

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

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

Ordinary Meeting of Council on **13 July 2021**

Name	Subject/Comments
Public Forum – 9.30am	
David Grace	QON21/003 Bushfire Response
Andrew Bain	QON21/004 Broulee Land Clearing
Lei Parker	QON21/004 Broulee Land Clearing
Dr Michelle Hamrosi	QON21/004 Broulee Land Clearing
Kevin Shepherd	GMR21/037 Rebuilding State Emergency Services (SES) Building - Batemans Bay
Nicole Keith	PSR21/028 Proposed Sale of Operational Land - Tatiara Street, Dalmeny
Nadine Hills	PSR21/028 Proposed Sale of Operational Land - Tatiara Street, Dalmeny
Judy Gordan	PSR21/028 Proposed Sale of Operational Land - Tatiara Street, Dalmeny
Not speaking – presentation attached	
Rob Christie	PSR21/028 Proposed Sale of Operational Land - Tatiara Street, Dalmeny

David Grace

Presentation on QON21/003 BUSHFIRE RESPONSE

I would like first to congratulate Cr Mayne for this question as it is important to thoroughly review what we did and what we learnt from the disastrous fires in 2019 and early 2020.

I would also like to congratulate and acknowledge the tireless work of Council staff both during and in the aftermath of these fires, which is reflected in this report.

What happened during those nightmarish months of 2019 and 2020 were a taste of what we can expect as our climate changes. We need our governments at all levels to do two things.

First governments must recognise that there is a problem, and that the problem is primarily to do with human caused carbon dioxide (CO²) emissions. At local council level, we need to be working with the community and business to reduce our local CO² emissions, and in the context of this report, build resilience in the community to the natural disasters that we are likely to face as the climate changes.

Secondly, we also need to be aware that climate change will cause many natural disasters, including flooding, destructive winds, and, as we have recently seen in northern Canada, extreme heat waves. The Canadian heat wave resulted in around 500 deaths. This increase in disasters has been acknowledged in the Royal Commission into Natural Disasters (Overview points 22-25 p 22) (Australian Government, 2020)

So, what does the Council report tell us?

The first part of the report details the impressive work of Council staff to assist those affected by the bushfires. We can see how the staff worked with both State and Federal Governments to get initial support to our community, and how that support was deployed to aid those most affected by the fires.

Once the immediate aftermath was over, we see again how the Council and staff identified what needed to be done to allow the community to start to get back on its feet. This included providing physical and emotional support to the community, including practical advice on how to access funding to those who had substantial losses of housing and property due to the fires. The council also employed a Community Recovery Officer, funded by Resilience NSW to assist in this work, including recruiting and managing volunteers.

The council also advocated on the community's behalf to the NSW government to ensure that State regulations and legislation did not unnecessarily delay recovery efforts. This included making it easier for temporary accommodation to be provided, and changes to the DA approval process to streamline rebuilding homes destroyed by the fires, including reducing NSW government fees.

During this time, the council also worked to do what it could to remediate the impact the fires had on our natural environment, which is such an important feature of our Shire, bringing substantial revenue to local businesses through tourism, farming and aquaculture.

David Grace

The second part of the report, where the focus is on how we as a community can build our strength and resilience to what are likely to be more common events, shows where the Council need to do more.

The report details what the Council has done to increase resilience to our physical infrastructure, including building a dedicated emergency centre which is undoubtedly important to assist the community during the disaster; in its immediate aftermath; and in recovery.

What the report does not address is building resilience in local communities, which is so important during and in the immediate aftermath of a natural disaster. This is especially important in our Shire, where we have many small villages, often in isolated and vulnerable areas.

One way to reduce the likelihood of individuals and communities becoming adversely affected by natural disasters is to increase their sense of control over these events as they occur and in the immediate aftermath. In the Royal Commission, this was as an important factor to consider, as it was in the NSW Inquiry into the Bushfires.

The first concern must be that community members know what to do in the event of a disaster. The community needs to feel confident that if they follow these procedures, they will be safe. This includes knowing that there are easily accessible evacuation centres which are adequately staffed, safe and sanitary. The council has addressed this in its report to an extent with discussion about evacuation centres. This needs to be followed up in local communities so that all know and are familiar with what individuals need to do to be safe before the disaster happens. Both the Royal Commission and the NSW enquiry prioritise this. This preparedness is best done at a local level by council.

There will be times when the community will need to look after itself, especially in the immediate aftermath of a disaster, or when a disaster is sudden. When I was listening to people who were in the small villages affected by the fires, one of the recurring themes was that access to essentials such as water, emergency shelter, and communications were lacking or absent in the immediate aftermath of the fires, and there was little they could do to fix this. People were also concerned about caring for the animals that they were responsible as well as injured wildlife.

Given these observations, it may be a worthwhile initiative for the council to investigate working with communities to give them the resources and training they need to be self-sufficient for up to fourteen days. I remember my mother being involved in “civil defence” when there was concern about nuclear war, learning how to set up field kitchens, sanitary areas, communications, and temporary housing. If this were to happen the council would need to work with community members to recruit and train and to have regular practice of using the materials available. This could become a community event, building community strength and resilience.¹ Part of this

¹ One of the observations in the royal commission is that there can be a case put forward for developing community caches. The Royal commission uses the example of isolated flood prone properties that have access to up to a fortnight’s supply of essential items to be used when they are cut off. The commission expressed concern that community caches could be expensive and prone to wastage if not properly maintained (Australian Government, 2020) p232.

David Grace

preparedness could also include assisting people to care for their livestock, pets and wildlife in the first days after a natural disaster.

The community recovery officer could be tasked to investigate along with our local communities what essentials would need to be in a community cache, and whether there are successful examples elsewhere, both in Australia and worldwide which could be used as a template in our Shire.

Although I applaud the funds the Council received in the recent funding round for bushfires, I was disappointed that there appeared to be no funding for investigating and building community resilience initiatives to allow small villages, which are a feature of our Shire, to have the control and self-sufficiency they need after a major disaster.

Andrew Bain

Land Clearing at Broulee

Thank you Madam Mayor

I intend to address 4 issues raised in the Broulee Mossy Point Community Association's letter sent to the General Manager on 29 June and in the related material lodged by the Association with Council

1. Flawed consultation.
2. Why wasn't an Asset Protection Zone required on the developer's land?
3. Flawed Approval of an Asset Protection Zone.
4. Actions for Council.

1. Flawed consultation.

At no stage in its consultation with the Association did Council raise clearing the land intended by the Plan of Management to be "Community Land: Natural Area: Bushland".. It was left to the Association to remind Council of the Plan of Management it had adopted.

Before the Association provided this reminder it understood Council intended that all the land should be cleared and sold as building blocks.

Council knew before the clearing took place that the land was to be "Community Land: Natural Bushland" and was highly valued by the community but still failed to engage in any communication despite there being many opportunities for this.

Council also knew that the land was a Landcare project site. Indeed, it had signposted it as such. This was approved by Council officers in 2004. No communication was attempted with Landcare.

The General Manager and senior staff have shown utter contempt for the principle of community consultation set out in Appendix 2 to the Plan of Management, in particular: "The principle of providing credible information in open and accountable processes" to encourage and assist "... the effective participation of local communities in decision making."

Has anybody in Council bothered to read the adopted Plan of Management? It seems not.

Community relations and communication are issues for the General Manager's annual performance review and, by extension, Council's senior staff. On this issue they must fail.

Why wasn't an Asset Protection Zone required on the developer's land and the developer required to register it as part of the DA?

I gather from other developers that this is normal practice.

The developer has ample land on which to achieve this. This land is already cleared and the creation of an APZ on it will have minimal community or environmental consequence.

Andrew Bain

The approach recommended by the *Local Government Act 1993*, Standards for Asset Protection Zones and the RFS Planning for Bushfire Protection Document is that “an APZ should be located wholly within your [the developer’s] land”.

Flawed approval of the Asset Protection Zone

The questions lodged by the Association relate directly to this and require answering.

Council’s press release refers to the legal framework. That framework includes the *Local Government Act 1993*, in particular sections 35 and 36F. Those sections require that Community Land is to be used and managed in accordance with the Plan of Management and that land categorized as “Natural Area: Bushland” is to be maintained in its natural state

The Plan of Management adopted by Council on 25 November 2003 requires that the land at the corner of Broulee Road and Clarke Street be reclassified as Community Land and remain as Natural Area: Bushland.

The Plan noted that the unformed road on this land would need to be closed for this to happen. In the 17 years since the plan was adopted Council has made no effort to close the road. This is an abject failure by Council. It is doubtful if this failure makes it legal to clear the bushland to provide an Asset Protection Zone for the benefit of the adjoining private landholder.

The NSW Government / RFS Planning for Bushfire Protection document provides that Asset Protection Zone should be contained within the overall development site and not on adjoining lands.

Where an Asset Protection Zone is proposed on adjoining lands a guarantee must be provided that the land will be managed in perpetuity. To ensure this, the land should have an easement under the *Conveyancing Act 1919*.

It notes that an easement should not be provided where the adjoining land is used for a conflicting public purpose. Community bushland would be seen as a conflicting public purpose. Has an easement been created?

For the clearing of the land to occur legally Council must have provided written authorisation to the owner of the adjoining land with appropriate constraints. Was this written authorization provided?

Finally

There are the actions that Council must take to be in accordance with the *Local Government Act*, the adopted Plan of Management, and the requirements of the RFS Asset Protection Zone standards. These include:

1. Stop or reverse the action to create an APZ on the unformed road.

Andrew Bain

2. Implement Councils 2003 decision to classify the unformed road as “Community Land-Natural Area: Bushland”.
3. Give effect to “the principle of providing credible information in open and accountable processes...” by providing to the Association copies of each document in its possession, power and control relating to the Council’s:
 - a. Decision to approve the Asset Protection Zone; and
 - b. Compliance with *Local Government Act, Standards for Asset Protection Zones* and *the NSW/ RFS Planning for Bushfire Protection* documents.
4. Provide full answers to all the questions raised in the documents lodged with Council on the Association’s behalf.

Andrew Bain

Acting President

Broulee Mossy Point Community Association

Andrew Bain



Eurobodalla Shire Council Media Release
Tuesday 29 June 2021

Broulee clearing legal

Eurobodalla Council has confirmed that land clearing at Broulee last week was legal.

Development consent for a 48-lot stage of the housing estate near the southern entry to Broulee - on the corner of Broulee Road and Clarke Street - was approved by Council in February 2021.

Council's director of planning Lindsay Usher said this development and the associated clearing is not new news.

In this documentation there was no mention that the public land would be cleared. In fact at this time and up until April I understand Council was preparing to sell the land but this was kept secret.

"The area has been zoned for development for many years. It went through a significant and detailed ecological assessment as part of the biodiversity certification process. The developer has already paid approximately \$700,000 of offsets, with additional payments required for further approved clearing.

The developer agreed to this arrangement when the very generous offset arrangements were put in place. It does not relate to any payment for the use of public land for her APZ. As far as I am aware normal practice is for developers to provide necessary fire protection within their own boundaries. The press release could have mentioned why this practice was not followed.

"The biodiversity certification process also included comprehensive community engagement, as have others since including a DCP and LEP amendment, where we talked in detail with the community about what was going to happen, including clearing.

There was no mention that this land would be cleared.

"Like the DAs for other stages of the housing estate, the DA approved in February was notified, meaning letters were sent to nearby residents and feedback sought, and signage was erected on the Broulee Road frontage."

I am not aware of any signage except for the signage that the land was a Landcare project site.

Mr Usher said the issues considered in urban land release areas and development in the shire were complex.

"We need to meet the needs for growth, managing bushfire, managing land clearing and biodiversity, and there's a legal framework around these things. Then there's the views of the community on all sides. It can be a difficult task for Council to manage all those expectations and get outcomes that work. Often people want to see bigger blocks and more trees but that means more land area needs to be developed. There are impacts whichever way you do it."

Why no discussion with the Community?

Andrew Bain

A corner portion of the block nearest the Broulee Road and Clarke Street intersection, around 900 square metres, is community land and Mr Usher confirmed the trees and vegetation there remain untouched.

The only reason this corner portion was saved was because the BMPCA found the documentation that it was community land. Prior to this senior Council staff were adamant that it was operational land.

A Council-owned road reserve of roughly 2,300 square metres between the community land and the estate also had approval for some clearing under Rural Fire Service asset protection zone requirements (APZs).

“Around one-fifth of the road reserve remains untouched outside the APZ,” Mr Usher said, “while a further quarter of the reserve had been cleared previously because Council has water mains located there.

“While the road reserve was identified in 2003 to be added to the community land parcel, this did not take place and came to Council’s attention only recently.

Many in Council knew about it and Council was advised of this before the clearing took place. Maybe the BMPCA could have been thanked for finding this Council Decision.

“Action to turn the road reserve into community land is now underway,” Mr Usher said.

Temporary fencing around the entire area was permitted by Council while the clearing was underway following claims of trespass and concerns about safety. Fencing around the community land portion will be removed once work is complete.

ENDS

For all media enquiries, please contact 02 4474 1012 | 0448 005 166 | council.media@esc.nsw.gov.au

Presentation: QON21/004 Broulee Land Clearing – Lei Parker

Good morning Councillors,

Last week I thanked you for being one of the reasons why *The Beagle*, Eurobodalla's independent news outlet, was established.

The Beagle has followed you in your five year term as Councillors and often called you out for failing to represent your community.

For the past five years you have been openly condemned by the public for your failure to communicate or consult with your community. You have been criticised for your failures around openness and transparency and for keeping the community in the dark under the veils of secrecy you have used to ensure the community remained in the dark.

All too often you were condemned for the excessive use of "Commercial in Confidence".

As a majority vote, you have done your best to alienate the community by undermining Public Access and Public Forum and your community engagement strategy of Information Kiosks rather than public hall meetings is nothing less than a tool to further control your narrative.

But you are not solely to blame.

In your five years it has been revealed all too often that you, like your community, were unaware of what Council staff, under your delegation, were doing.

The example I raise today is the recent needless and unlawful clearing of community land Broulee.

Councillors, you were not aware that Council staff had given authority for the unformed road reserve at Broulee to be cleared.

The staff most likely didn't advise you because it was an "Operational Matter".

The first time you became aware of the clearing was during the event when Councillor Mayne called an Urgent Matter seeking explanation only to be

fobbed off to remove further discussion from the public eye.

But Councillors, your staff were fully aware of the bulldozers.

Council is very much like a Grandfather's Axe. While the shaft has been replaced four times and the head twice, it still remains "Grandfather's Axe".

For the past forty years I have seen a high turnover of Councillors and staff come through these doors. But the processes of governance always remain, irrespective of the faces. Council is a Grandfather's Axe and you, and your delegated staff are transitional.

In 2003 the Council staff of the day were told to proceed in closing an unformed public road and transferring a portion of it to a Plan of Management.

This was an absolute instruction by the Council of the day to staff of the day. But the staff did not do as they were told.

The Unformed Road Reserve adjacent to *The Triangle* was not closed and the section known as Block 3 was not extracted and made Community to be included in the Plan of Management for Broulee Reserves.

Irrespective of the time that has passed, this action, directed by Council in 2003, remains unfinished. Therefore the intention of the Council of 2003 remains unchanged.

In 2003 staff were also told that two parcels of land (*The Triangle*) in that Plan were to be clearly identified as Community. Oddly they were already classified as Community as per the Plan of Management for Natural Reserves 1997.

Note the following table – published on Council's website and printed in 2001.
https://www.esc.nsw.gov.au/data/assets/pdf_file/0018/137070/undeveloped-reserves.pdf

* Ranked in order of Locality then by Street then by Property Number ** Current Use may not include all current uses for the land concerned
 Note A: Environmental or culturally significant issues to be considered for this property. See Schedule C for more details.
 Note B: There are proposed embellishments, developments or changes for this property. See Table C for more details.
 Note C: There may be restrictions under zoning regulations. See Schedule B for more details.
 Note D: There are outstanding property matters regarding this property.

Edition 1

SCHEDULE A: Page 4

Those two parcels became one, known locally as *The Triangle*.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0004/148459/Attachments-Eurobodalla-Local-Environmental-Plan-2012-reduc.pdf

The 2015 document then makes mention of *The Development Area* saying “*Within the development area there is no requirement to retain existing habitat features. However, in designing subdivision layouts and medium density developments, Council encourages, where possible and feasible, the retention of some habitat features, including hollow bearing trees.*”

In regards to community outcry of the intent to clear the land referred to The Development Area, the 2015 document says “As the subject land is already

zoned for residential development and the vegetation on the land has been approved for removal via a biodiversity certification process, the concerns regarding the loss of vegetation on the land are not directly relevant to the planning proposal.”

I remind Council that there is Zoning and there is Classification. Two totally different tables.

The Triangle might well be zoned R2 HOWEVER it is firstly Classified as Community. In the scale of things Classification always wins over Zoning.

The Local Government Act 1993

Briefly, sections 35 and 36E of the Act govern the use and management of community land and specify core objectives for management of community land categorised as a natural area.

More particularly section 35 of the Act provides:

- Community land is required to be used and managed in accordance with the following –
- the plan of management applying to the land
 - any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land
 - this Division.

The core objectives for management of community land categorised as a natural area specified in section 36E of the Act are--

- (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 *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

Public land is managed under the Local Government Act 1993 (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26)

Because it is Classified Community this Council MUST consult with the community.

Why didn't Council staff consult before they allowed the clear felling of an Unformed Road Reserve they knew to be Community?

Because they were well and truly cocked up.

In September 2006 *The Triangle* was recorded on Council's Reserves asset

database as NRES (Natural Reserve) classified as Community. It was identified by Lot and DP number and a corresponding PIN that linked to Council's GeniSYS system and MapInfo GIS.

I know because I was the one who first coded it in 1996 in my role as Council's Asset Management Officer. The Community coded properties were registered in the Council's Reserves database; a comprehensive database of every reserve and parcel of Community land in the Shire that I developed and nurtured.

But Council shelved that database when I retired in 2006 and decided instead to build a new one. It appears they failed to migrate the Reserve data. As a result *The Triangle* lost its Classification code and Council staff, primarily planners, from that point on, failed to do their due diligence, assuming the land was Operational.

It was at this point that the rot set in.

We then learn in 2012 that Council, in assuming the land was Operational, that Council planners began to include it in their visions of the Broulee Development area. They saw it on their new Geographical Information System coloured as zoned R2, and they saw it cross hatched in the biocertification exchange process that would justify it being cleared by way of an offset.

In 2012 the staff were already looking at *The Triangle* as playing a part in the urban expansion of Broulee. In more recent times, based on their assumption it was Operational, they approached the owner of the subdivision offering the land and unformed road reserve for sale.



Map 10. Broulee Development Area

There are no records of why the original two blocks (Lot 8 and 9) were consolidated into one (now known as Lot 89 DP1093710), however, we do know that Lot 8 was only 400m² and Lot 9 was 600m². With Council clearly intent on selling the lots in 2003 one can only surmise that between 2003 and 2012 Council consolidated the lots, assuming they were Operational, with an intent to sell, thinking a larger block would be more attractive.

Irrespective of the justification of consolidation, what we have is evidence that Council staff of the day actioned this consolidation, without Councillor direction, undertaking survey and registration, yet failed to action the 2003 direction of Council regarding the adjacent Unformed Road Reserve.

Councillors, you might not be aware of a meeting earlier this year between members of the Broulee Mossy Point Community Association and Council staff Dale, Usher and Sharpe.

The Association was advised that *The Triangle* was classified as Operational. The Association was advised it was going to be sold. The members of the Association advised the senior management (Dale, Usher and Sharpe) that they

were mistaken and the land was Community. The senior management responded saying the Association was clearly mistaken.

Following evidence being provided to Council by the Association that proved Council wrong the Council wrote to the Association on May 18th, 2021 saying:

There is an unformed road in that area and a piece of Council owned land, now identified as Lot 89 DP1093710 but formerly identified as Lots 8 and 9, DP 758168.

A search of Council records has revealed the Council resolution from 25 November 2003 for these parcels to be classified as Community land. This classification was not reflected in Council's database of land classification.

Council had been considering the use of this land in the belief it was operational land but its use is no longer under consideration given the above confirmation that it is community land Council's database is being amended accordingly.

"Council had been considering the use of this land in the belief it was Operational". Note that there is no apology. No "Sorry, we cocked up".

It appears that Council had considered *"this land"* Operational even before 2012 when they included it in the Biocertification Offset scheme that would have allowed *"this land"* to be cleared.

The Council have long been of the opinion that *"this land"* is part of their Broulee Development Area.

We see *The Triangle* in the 2015 ELEM amendment as being referred to as within *"the Development area"* with Council saying *"Within the development area there is no requirement to retain existing habitat features."*

It appears that Council also gave permission for the clearing of the unformed Road Reserve it now acknowledges as intended to be Classified as Community Land. believing that land to be Operational.

Evidence of this assumption is made by their recent intentions to sell the land, that can only be done if Operational.

The most disappointing aspect of all of this is the failure of Council staff throughout the entire process.

Council staff failed to carry out an instruction in 2003.

Council staff continued to fail to carry out a directive for eighteen years.

Council staff botched the migration of key property information from the EuroReserves database, and the GeneSyS data to TechnologyOne

Council staff failed to apply due diligence to property research before adding *The Triangle* to the Biocerification Offset scheme.

Council staff failed to apply due diligence to the Broulee Urban Development plan that subsequently earmarked Community land for development

Council staff exacerbated their error of assumption by establishing an association between *The Triangle* and the adjacent development that would see clearing carried out under a questionable APZ and a new pop-up road design that is set to encroach the still incomplete Community land transfer process.

Most disappointing of all though was the fact that Council were aware of the error of their assumption that the land was Operational on May 18th 2021.

With senior management fully aware of their error of assumption they had five full weeks to advise the developer not to proceed in clearing the Community owned land.

The senior staff had five full weeks to fathom that Council staff had not carried out the directions of a 2003 Council motion.

But most alarmingly of all Council senior staff failed to advise the Broulee Mossy Point Community Association during their Executive in meeting with Eurobodalla Shire Council on 27 April 2021, divulging the APZ clearing that was to be carried out, under their authority, on the Unformed Road Reserve.

I can only assume that the way senior Council staff have dealt with this stems from their stanch and unyielding belief that the land was Operational.

Being fully aware of their error for a full five weeks with an opportunity to have a full, open and transparent conversation with the community, this Council instead decided to do nothing.

The degree of audacity of how this Council chooses to engage with the community can be seen in the recent words of the Director of Planning in regards to the Dalmeny subdivision on Council owned Operational Land determined for Urban expansion thirty years ago.

There is no legal requirement to advise the community through public notice or to seek feedback through public exhibition of land dealings concerning operational land. The community has been consulted via past landuse planning and Local Environment Plan processes that have resulted in the land's current zoning.

It will be established that Council staff have cocked up and as a result a substantial section of endangered vegetation, formally identified in 2003 for its community importance, has been needlessly destroyed without explanation or apology.

More than often we point the finger at Councillors for failing to act on behalf of the community but in this case they too were as much in the dark as we all were but insidiously, five weeks before clearing commenced, Council staff knew well what was about to unfold and failed to act.

And most importantly, they failed to advise councillors and they failed to warn the community.

The very community they are meant to represent.

Will there be any consequences? Not likely.

There are most likely grounds to take Council to the Land and Environment Court however the cost in doing so will be met by the ratepayer and any fine will be paid for by the ratepayer.

The best we can hope for is a genuine apology but somehow I doubt if that will be forthcoming based on the spin offered by Council under their media release of "Council confirms Broulee land clearing legal" issued on the 29th of June, 2021 that can only be described as

Councillors,

I ask that there be an heartfelt apology be made to the Broulee community

acknowledging that staff errors were made, communication failed and, as a result, Council indicate a regret in having failed to carry out the directions of 2003 that subsequently led to the needless land clearing in 2021, brought about primarily to an arrogance to intervene and stop the illegal (against legislation) clearing of known Community Land, though having five full weeks to do so.

Smarter Development in Our Shire

By Dr Michelle Hamrosi

My son Hugo said to me “I used to love bulldozers, but now I hate them.” He’s 7.

Out of the blue, late last month, a tract of remnant, endangered Bangalay Sand Forest in Broulee was bulldozed. My children and I watched its demise over a number of days. Behind its fence my community watched helpless. We had no idea this was going to happen.

The health of a community and the individuals that comprise it is determined by many factors - factors such as where and how we live, the state of our environment, our income and education level, and our relationships with friends, family and the community we live in.

I know this because I am a GP. If the current pandemic has taught us nothing else, it has taught us that our health is paramount.

Our Black Summer was an environmental disaster with untold damage. It displaced people from where they lived, it destroyed livelihoods, it impacted relationships, jobs and finances. The bushfires, both directly and indirectly, impacted our physical and mental health.

We are now nineteen months down the track and the consequences remain profound. I see them daily in my work. They are palpable.

Compounding and amplifying the damaging effects of the bushfires, is a multitude of floods and storms, along with the COVID 19 pandemic. It's a complex situation that we find ourselves in.

The environment we live in today has changed. Laws, regulations, protocols and plans that may have right yesterday are now obsolete. Along with our expectations and attitudes, they need to change.

Post-bushfire, mid-pandemic, and in context of a changing climate, we must take another look at the meaning of community health and wellbeing.

Dr Michelle Hamrosi

We must create a planning framework that includes consideration of the community's health and well-being into all activities that council has control over, especially those that affect the space we inhabit – our environment.

Is this going to be easy? Probably not - there are many competing, and often conflicting opinions and evidence that need to be taken into account as we evaluate new developments in our Shire. There must – of course - be new developments: change is inevitable - indeed it is essential if we are to grow our local economy. But change and growth must sit comfortably with the need for resilience in the face of the inevitable risk of drought, heat, bushfire, floods and storms.

There is ample evidence that high quality, easily accessible green spaces facilitate improved physical and mental health. Hundreds of studies back this up. Retaining assets such as old remnant trees within habitat corridors, along with setting aside areas for biodiverse spaces, is an investment into future community health and resilience.

We can do this. We can plan and develop new housing, businesses and infrastructure that is consistent with liveability, connectivity and affordability.

A council that values the health and well-being of a village and its citizens as paramount would take the opportunity for all new developments to integrate planning and infrastructure that is well considered.

So, where does this leave Hugo? What do I tell him? I'm his mother ... my job is to tell him that it will be alright. And I hope that I will be right. But the grown-ups have stuff to do.

So, in conclusion, it's 2021, it's not the 1980s. Now is the time to have a serious conversation about considered and smart development in our Shire.

Smart development. What is that?

Smart development is informed by climate risk and resilience.

Smart development retains shade and old habitat.

Smart development balances environmental and economic forces. Above all, smart development depends upon communication.

Dr Michelle Hamrosi

Smart development depends upon the community - indeed, smart development is driven by the community.

Smart development does not cost - it's an investment with a visible and measurable return.

Can we do this? Of course, we can. We must all be agents of change. After all, we are the Nature Coast - let's live up to that name.

Kevin Shepherd

From: Council Meetings

The NSW SES Volunteer Local Commander Kevin Shepherd wishes to address council in regards to Generals Managers Report GMR21/037 Rebuilding State Emergency Services (SES) Building – Batemans Bay. Kevin wishes to speak in support of the report and his brief address will cover the following;

- The Impact of the Building Loss
- The Batemans Bay SES & the Community
- Council, NSW SES & local Volunteers in Partnership for Batemans Bay Community

Kevin's contact details are as follows;

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E Mail : kevin.shepherd@member.ses.nsw.gov.au

Regards

Andrew



Andrew Galvin

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OUR MISSION - SAVING LIVES AND CREATING SAFER COMMUNITIES

VISION – A TRUSTED VOLUNTEER BASED EMERGENCY SERVICE, WORKING TOGETHER TO DELIVER EXCELLENCE IN COMMUNITY PREPAREDNESS AND EMERGENCY RESPONSE IN AUSTRALIA

FOR EMERGENCY HELP IN FLOODS AND STORMS CALL THE NSW SES ON 132 500

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Nicole Keith

Good morning,

I have slightly changed my presentation.

Good morning,

My name is Nicole and I reside in Dalmeny.

I wish to address the council before the vote to sell off the proposed land 16 Tatiara st Lot 2 DP1151341.

I attended the council visit on July 1st 2021 at Dalmeny hall.

My problem with this visit is that there were very little to no questions answered.

The council staff were unable or deliberately not answering or addressing community concerns regarding the proposed sale.

One staff member was informing people of the community that the adjoining two private developments were not being developed. I found this to be a blatant lie as they have already started laying gravel for roads and they currently have pegs in the ground.

Myself and the rest of the community that turned up to this meeting were extremely disappointed that only one out of nine councillors bothered to show up.

How on earth can all nine councillors make an informed vote on the sale of this land if they haven't heard the concerns of the community?

The community of Dalmeny needs questions answered and it's not happening.

The council visit resulted in more confusion, more questions unanswered. The only thing that this visit did was frighten the elderly and anger the rest of the community.

We wanted questions answered and all we got were posters and pretty maps.

My biggest concern is that information that the council may have gathered over the last 30 years is outdated and irrelevant. This information does not reflect Dalmeny 2021.

To sell this land would directly impact our massive tourism. Our community is propped up financially by tourists.

With the two private developments already under way and the sale of this land would mean that Dalmeny will double in size. This scares me as Dalmeny doesn't have an ambulance station, no school, full childcare centre, full nursing homes, no police station, no doctors clinic or an emergency evacuation centre. Narooma's evacuation centre was completely inadequate for the thousands of people it needed to shelter. If this development goes ahead, we will have a higher population than Narooma.

I have been doing some research into this piece of land and have uncovered that there are 33 sites of significance to Aboriginal Yuins. This being Ceremonial circles and Bora rings.

At the beginning of the council meeting it is said that you would like to recognise the original caretakers of this land is it not hypocritical to demolish the Aboriginal heritage that belongs to this land. Destroying history that will never be recovered.

I personally feel that more research needs to be done to check the validity of these sites before any history is destroyed.

I don't know if you are aware that it is highly probable that Mr Ray Speechley's remains could be resting in this piece of land. Ray went missing in 2016 from a nursing home in Dalmeny whilst having a two week respite stay. He was seen in the vicinity of this proposed land sale.

To develop this land before Ray's body is found could destroy any evidence of his passing.

I have spoken with Ray's daughter Nikki and she is upset and angered that the council has not taken this into consideration.

Today I walked through the bushland that you plan to sell off.

I observed many things, I watched children playing hide and seek with their friends. Laughter echoed through the bushland, this seemed to make the birds sing louder than usual.

I saw people birdwatching and teaching others about the different varieties of native birds. Families mountain bike riding through the scrub getting fitter by the minute.

Nicole Keith

Wallabies grazing and hopping about bringing smiles to the children. I then giggled to myself whilst these children tried to hop like kangaroos.

Kids were trying to climb trees, some were making their own cubby houses with the tree branches on the ground.

People walking their dogs on leeds chatting amongst themselves.

This land is a hub that the community uses all the time, a place for fun, exercise and education.

This was all observed in a one hour walk with my children.

Fortunately For the Dalmeny community this land was not burnt and is a safe haven for the animals that managed to survive the recent devastating bushfires.

As a community we have a moral obligation to protect the flora and fauna that survived the bushfires.

We have adopted this land as our own and it would be devastating to the community if this was to be destroyed. Preservation is important so our children and grandchildren have a safe place for recreation and fun.

Please consider that the people of Dalmeny reside here by choice. We picked Dalmeny because it is not overpopulated, it has bushland, native animals, native trees, native plants and a pristine clean ocean. A safe and community minded family orientated town. These things are extremely important to our community.

When voting today we as a community hope that you take this into consideration and remember that once this land is destroyed there is getting it back. It will be gone forever.

I challenge you today to vote no, be the council that gives a damn about its community.

Set a precedence for the other councils to look up to.

Make a difference and give the land to the community as a sign of good faith.

To the councillors that are leaving, it would be lovely to finish your term in council on a high note.

This is a vote for safe air, clean water, animal conservation and a clean ocean. So we can leave this to the next generation better than we found it.

Please don't turn our tree/seaside village into a mini city.

Thank you for your time

Nicole



Request to Council to defer the sale of Lot 2 DP 11511341 16
Tatiara Street, Dalmeny to allow full and transparent
community consultation

Community Consultation

- Eurobodalla Shire Council are proposing the sell Lot 2 DP 11511341, a 414,420 sqm pristine native bushland abundant with wildlife (flora and fauna) for development.
- This Lot was zoned as residential over 30 years ago. The size and demographics of the community have changed since then, as has community attitudes to land clearing, particularly after so much land was lost during the black summer fires.
- The Dalmeny community are requesting that Council further consult about this land and engage with the newer residents within the Dalmeny community.

Adjoining land

- There are 2 adjoining parcels of land owned by developers Lot 54 DP 735157 and Lot 3 DP 1050594, sizing over 70 hectares.
- Whilst these 2 Lots are also dense pristine native bushland, it will be cleared to make way for housing.
- Providing more than ample housing in the area.

Dalmeny, NSW

- Dalmeny is a small seaside village of less than 2,000 people.
- There are no schools, police station, or medical facilities in Dalmeny. The close town of Narooma supports these services.
- Tourist frequent Dalmeny due to the charm of a small seaside village, pristine bushland to explore and beautiful quiet beaches.

Habitat



- The land is home to a plethora of native wildlife including the threatened species of Yellow Bellied Gliders.
- The endangered Glossy Black Cockatoo's also frequent the area post the black summer fires, and feed on the Allocasuarina She Oaks, their main food source.
- Other native animals seen in this area include gliders, brown tree hoppers/climbers, gang gangs and speckled warbler.

Tourism – love of our unique coastline

- The Eurobodalla Shire Council developed their [Eurobodalla Destination Action Plan 2018 to 2021](#), with key priorities in relation to preserving our natural environment, distinctive and quality visitor experiences related to our nature and marine assets.
- The [NSW Government](#) also advertises the laid-back coastal towns and unplugging from the world.
- Even the Councils own first elected female General Manager, [Dr Dale](#), stated “This is one of the most spectacular and beautiful parts of the world and a very special place for me”.

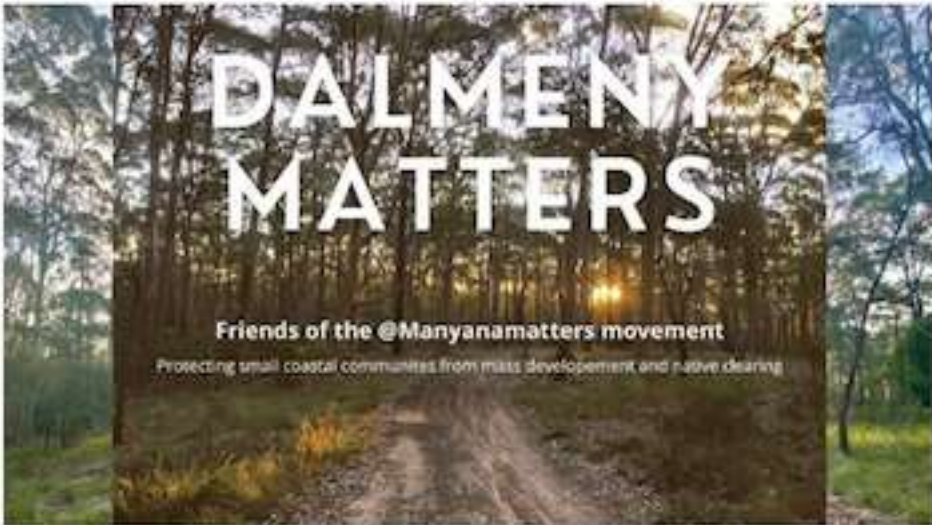
Petition

- The Dalmeny Lot is widely used by the community for recreation and wellbeing such as dog walking, mountain bike riding, wildlife and bird watching.
- Dalmeny Matters was formed to be a voice for our beautiful bushland.
- We have two forms of petition, including:
 - [Dalmeny Matters](#) that in a short time has almost 2,000 signatures
 - Signed petition that in just a few days at the local grocery shop has 83 signatures (NB: a copy has been provided to Council 11July2021)

change.org [Start a petition](#) [My petitions](#) [Browse](#) [Contributions](#)  

[What's new](#) [Petition details](#) [Comments](#) [Updates](#) [Discover](#)


Defer the proposed sale of pristine native bush in Dalmeny! This is community land!



DALMENY MATTERS


Friends of the @Manyanamatters movement


Protecting small coastal communities from mass development and native clearing


 Dalmeny Matters started this petition to Eurobodalla Shire Council - Councillors

The Eurobodalla Shire Council are proposing to sell Lot 2

1,534 have signed. Let's get to 2,500!



 Gwen Warren signed 2 hours ago

 Tanya yeoman signed 2 hours ago

Thanks to your support this petition has a chance at winning! We only need 966 more signatures to reach the next goal - can you help?

[Take the next step!](#)

Save our bushland

- Residents of Dalmeny are requesting that Council defer:
 - The sale of the land to allow further community consultation.
 - Until the new Council is elected.



83 signed

DALMENY MATTERS PETITION

Defer the proposed sale of pristine native bush in Dalmeny for more community engagement!

The Eurobodalla Shire Council are proposing to sell Lot 2 DP1151341, 414,420 sqm of pristine native bushland abundant with **wildlife** for development. Widely used by the community for recreation and **wellbeing** ~~such~~ as dog walking, mountain bike riding, wildlife and bird watching.

The land is home to a plethora of native wildlife including the threatened species Yellow Bellied Gliders. The endangered Glossy Black Cockatoos frequent the area post the black summer fires to feed on the Allocasuarina She Oaks, which is their main food source. Habitat loss is on the rise and directly related to their survival.

There are 2 adjoining parcels of land owned by developers Lot 54 DP 735157 & Lot 3 DP 1050594 totalling over 70 hectares! This land is also pristine native bush and will be cleared to make way for housing.

As a small seaside village with less than 2,000, we deserve to have our say on these development and clearing of our much loved bushland.

We propose that this land sale is deferred at the next Council meeting to allow more time for community consultation in regards to the council-owned portion of the land.

The next council meeting is 13 July 2021 and this matter will be on the agenda for councillors to vote whether the land is put up for sale.

Join our movement on Facebook - Dalmeny Matters

Please email your concerns to council@esl.new.gov.au and all of the councillors before 12 July 2021.

mayor@esl.new.gov.au
charthony.mayne@esl.new.gov.au
cliffhill.comestable@esl.new.gov.au
cliffpatrick.mughray@esl.new.gov.au

cliffrob.potcock@esl.new.gov.au
cliffrob.tan@esl.new.gov.au
cliffrobday.brown@esl.new.gov.au
cliffjames.thomson@esl.new.gov.au

This petition is also online act.ustrusts.org Defer the proposed sale of pristine native bush in Dalmeny for more community engagement!



SUBMISSION TO COUNCIL**Re: PSR21/028 PROPOSED SALE OF OPERATIONAL LAND – TATIARA STREET,
DALMENY**

From: Nadine Hills – PhD(Clin Psych)

Good Morning Chair, Councillors, General Manager and Staff. Thank you for this opportunity to address you this morning

My name is Nadine Hills, and I am a Psychologist working in the Eurobodalla for almost eighteen years. I live in Akolele, the southern most point of the Shire.

I would like to speak today to the PROPOSED SALE OF OPERATIONAL LAND in DALMENY. I would like to suggest that this is a premature sale that doesn't take into consideration the wide range of social, cultural and economic needs of the Shire currently.

As noted in presentations already made to the Council, the Eurobodalla is seeing an increase in population. This is inevitable, and all the more so with the impact of Covid-19 on our city-friends. In addition, this coincides with the consequences of the 2020 Summer Bushfires, which have resulted in locals desperately searching for accommodation throughout the Shire and beyond.

I am privileged through my work to walk alongside my clients, to enter their worlds and experiences, and through them to gain insight not only into their lives, but the community and context in which they live.

I need to let you know as a Council, that our mental health services are already stretched, beyond capacity. Doctors are struggling to find Psychologists with availability for new clients. Community Mental Health Services are stretched, supporting people in crisis, supporting youth, adults, and older people in the management of their severe mental health conditions, drug and alcohol challenges, domestic violence concerns. We are living in times which result in stress for the general population - local people, town-dwellers and farmers – ordinary people trying to access support for the general management of their life experiences and mental health. With an increase in population, there will be further pressure on the already stretched services.

I speak with mothers who have small children – and they cannot gain a place in the existing preschools. They are full. This denies the child the benefits to their cognitive and social development. It also denies the parent an often much-needed day's break. I speak with people in our Shire with dental health needs, waiting for a year on public dental health waitlists, their deteriorating dental picture further contributing to decreased mental health. I speak with locals in Narooma for example who are waiting with dread for their rental to be sold in order to facilitate new development. Where will they go? Their housing situation exacerbates their underlying mental health concerns. There is absolutely no doubt that housing is a major issue for the Shire, for the whole south coast, and this increasing the stress on local people and their health.

It would therefore appear a gift that this parcel of land in Dalmeny is available, a piece of land waiting for 30 years to "be developed". As noted in the Executive Summary, the sale of the land would "facilitate an increase in housing supply at a time when there is a critical shortage (rental and owner occupied)". There is no doubt that we have a housing crisis, and that our Shire needs more housing for ownership and for rental. But what kind of housing? Affordable for whom?

I appreciated reading the Eurobodalla Shire Council's 'Community Engagement Charter'. Here it notes that: "Our *One Community: Community Strategic Plan* identifies the importance of building and maintaining an engaged and connected community that works together to achieve common goals, where thoughts and ideas are valued, and community members are empowered with knowledge and have the opportunity to participate. We will engage with the community and our stakeholders, using effective engagement practices, in regard to major issues and plans affecting the region and activities that will have an impact on the community. Our approach to engagement is underpinned by the International Association of Public Participation's (IAP2) Spectrum."

It is clearly noted on the last page of this Dalmeny land report, that "There is no legal requirement to advise the community through public notice or to seek feedback through public exhibition of land dealings concerning operational land.". Nevertheless, I would like to take the opportunity to thank Councillor Pat McGinlay for providing an opportunity to engage with the community in Dalmeny recently, where local residents tell me they had the opportunity as community to express their thoughts, concerns, and ideas to Council via your Councillor. This was I believe in the spirit of the 'Community Engagement Charter'.

I return to the current Report, in which the 'Delivery Program Link' is noted (p97), indicating: "9.2.2 Manage land under Council control to achieve a return for the community". This is exciting to read, and holds such potential. What an opportunity this is, as Council manages this very important piece of land that is under their control, to achieve a return for the Community!

Of course, this begs the question 'a return for the community' in what form? Is the return to be purely in financial terms? Or is the return going to be a multi-faceted, creative, rich return to the community in the form of a well-thought out, well planned, intelligent proposal that takes into consideration the position of this public land within the embrace of the existing Dalmeny community development, within the wider Narooma area and beyond that, this jewel within the whole of the Shire?

In terms of community needs relating to housing, the "returns to the community" would likely be to develop affordable housing as part of a mixed housing strategy, and such a strategy within a wider whole Shire housing strategy. We must also remember that the sale of this land to potential developers opens up the further two areas right beside it that are waiting to be developed by private owners.

Before we make any big decisions, we need to have a very clear picture of our Shire as it presents today, about the local Dalmeny community, the connecting Narooma area, and the services currently available – medical, mental, and other health services, preschool, primary and high schools, aged care. Before we sell this public land, land in the care of Council, we need to be very certain of the implications of any proposed and planned development on the health of the community and its individual members. Surely first we must identify the Needs of the area. This is particularly important as it relates to housing. Do we want to sell the land to the highest bidder? Is the ultimate "return for the community" for Council to gain financially? To what end?

I am making a request for the decision regarding the PROPOSED SALE OF OPERATIONAL LAND in DALMENY not to be made today or in the coming two months. Rather, enable appropriate process to take place allowing for community engagement together with the next Council, and this within a wider Shire perspective in mind. Once the land is sold it is out of Council's hands, disabling the Council and community to have meaningful input. The Dalmeny development is such a fantastic opportunity to be creative and intelligent in the way that this land is developed – Council driven, Community driven. With an inevitable increase in population in the

Shire, and thereby increased pressure on existing services, careful and wise planning is required. This is our challenge, and this is our opportunity!

In the closing months of this current Council's leadership, what a precious gift this would be from Council to its community – the opportunity for thorough exploration, investigation and planning of the Dalmeny land that could contribute to the local communities as well as to a whole Eurobodalla housing strategy. Such a strategy would result in enhancing the physical, mental and spiritual health of the community, and ensuring that the land under Council control is managed to achieve an ultimate "return for the community"!

Thank you for your time and consideration.

With respect,

Nadine Hills

Nadine Hills
PhD (Clinical Psychology)
mob: 0401404146

ESC Council Meeting 13/07/21

Speaker: Judith Gordon Re: The proposed land sale of Dalmeny Lot 2 DP 1151341

Points to be addressed.

- Unsuitability of land for housing
- Urban salinity: causes , effects, combating it
- Other ecological problems associated with developing this land
- Other possible uses for this land
- Community backlash

Presentation to Eurobodalla Council 13 July 2021

I wish to speak to Council on the subject of:

PSR21/028 Proposed Sale of Land – Tatiara Street, Dalmeny

The proposed sale of this land requires two questions to be answered.

1. Does the land need to be sold?
2. If the land is sold can Council put in place satisfactory safeguards to ensure that it is developed responsibly?

At the public information session an officer was asked if there was any alternative use for the land. The response was no!

This is incorrect, the land is currently used for mountain bikes, bushwalking, birdwatching, dog walking and trail riding. When the Council officer was asked where these activities could be carried out in future the response was 'I can't answer that'

P97 of the agenda states that the responsible Director has to 'manage land under Council control to achieve a return for the community'.

The proposed sale may give a cash return for the Council and community, but it does not take into account the loss of land that has always been used for recreational purposes and the impact that it will have on an environment that has been ravaged by bushfire and is being impacted by global warming.

Two other private blocks both larger than the Council land are to be developed and we believe it would be prudent to await the outcome of these developments before proceeding with 16 Tatiara St. There is an alternative use for this land and that is that it be returned to the community and rezoned community land.

If the sale proceeds, then surely standards need to be set out so that a prospective developer is aware of the issues that will confront him. Council needs to be proactive not reactive to the developer's masterplan.

Only one line in this proposal mentions the environment. 'Environmental factors will be considered with the future development applications for this property.' This is one of the most important issues facing us today, yet Council only mentions it in passing.

At the recent Council information session when Council Officers were asked about the wildlife and endangered birds that occupy this land. They were also made aware that the land has some areas of indigenous significance.

Officers were asked why environmental and indigenous risk assessments were not being undertaken - we were told it was too expensive and that it was up to the developer.

This is not a satisfactory answer when considering the destruction wrought by the developer at Broulee when the developer was not held accountable.

With regard to questions asked re car parks, public toilets, water and sewerage the response was it's up to the developer'.

It was pointed out that the cost of property in the flame zone would be inflated by the increased need to ensure that construction complied with the latest fire buildings regulations. When the officer was asked how council could call this land release affordable his response was 'it probably won't be'.

When questioned about the pressure that a huge influx of people will bring to schools, childcare, aged care, Officers said there were no plans to address these issues. This is unsatisfactory no mention was made of a Council Strategy Plan for the future.

Some of these issues will be addressed in the developer's masterplan but Council needs to listen to the concerns of its residents and establish some guidelines for development in advance of the proposed sale. These will certainly affect a developer's decision to purchase and the price that he is willing to pay.

Council admits that it is not developing this land 'because it is not best placed to manage the development risks associated with a development of this nature'. What needs to be considered if the land is sold to a developer is whether Council has the ability and expertise to keep a developer accountable. Particularly in the light of the Broulee fiasco.

We believe that this proposed sale should be deferred until after the coming council elections when a number of new Councillors will take their seats and can listen to the concerns of the community before making an informed decision and not have this rushed decision thrust upon them.

Cllr Mayne's comment 'We need bike paths, shade trees and walkways. We need better urban design in a fire climate challenged world and we need better community consultation. If this happens then I am sure a better outcome can be achieved for the community.'

Rob Christie

Tatiara Street

Dalmeny