

Public Forum Submissions – 7 April 2020

Name	Agenda Item	Submission provided (Yes/No)
Trish Hellier	GMR 20/008 Exhibition of the Delivery Program 2017-21 and Operational Plan 2020-21	Yes - attached
Phil and Rhondda King	CCS20/015 Easement for Access – Banyandah Street, South Durras	Yes - attached

Good Morning Mayor, Councilors, General Manager, Staff and those Zooming in from home in these unprecedented times – My name is Patricia Hellier from North Batemans Bay.

I would like to briefly touch on Agenda Items GMR 20/008 Draft Delivery Programme 2017-2021 and attachment Operation Plan 2020-21 and Attachment 2 Draft Fees and Charges 2020-21.

Whilst I have to admit I have not full read both of these item on the Agenda I feel given I was the person that was instrumental in driving the Petition against the Special Rate Variation 2014-2015, I believe I must forward my views.

I am of the firm belief that at this point in time and even though these items are listed as “DRAFT” given that we are now living in such unprecedented times I am of the firm belief that these items should be “parked, shelved, deferred” until such time that we come through this most difficult period of time not only for this shire but for Australia and possible world wide.

The facts are many shops have now closed, landlords are not receiving rent for these shops, many people are unemployed, many household renters can not afford to pay the rent, landlords are not getting income to pay their mortgages on these homes and any home owners are not able to pay their mortgages on the homes they are living in people can not possible be inflicted with the thought of these increases.

I fully understand that Council has a process they are following BUT during this time the Councillors of this shire must look outside “the box so to speak” - time and time again I have seen items being approved by Councillors as “DRAFTS” to then proceed to exhibition to the public for comment Councillor you can not possible expect that anyone in our community should be expected at this time when they again are “in survival mode” Those who maybe interested and do not have access to the internet can no longer visit our local library’s to access item are “on exhibition”.

As we have seen many GM, Directors and staff of some companies etc have chosen to take “pay cuts and or are working and not collecting a wage” - to all those Councillors who are considering re standing in 2021 I believe would be guarantee a position of a Councillors if they chose to defer their Councillors allowance (exception being out of pocket expenses) and be seen working for their community without any remuneration.

Trish Hellier
For and on behalf of the
Eurobodalla Concerned Citizens (ECC).

Re; Agenda Item 11. CCS20/015 Easement for Access – Banyandah Street, South Durras

We are writing to Council to request Council withdraw a condition of our development consent, namely to provide a driveway easement over a Council road reserve. Alternatively, if Council deems that withdrawal of the condition is unacceptable, then we request that Council not apply the proposed Council fees and charges that have resulted from that consent condition.

We are the owners of 34A Banyandah St, South Durras and have an approved development consent to construct a dwelling, our house, on the lot. In support of our request we make the following points.

Firstly, we purchased a standard urban block of land with an entitlement to build a dwelling house. Indeed, Council has issued a development consent to construct a dwelling house. It is reasonable for us to expect that an approved urban lot would have legal access. We are not lot developers. We did not create the lot of land. It is the responsibility of the lot developer to provide legal access to the lot. It is the Council's responsibility to ensure that access is provided before the development is approved. If that has not occurred in the past, why is it our responsibility now? Why does that responsibility not still reside with Council?

The land in question is a Council road reserve. Why is a Right of Access required over a road reserve?

We respectfully request that Council withdraw the condition to our development approval that requires a Right of Way over a road reserve.

Secondly, and alternatively, if Council deems that withdrawal of the condition is unacceptable, and that an easement for Right of Access is required, why are we required to pay the costs, which are in two parts?

The first of these are the survey and legal costs to create the Right of Access. We are advised that these costs are in the order of \$4,000. These are the costs that should have been borne by the lot developer that Council now wants us to pay for.

The second set of costs, and more disturbing to my wife and I, relate to Council. Council, in correspondence subsequent to the DA approval, has advised that it intends to charge myself and my wife a series of fees and charges for the right to create the Right of Access. Those costs include a fee of \$882, the cost of a registered valuer and an amount of compensation to Council for our interest in the land as determined by the valuer. Not only are we being directed to create and pay costs for an easement, a process that should have occurred in the past by others and enforced by Council, but are now being penalised by Council to pay additional fees and costs to Council to make good failures of the past of which Council was a part.

At the very least we request that Council withdraw its demand for these fees and costs?

Thirdly, the area for the proposed Right of Access sits over an existing access track that is used, and has been for the last 90 years, by all of the residents along Banyandah St, the Council to access its reserve to the east, and the Rural Fire Service to undertake fire control activities on Council's reserve. If we are to construct and maintain an access in the proposed easement, then access for these other parties; other residents, Council and the Rural Fire Service, will be cut off. The road reserve in question is not just an access for our lot. It is an historical access for other residents and an ongoing access for Council and the Rural Fire Service. We do note in the Council report that Community and Stakeholder engagement was not undertaken.

We respectfully request that Council consider our submission and remove this unfair condition on our development consent.

Phil and Rhondda King