



Eurobodalla Shire Council

Public Hearing Report

Narooma Flat

Lot 476 DP 752155

Lot 7026 DP 1020248

September 2020

localé consulting

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1. Introduction

1.1 Purpose of this Report

The purpose of this report is to provide a record of the public hearing undertaken in association with the change to the categorisation of land known as Lot 476 DP 752155 and Lot 7026 DP 1020248 (the land) by way of the Draft Narooma Sport and Leisure Precinct Plan of Management.

This report has been prepared by Cinnamon Dunsford, Principal Planner of Locale Consulting, who was the independent chair of the Public Hearing (the hearing). Cinnamon was assisted with the administration of the hearing by Emma Gorny, Senior Recreation Planner at Eurobodalla Shire Council.

1.2 Background

Lot 476 DP 752155 forms part of Crown Land Reserve No. 63051 and Lot 7026 DP 1020248 forms part of Crown Land Reserve No. 80515. Both lots are considered to be 'community' land under the *Local Government Act 1993* (the Act). The land is part of the Draft Narooma Sport and Leisure Precinct Plan of Management, which proposes to recategorise the land from its initial assigned category of Park and General Community Use to:

- Lot 476 DP 751255 as Natural Area
- Lot 7026 DP 1020248 as Natural Area

Where land is categorised as Natural Area, it is required to be further categorised into more specific natural area categories, which in the case of Lot 476 DP 751255 is Foreshore category and in the case of Lot 7026 DP 1020248 is Bushland category. The land is located on Narooma Flat, as shown in Figure 1.



Figure 1: Approximate location of land to be recategorised (shown with red dots)

The categories of Park and General Community Use apply to all other Reserves in the Draft Narooma Sport and Leisure Precinct Plan of Management, with the exception of those areas that are proposed as Natural Area (Lot 476 DP 752155 & Lot 7026 DP 1020248). These Reserves are proposed to have a dual categorisation as shown in Figure 2.

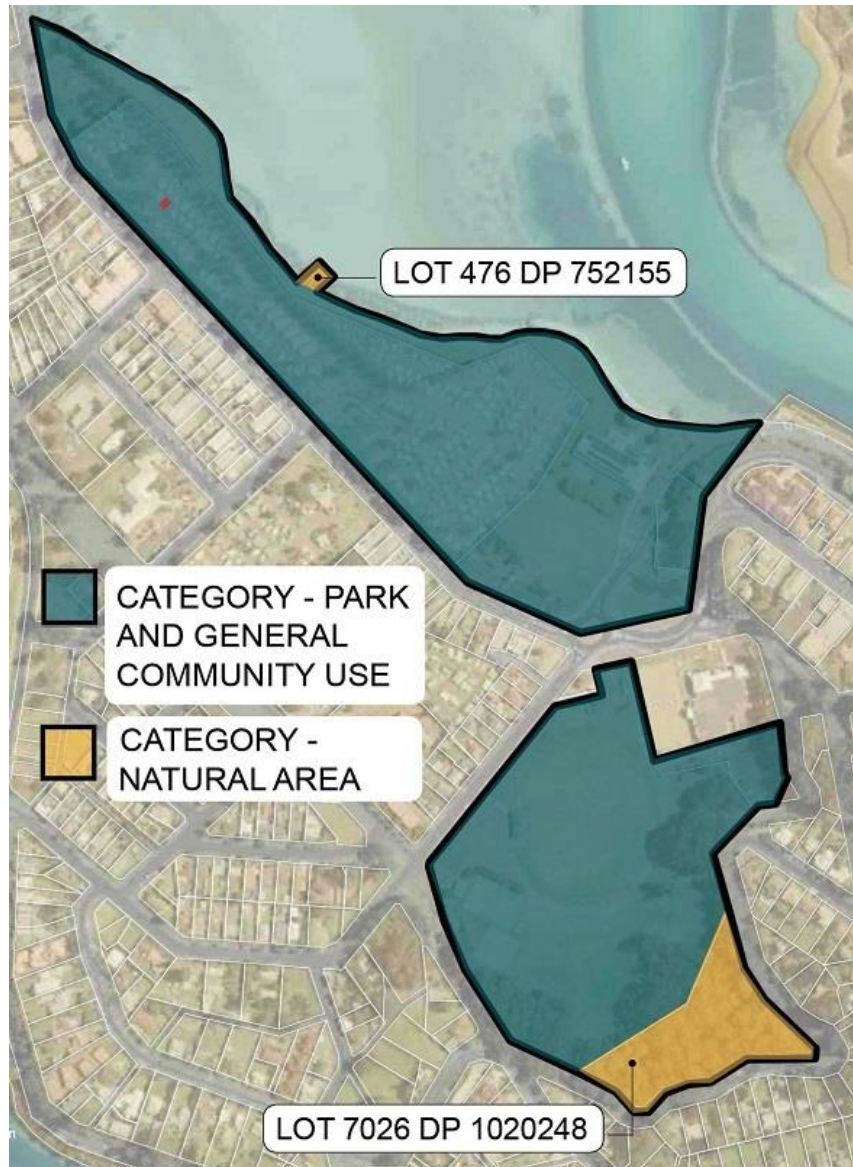


Figure 2: Proposed dual land categorisation

2. Subject land

2.1 Location of subject land

The two land areas proposed to be categorised as Natural Area are located in Narooma Flat in the Eurobodalla Shire local government area. These areas as shown in the context of their surrounds are shown in **Figure 3**.



Figure 3: Location of subject land

Lot 476 DP 752155 is described as a small area below the high tide line of Wagonga Inlet on the northern side of the foreshore, and is approximately 500m² in area. This lot is currently zoned W1 Natural Waterways under Eurobodalla Local Environmental Plan 2012, and this is not proposed to change.

Lot 7026 DP 1020248 is described as the treed hill on the southern side of Bill Smyth Oval, which is a designated Aboriginal Heritage Conservation Area, under Eurobodalla Local

Environmental Plan 2012. This lot is currently zoned RE1 Public Recreation under Eurobodalla Local Environmental Plan 2012, and this is not proposed to change. Photographs of each site are shown in Figure 4.



*An area of native bushland adjoining Bill Smyth Oval
(Lot 7026 DP 1020248)*



*An area of tidal zone along Wagonga Inlet foreshore
(Lot 476 DP752155)*

Figure 4: Site Photographs

2.2 Plan of Management and hearing

As noted earlier, the Draft Narooma Sport and Leisure Precinct Plan of Management proposes to recategorise:

- Lot 476 DP 751255 as Natural Area (Foreshore Category)
- Lot 7026 DP 1020248 as Natural Area (Bushland Category)

NSW Crown Lands - Department of Planning, Industry and Environment provided consent to exhibit the Draft Narooma Sport and Leisure Plan of Management, which is currently on public exhibition, with submissions closing on 23 September 2020. This report has not considered the submissions received by Council during the exhibition.

As the Draft Plan of Management includes the Natural Area categorisation of public land (which differs from the initial assigned categories), a public hearing has been held under the *Local Government Act 1993*.

3. Public hearing format and process

The public hearing was held as follows:

From 5:30 pm on Wednesday 26 August 2020
Club Narooma, 88 Princes Highway
Narooma NSW 2546

Council gave notice of the public hearing in the local newspaper and on its website. Stakeholders identified through the Draft Plan of Management development process were also emailed directly advising of the public hearing.

Cinnamon Dunsford, Principal Planner at Locale Consulting, was appointed by Council as the independent Chair. One staff member from Council (Emma Gorny, Senior Recreation Planner) was present in an observing capacity and to assist with the administration of the hearing.

Residents were asked to register to attend and/or speak in advance of the hearing by contacting Council. Two residents registered to attend the hearing in person and one resident registered to attend the hearing via the Zoom videoconference platform. No residents registered to speak.

Upon arrival attendees were provided with *Guidelines for attendees & speakers*, which is included in this report as Attachment A. It is noted the hearing was attended by five residents in person, and one resident via the Zoom videoconference platform. The resident who attended via Zoom was emailed the *Guidelines for attendees & speakers*.

The hearing was then conducted under the following format:

- Welcome and introduction by the Chair including an explanation of the land classification system under the *Local Government Act 1993*
- Brief overview of the Draft Plan of Management by Emma Gorny
- Overview of the proposed recategorisation by the Chair
- Questions, comments and discussion
- Overview of next steps by the Chair.

As part of the welcome and introduction, the Chair identified the need for, and purpose of, the hearing as well as the expectations for all attendees. The Chair noted her independent role and introduced herself and Emma Gorny (Council staff member present at the hearing).

The Chair provided information relating to the Public Hearing via a presentation which is provided at Attachment B.

4. Attendees and questions/ comments

4.1 Summary of attendees

A total of approximately six community members attended the hearing (five in person and one via the Zoom videoconference platform), in addition to the Chair, one Council staff member plus the staff from Club Narooma.

No residents/ community members registered to speak/ make oral submissions. However, some questions were asked, and comments provided. These are summarised below in Section 4.2.

4.2 Summary of issues and areas of interest

In summary, there were no specific objections to the proposed recategorisations of Lot 476 DP 752155 and Lot 7026 DP 1020248. It was evident that those residents/ community members in attendance were in attendance to discuss the implementation of the draft Plan of Management, and associated draft Master Plans that are currently on exhibition.

The majority of issues and areas of interest related to matters either disassociated with the recategorisations or seeking assurance that the recategorisations would not hinder the implementation of the draft Plan of Management and draft Master Plans.

Residents/ community members were encouraged to make submissions during the exhibition period and reminded submissions will be received up until 23 September 2020.

Questions included:

1. What determined the lot boundary of Lot 7026 DP1020248?
2. What determined/ informed the Heritage Conservation Area at Bill Smyth Oval? The Plan of Management ignores the shared history of the sites, especially around sports days and similar activities.
3. Can the boundary of Lot 7026 DP1020248 boundary be amended to allow for second football field/reduce restrictions on football spectating? Concern raised over the impact of other sports and previous development of Bill Smyth Oval on the potential to develop a second football field.
4. Does the recategorisation of Lot 7026 DP1020248 affect the expansion of the second field proposed in the Plan of Management?
5. Why just make that Lot 476 DP 752155 foreshore category, why not also further along the shoreline?
6. What are the implications of the lot boundary of Lot 476 DP 752155 for the Batemans Bay Marine Park?
7. Is a pathway around NATA Oval required/ will it be used/ will it impact size of area available for markets and other events?
8. Is a permanent soundshell structure needed/ proposed at NATA Oval?

The Council staff member present at the hearing generally discussed and answered these questions at the end of the hearing.

It was evident from the speakers and response from those in attendance at the hearing, that the recategorisation of the land was generally supported. The public hearing did not reveal any reason why the recategorisation of the land should not proceed.

ATTACHMENT A: Guidelines for attendees and speakers

Guidelines for attendees & speakers

Public Hearing – Eurobodalla Shire Council

Lot 476 DP 752155

Lot 7026 DP1020248

Narooma Flat

Thank you for registering to attend or speak at the public hearing about the recategorisation of Council land at the above site.

Council is required to hold a public hearing so that the community's views can be heard about the proposal to recategorise Lot 476 DP 752155 and DP 7026 DP 1020248.

The hearing is being chaired by an independent person, Cinnamon Dunsford of Locale Consulting.

So that the hearing runs smoothly, the following guidelines have been set by the Chair for those wishing to speak at the hearing:

- o You must register to speak at the hearing
- o You should state your interest in the proposal and where you live in relation to the site
- o You should state whether you are speaking in a personal capacity or as a representative of a broader group or person
- o You should state whether you have already made a written submission on the planning proposal
- o Where you agree with a previous speaker on a point, you should state this rather than repeat the same point
- o You must refrain from making offensive, threatening or defamatory comments
- o You will have 5 minutes to share your views about the proposal
- o You will be given a warning bell at the 4 minute mark, with a final bell given at 5 minutes

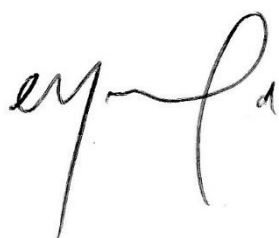
If you wish to speak to any visual material (such as photographs), you must provide a copy to Council before the hearing or as soon as practical after.

Where possible, a full copy of the speech/presentation made by you at the public hearing should be given to the Chair after the hearing, for record purposes.

The general running of the public hearing will be within the discretion of the Chair including to:

- o Stop a person from speaking if he or she is making offensive, threatening or defamatory statements
- o Request a person to cease being disruptive to the hearing process
- o Ask a person to leave the hearing should they not follow a direction or request from the Chair
- o Permit the substitution of speakers
- o Grant additional time for a speaker
- o Grant a late application to speak

Please note that there is to be strictly no video filming of the hearing (including by mobile phone), or any other video filming equipment brought into the hearing. Any person who attempts to bring video filming equipment into the hearing or take footage during hearing will be asked to leave.



Chair

Cinnamon Dunsford

Principal Planner - Locale Consulting

ATTACHMENT B: Public Hearing Presentation



Recategorisation of public land at Narooma Flat

**Lot 476 DP 752155
Lot 7026 DP 1020248**

Public Hearing

26 August 2020

Welcome and Introduction



Presentation outline

- / Why is a public hearing being held?
- / What is the purpose of the public hearing?
- / What is land categorisation?
- / Where is the land?
- / Why recategorisation is being considered?
- / What is proposed for the site
- / What is the process from here?

Why is a public hearing being held?

- / Where Council proposes to recategorise land in a plan of management, Council has a statutory obligation to arrange a public hearing before making a decision
- / A public hearing is a requirement when land is being recategorised under Section 40(A) of the *Local Government Act 1993*

What is the purpose of the public hearing?

- / The purpose of the public hearing is to provide an independent process to hear and capture any community views about the proposed *recategorisation*
- / Hearing and capturing community views helps inform Council's decision
- / The hearing is not about a specific development proposal
- / The public hearing must be chaired by an independent person

What is land categorisation?

- / All land in or under the control of a council is called 'public land'.
- / All 'public land' must be classified as either
 - 'community' or
 - 'operational' land
- / The subject land has been classified as 'community' land.
- / All land classified as 'community' land is required to be placed into one or more "Category" of 'community' land, as defined under the *Local Government Act 1993*.

What is land categorisation?

- / The land categories that can be applied through a plan of management are:
 - Park
 - General Community Use
 - Sportground
 - Area of Cultural Significance
 - Natural Area (Bushland, Foreshore, Wetland, Escarpment, Watercourse)
- / Where land is categorised as Natural Area, they are to be further categorised into more specific natural area categories.

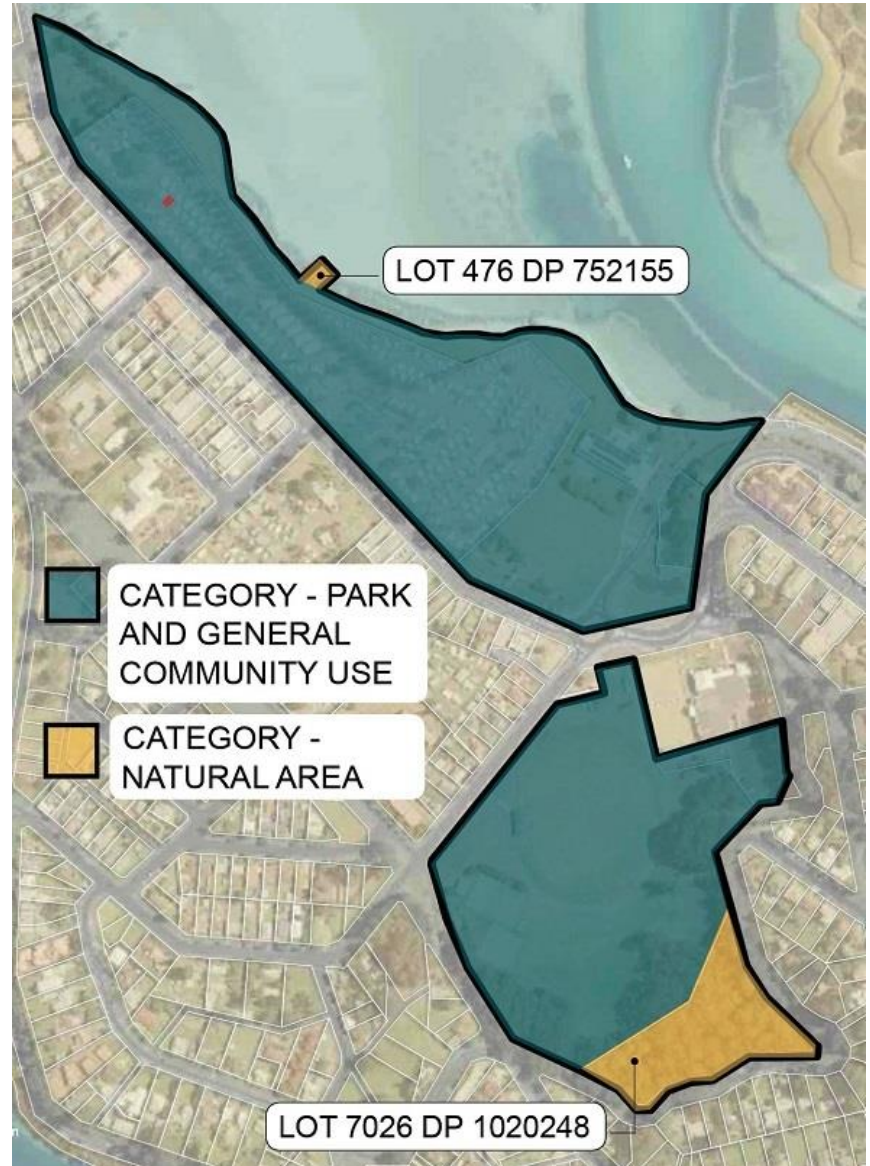
Recategorisation overview

Where is the land?

The area of native bushland adjoining Bill Smyth Oval (Lot 7026 DP 1020248)

An area of tidal zone along Wagonga Inlet foreshore (Lot 476 DP752155)

As shown in yellow



Where is the land?



The area of native bushland adjoining Bill Smyth Oval (Lot 7026 DP 1020248)

An area of tidal zone along Wagonga Inlet foreshore (Lot 476 DP752155)



What land are we looking at?

- / The categories of Park and General Community Use apply to all areas in the plan of management, with the exception of those areas that are identified as Natural Area - i.e. the land has a dual categorisation.
- / The areas categorised as Natural Area are Lot 476 DP 752155 (Foreshore category) and Lot 7026 DP 1020248 (Bushland category).

Why is recategorisation being considered?

Lot 7026 DP 1020248

- / comprises native bushland adjoining the Bill Smyth Oval sporting and community use facilities.
- / within Council's Terrestrial Biodiversity overlay map as part of the Eurobodalla LEP 2012.
- / heritage item and listed as a Heritage Conservation Area under the Eurobodalla LEP 2012.
- / consultation highlighted that the retention of this area in its natural state to be important to the Aboriginal community and broader population.

Given the above, the Natural Area – Bushland categorisation is considered to be appropriate in this instance.

Why is recategorisation being considered?

Lot 476 DP752155

- / located within and adjoining the Wagonga Inlet waterway.
- / is within Council's Terrestrial Biodiversity overlay map as part of the Eurobodalla LEP 2012.
- / incorporates the intertidal zone along the edge of the foreshore.

Given the above, the Natural Area - Foreshore categorisation is considered to be appropriate in this instance.

What is proposed for the sites?

- / Maintenance, management and possible rehabilitation consistent with the objectives of Natural Areas (Bushland) and Natural Areas (Foreshore) as contained in the *Local Government Act 1993*.
- / No physical development or substantial change.

What is proposed for the sites?

Guidelines for categorisation	Core objectives for “Natural Area” category
<p>Land should be categorised as a natural area under section 36(4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.</p>	<ul style="list-style-type: none">(a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and(b) to maintain the land, or that feature or habitat, in its natural state and setting, and(c) to provide for the restoration and regeneration of the land, and(d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and(e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.

What is proposed for the sites?

Guidelines for categorisation	Core objectives for “Bushland” sub-category
<p>(1) Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>(2) Such land includes—</p> <p>(a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</p> <p>(c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>	<p>(a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>(b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>(c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>(d) to restore degraded bushland, and</p> <p>(e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>(f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>(g) to protect bushland as a natural stabiliser of the soil surface.</p>

What is proposed for the sites?

Guidelines for categorisation	Core objectives for “Foreshore” category
<p>Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water’s edge and forms a transition zone between the aquatic and terrestrial environment.</p>	<p>(a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore’s role as a transition area, and</p> <p>(b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p>

Deputations

What is the process from here?

- / Independent person (chair) to write a report on the public hearing
- / The report must be made available to the public by Council and be considered as part of the plan of management process
- / Once plan of management exhibition period is complete, Council will consider a report on submissions and decide whether to adopt the plan of management
- / Written submissions can be made until 23 September 2020

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