

Eurobodalla Shire Council Public Access presentation

We are here today to make a presentation in regards to procedures currently being used in the DA process that we believe is not in the best interest of rate payers and/or the community. This meeting with councillors is to give you an insight regarding our disgust with the DA approvals process and the Eurobodalla Shire Council.

What happened to our family is a travesty and we wish to aim our grievances to be open and honest and to explain what happened to our future enjoyment and that we have been shown no empathy whatsoever from council employees.

We are not people who complain and we are not politically motivated, we are normal everyday people who have been badly affected by the council and your systems and procedures.

This is why we are seeking to meet and give you our side of the story. We feel so saddened that we have to go to this level but we feel this is important enough to go to this extreme.

Our Story in brief:

25 May 2022 - we noticed on the vacant land next door to our current build pipes coming out of the ground. We had not received any notification from the council in regards to a DA application. We had from two other neighbours who are starting their build.

26 May 2022 - Sharon phoned council and asked about the adjoining neighbour and was told that yes the DA has been approved and the build has started. When Sharon questioned why we were not notified the answer was " in some circumstances neighbours don't need to be notified and the case with this was that it was a fire rebuild and the new property is being built on the same footprint as the previous house".

1. This is not a fire rebuild, this property was sold in February 2021
2. They are definitely not building on the same footprint.

I was told I would need to put my concerns in writing. Which I did on the 26 May 2022 via email to council.

Our property is set on 6 acres and the zoning is R5 Rural residential with 12m setbacks.

The adjoining property has a 4m setback, this should be 12m under this Zoning

Council - Step 4. Public notification

Council's Community Engagement Framework and Participation Plan stipulates that we must notify the public about some types of DAs. This includes development that may impact neighbour views or privacy, or overshadow other properties:

- [Community Engagement Framework and Participation Plan \(609 KB\)](#)

Council is not required to notify neighbours or the public for most residential development. This includes new dwellings that comply with all development controls. If Council does need to notify neighbours or the public, we will:

- send a letter and a copy of your plans to adjoining and adjacent land owners
- publish details of your DA in the local newspaper
- make plans available for viewing on our website under 'development proposals on exhibition' on our [lodge, track and plan page](#)
- erect a notice on the development site
- include details of your DA on our [online DA tracking tool](#).

See attached image 2.

We asked the council to temporarily stop the build whilst we could arrange a meeting as the build only had plumbing in the ground.

With a lot of emails back and forth we had a site meeting on the 23 May 2022 with Gary Bruce, Bec Ireland (no longer with council), Lindsay Usher and the Owners of neighbouring property.

By this stage the property had their roof being installed and brickwork nearly complete. It took 29 days for full slab to be poured, framework, roof trusses and roof installation, so obviously it was all systems go for this Canberra based owner who was using all Canberra tradespeople. Working everyday of the week until 5pm each day.

This whole situation could have been rectified if only we had been notified of this DA submission.

Now we are at odds with our neighbour and council and we are the victims.

One of the other neighbours are also very angry with this situation but have tried to contact council but no one returned their calls, they have also stated to us that they are too scared to go up against council as nothing ever happens and everything is pushed under the rug (so to speak).

Now every time we go to our new forever home we see this neighbouring house right there, there is no privacy and we can hear everything that is being said clearly.

When seeking advice from NSW Government Ombudsman it states the following:

What if the development is already under way?

If a development has begun, you can ask council staff for a copy of its register of development consents to see whether consent has been given. If consent has been granted, you may ask to see it.

If you believe a development has occurred without consent, or if you think consent conditions are being breached, you can write to the council's general manager asking for an investigation. Make sure you ask the council to keep you informed. For more information on what to do in this case, refer to the fact sheet titled '*Having trouble with unlawful development activity?*'

I emailed Catherine Dale on the 9 June 2022 and to this day I have not had a response.

1. Who is accountable?
2. Why was this application approved when it did not comply with development controls?

We were told that " we were not notified in regards to this DA because council did not believe we were not significant enough"

This was told to us on numerous occasions, but basically unless we spend hundreds of thousands of dollars we cannot do anything about this.

Our purpose with this meeting is to seek opinions from each councillor in regards to this issue and what is the council going to do about it?

We have agreed with the other owner that they build a large mound of dirt with shrubbery to hide the other house (really) how lovely, and they will move their pool which they did not plan to put in until later.

It's the Principle!

We want the councillors to know that how we were treated was appalling and after talking to the community about our situation, there are many many others who feel and have been treated the same way.

We have to make a stand for the council to make a change.

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18 July 2022