdivide/strata title based on existing approved dual occupancies is consistent with the Policy Directions and have the following points in support of this:

1. The site is not productive rural land.
2. Subdivision of one site will not impact on any productive rural land in the Eurobodalla Shire.
3. Subdivision will support local economic development.
4. The current active DA has addressed and supports all of the relevant environmental requirements such as bush fire safety, sensitive vegetation zones, BASIX building sustainability and sewerage effluent treatment.

5. The additional dwelling will have no impact on Council infrastructure such as electricity, sewerage, and drinking water. Electricity and telephone services are at the site already, drinking water is via rain catchment tanks and sewerage is via septic systems.
6. Subdivision will allow for better land care of the local area as an additional owner will be available to support the already existing local land care in place.

I note the comments in Draft Policy Direct 7 states "there is minimal demand for additional rural residential land in the short to medium terms". I do not necessarily believe that this applies to water front rural land, as the supply is virtually non-existent. Allowing for subdivision will at least satisfy some demand and encourage migration to the Eurobodalla Shire.

What I am requesting under this review process is the ability for the additional provision within the Local Environmental Plan under clauses;

4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental zones; and

13 Subdivision of land within Zone No 1 (a), 1 (a1), 7 (f1) or 7 (f2)

for the ability of "strata titleing of existing approved dual occupancies" to be allowed.

The above strata titleing provision will not in any way dilute the intent behind Draft Policy Direction 1. A limited application of strata titleing to existing approved dual occupancies will not encourage fragmentation of larger productive rural parcels of land or place undue pressure on Council for additional infrastructure services as I believe the number of approved dual occupancies is relatively small.

I trust that I have been able to convey my thoughts through this submission. I would be more than happy to discuss my views with you. Please feel free to contact me on 0419 511 900.

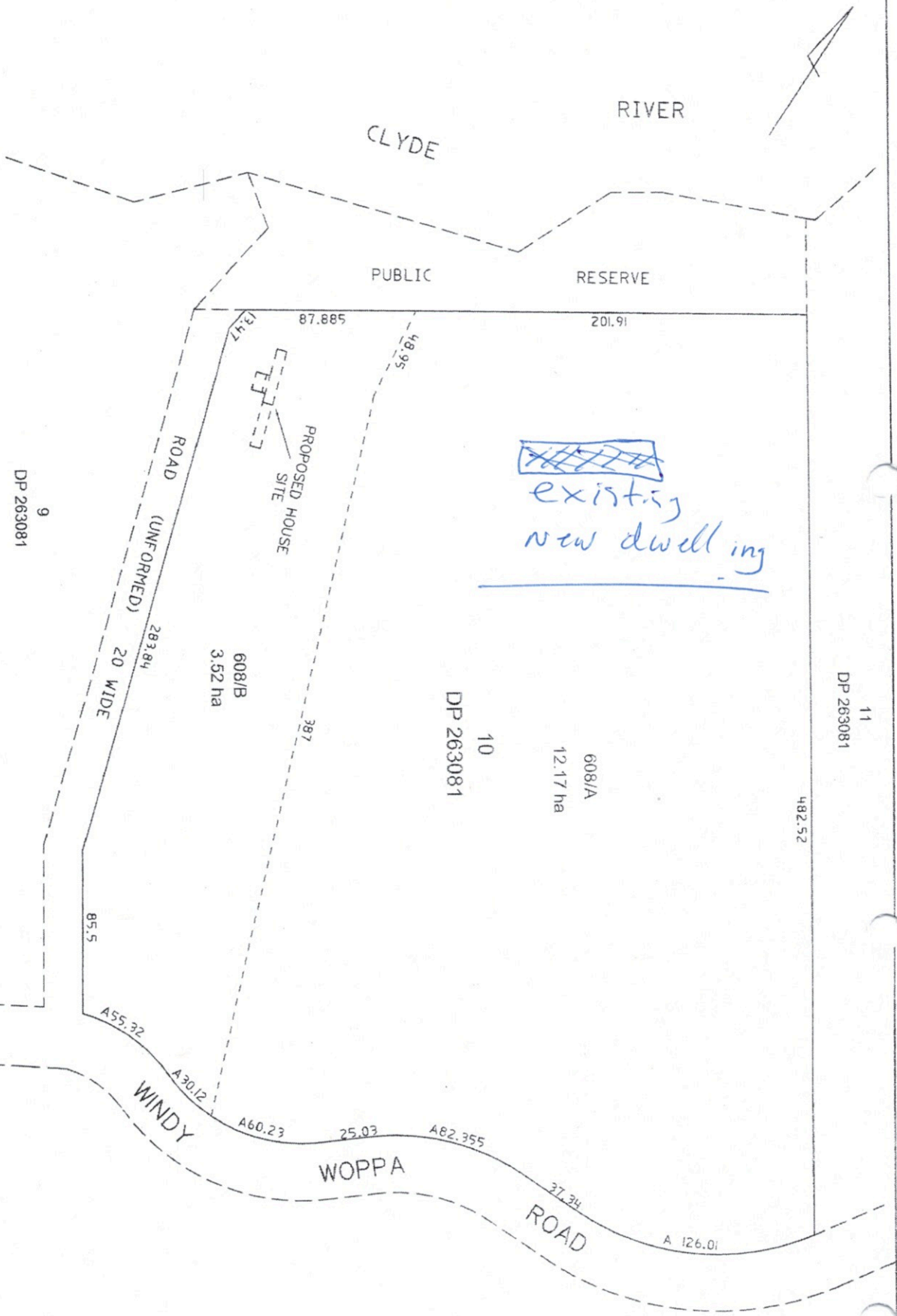
Kind regards,



Arthur Lagos

27 May 2015

NOTE: AREAS SHOWN ARE APPROXIMATE



Conway Hurrows
+ Hancock
Consulting Surveyors
Civil Engineering Consultants
BATEMANS BAY 02 4472 5585 MORUYA 02 4474 2863

PLAN SHOWING PROPOSED
TITLE DIVISION

LAND: LOT 10 DP 263081
608 WINDY WOPPA ROAD BENANDRAH

DATE: 25/01/2011
REF: 12690

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Rural Lands Strategy Policy Directions Paper Submission Form

The draft policy directions have been developed to ensure issues raised by land owners and other community members will be addressed in the Rural Lands Strategy.

Do you agree? If not, what issues have not been addressed and how can the policy directions be improved or clarified to address them?

Agree

The draft policy directions build upon the suggestions and recommendations from the Policy Directions Workshops held in June/July 2014. (Refer to Council's website for the Overview of Proceedings of the workshops.)

Do you agree? If not, which suggestions from the workshops have not been addressed and how can the policy directions be improved or clarified to address them?

Agree

The draft policy directions provide guidance for the development of the Rural Lands Strategy to find solutions for a range of issues.

For each issue below, do the draft policy directions provide the right guidance for developing the Rural Lands Strategy?

	Yes	No	Unsure
Zoning rural land	✓		
Split zoning	✓		
Providing opportunities for rural dwellings	✓		
Making planning controls simpler and easier	✓		
Encouraging diverse farming enterprises	✓		
Encouraging rural tourism	✓		
Minimising land use conflicts	✓		
Protecting high conservation values	✓		
Ensuring an appropriate supply of rural residential land	✓		

If no, how can the policy directions be improved or clarified?

Refer to attached letter.

Do you have any further comments?

Refer to attached letter.

Submission to Council regarding NATA Oval.

The Animal Welfare League would like to encourage Council to designate NATA Oval in Narooma as a full time off-leash area.

As Council is aware, the Animal Welfare League (AWL) uses NATA Oval extensively for its Dog Training Club, and having a fully fenced area has proved extremely valuable in safely advancing training to off-leash work.

The AWL would be loathe to see this area revert back to its previous non “dog park” state. The trial of this area as an off-leash park has, we believe, been highly successful with many residents and visitors using the facilities to exercise their dogs at designated times. Extending the time to 24/7 (except when other activities are in progress) would only mean that it is used more.

Most of Council’s off-leash areas in Narooma and surrounds are beaches. Whilst these provide an excellent venue for dogs to swim and run, they are not ideal for all dogs, especially water breeds who are inclined to chase a bird into the water and try to keep swimming out till they catch it. No amount of calling will bring them back once they have this objective in mind. This can be the case for other breeds as well who don’t even need a bird to swim off and then be too tired to swim back. Beaches are also not ideal for older dogs with arthritic bones and humans with impaired movement, as access to some of these beaches is sometimes steep and difficult for anyone less agile. And yet it is these people who often rely on pets for companionship.

We would ask Council to recognize the need for a full-time fenced off-leash area so that all dogs can have the chance to run freely without any danger to themselves or others.

Any off-leash area will promote socialization skills in dogs with both other dogs and humans. This will greatly assist dogs to develop acceptable behaviour while in their own homes. It will relieve boredom and help release pent-up energy reducing habits that may be annoying to neighbours like excessive barking, digging and escaping.

Access to off-leash parks is also positive to owners who may not be able to walk long distances with their dogs whilst on leash. But having access to a fenced, off-leash park will encourage owners to get out and enjoy some outdoor time with their dogs. Taking a dog out has also been found to encourage socialization with other people, which is very important in a community such as Narooma where the average age of the population is significantly higher than in other areas. Many widowed people, living alone, rely heavily on their pets for companionship and having a social outlet for them and their pets is critical.

NATA Oval is in the ideal place for use by visitors passing through. Being immediately behind the Visitor Information Centre, it provides an area for visitors to stretch their legs and give their dogs a run before moving on. Any area like this will encourage visitors to stop

and perhaps contribute to our economy, realize the beauty and attractions of our town and perhaps stay longer or come back for an extended visit.

So as you can see there are many positives for the use of NATA Oval as a full-time off-leash park. Our only complaint would be that during the “renovations” to the oval and surrounds, the bag dispenser and bin were removed and have not been returned. This has meant that the state of the grounds is often less than satisfactory. Members of the Dog Training Club have to do an extensive clean-up before starting classes.

Whilst we acknowledge that it is dog owner’s responsibility to carry their own bags and pick up after their dogs, having bags and bins inside the oval will help those who have forgotten to bring them. We would also encourage more signage stating that it is a legal responsibility of dog ownership to pick up after your animal.

And whilst on the topic, we would encourage Council to maintain bag dispensers and bins all over our beautiful shire, along with appropriate signage. Narooma’s extensive and beautiful foreshore walks are frequently used by dog walkers, but the walks are spoiled by owners failing to be responsible for their dogs excrement.

To this end, the AWL would be willing to co-operate and negotiate with Council as to how this problem can be solved.

So in closing, we would strongly urge Council to make NATA Oval a full-time off leash area. In fact we would encourage Council to consider facilities such as this in other populated areas of the shire. The benefits are far reaching for the community and only enhance the attraction of the area for visitors.

And just one other point. Please could Council consider changing the name of NATA Oval. The Narooma Area Tourist Association has not been a functioning entity for about 10 years. We would like to see the area called “AWL park” in recognition of our contribution to the facilities at the oval and the fact that it does aid local animals’ welfare, but anything appropriate and relevant would be welcome.