

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

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

Ordinary Meeting of Council on 8 August 2017

Name	Subject/Comments
Public Forum – 10.00am	
Jim Bright	4.1 Ordinary Meeting held on 25 July 2017 GMR17/028 Delegations to the General Manager
Peter Bernard	6. Mayoral Minute GMR17/028 Delegations to the General Manager
Noel Dolton	PSR17/044 Eurobodalla Local Environmental Plan 2012 Amendment No.14 – Flood Mapping and Associated Amendments

EUROBODALLA SHIRE COUNCIL MEETING
8 AUGUST 2017

PUBLIC FORUM PRESENTATION ON
AGENDA ITEM 4.1

My name is Jim Bright. I'm a resident of Narooma.

I'm here today to provide some comments in relation to the General Manager's draft minutes of the 25 July meeting of this council. You are being asked (at agenda item 4.1) to confirm those minutes.

In particular, I'm here to comment on the contents of page 3 of those draft minutes. The contents of that page relate to the motion that was passed by you arising out of the mayoral minute that was presented at that meeting.

Now - it may well be that one or more of you might have already formed the view that there is a problem with page 3 and are therefore intending to rectify it when the council considers the appropriateness of the draft minutes later in this meeting.

But just in case that isn't already your intention, I will take the liberty of now attempting to persuade you otherwise.

For the average member of the community, at this point in time, there is simply no explanation generally available in the public domain for why, on the 25th of July, this council should have needed to pass the particular motion that was recommended to it in the mayoral minute.

In the contemporary public sector environment of openness and public accountability in which councils are expected (and indeed instructed) to operate, the absence of any public explanation of, and the need for, that particular council decision represents a totally unacceptable situation.

In this regard, I will once again quote some parts from the then NSW Premier's speech that was made when he introduced the *Government Information (Public Access) Bill* into the NSW Parliament in 2009. He said -

"Members of the public should be able to have access to the widest possible range of information to give them confidence in Government decision-making."

"Our public sector must embrace openness and transparency and governments must forever relinquish their habitual instinct to control information."

You simply can't pass a motion such as the one in question without providing the community with some type of background and explanation for what has occurred.

As you would appreciate, in the vast majority of proposed motions, the agenda papers for a meeting of this council would normally provide the members of the community with the necessary background information for any decisions that are taken by you. Consequently, in those cases, there is usually no pressing need for the minutes to state anything other than what your decision was on each motion that was before you.

However, as we know, the Local Government Act does allow the mayor, in appropriate circumstances, to have you vote on motions that have not been listed in the agenda. Obviously, on

those occasions, the official agenda papers are therefore not able to be a source of background information to the public about your decision-making.

In those particular cases, it is obviously logical and appropriate for the minutes to provide the public, not only with the decision of the councillors, but also with the background to the decision.

And, to the very best of my knowledge, that has always been what has occurred in the past with any mayoral minute. The possibility of a different outcome on some occasion has never entered my consciousness.

As I now know, on 25 July there was a document that was apparently provided to you explaining the background to the recommendation that you were being asked to vote on. I have a copy of its contents here. It was headed "*Mayoral Minute 25/07/2017*" and contained a six paragraph explanation about why there was a need for you to pass that motion.

There is absolutely nothing in that document that would fall into some type of confidentiality or other exemption category and therefore, in my opinion, its contents should - and must - be included in the minutes that you endorse later this morning.

I cannot begin to imagine any rational and acceptable basis for any contrary decision.

I note that the contents of the mayoral minute referred extensively to various advisings that council staff had received from the Office of Local Government. I would suggest that public accountability and transparency would have been considerably enhanced by providing councillors and the public with access to those advisings. This should become a routine feature of our local meeting procedures which happen to be presently under review.

Thank you.

Item number GMR17/028

Focus area . Collaborative and engaged
(reference number E059535)

Through you Madam Mayor to the Madam General Manager on the 12 Th July 2016 you wrote to me admitting there were errors” in the comparative Delivery Program 2013-17 and Operational Plan and Budget 2015 -16. You stated the assets sales for the year 2013-14 were \$695,494 and purchase of assets totalled \$27.1 million dollars . This represented a change from \$30,183,000 for assets sales to \$ 695 ,494 . An “ error of \$ 29,489, 506 dollars in sales of asset . The change of assets sales from \$64,494,000 to \$27.1 million revealed another “error “of \$37, 394,000 .

I am please to say that Council focus area of collaborative and community engagement as this report refer to will work . It may take time and persistence .

Through you Madam Mayor to the Madam General Manager .

1 . Why did the values in similar public documents on different occasions vary from the those finally admitted by you.?

2.Were the members of the audit committee made aware of the of the” errors “ ?

3 .Did the Council inform the NSW Department of the Local Government or any other authority such IPART made aware of the final “errors “ . This is considered very important as it may have influenced their recommendations with regards the Eurobodalla being fit for the future

4.You may or not be aware that there seemed to be

progressive changes to Assets Sales and Purchases in other similar worded documents before you admitted to the final errors “. ? I suggest you have a independent search to confirm this . I have forwarded my findings to a third party !

4.0

4.1 4.0 Madam General Manager I notice the Delivery
4.2 Program 2017 and 21 and Operational plan 2017-18
4.3 is on display and that it alings with the four term of council. This is not strictly correct as it straddles two terms of council . Please advise !

4.4

4.5 5.0 If this is the case why haven't the figures for the year 2016-2017 been shown.?

4.6

4.7 6.0 Please advise whether they have been audited. Are the figures in agreement with the previous Delivery Program 2013 -17 and Operational Plan and ~~and~~ Budget 2015-16. If not what are the differences ?

4.8

Peter Bernard 8-7-2017

PRESENTATION BY NOEL DOLTON TO COUNCIL AT ITS MEETING TUESDAY 8th AUGUST 2017
REGARDING COUNCILS PLANNING PROPOSAL TO AMEND LEP2012

THANK YOU MADAM MAYOR FOR THE OPPORTUNITY TO ADDRESS COUNCILLORS – “THE COUNCIL”.

FIRSTLY, THE PRIMARY REASON LEP2012 WAS CREATED IN THE FIRST PLACE, WAS TO PREVENT THE UNNECESSARY “CUTTING UP” OF VALUABLE AGRICULTURAL LAND INTO SMALL HOLDINGS, BUT IN THE REPORT BEFORE “THE COUNCIL” TODAY, COUNCIL STAFF HAVE DETERMINED TO INCLUDE FLOOD MATTERS.

I ARGUE THIS IS SIMPLY NOT NECESSARY, REASON BEING, MORE THAN ADEQUATE FLOOD MAPPING INFORMATION IS ALREADY AVAILABLE TO COUNCIL FROM FLOOD STUDIES PREVIOUSLY UNDERTAKEN. I BELIEVE THIS IS JUST ANOTHER LAYER OF SUPERFLUOUS BEAUROCRATIC REGULATION AND RED TAPE.

FOR MY PART COUNCILLORS MAY RECALL, I GAVE A PRESENTATION TO COUNCIL AT ITS MEETING IN FEBRUARY, 2016 IN WHICH, (IN SUMMARY) I DOCUMENTED;-

- (1) MY PROPERTY BEING VACANT URBAN LAND LOCATED APPROXIMATELY 200 METRES EAST OF THE MORUYA RIVER BRIDGE ON NORTH HEADS DRIVE, WITHIN THE VILLAGE OF NORTH MORUYA, HAS BEEN SUBDIVIDED FOR OVER 100 YEARS.
- (2) IT HAS A TOTAL AREA OF ½ ACRE (0.2 HA) AND ADJOINS A COTTAGE WHICH I BUILT IN 1975/76 AND RESIDED IN FOR NEARLY (20) YEARS.
- (3) THE LAND HAS A SEALED BITUMEN ROAD ACCESS AND FRONTS THE MORUYA RIVER, WITH ALL SERVICES AVAILABLE, INCLUDING SEWERAGE.

AT THE PRESENTATION I STATED; IT WAS DIFFICULT FOR ME NOT TO DEDUCE THAT; AS THE INCLUSION OF MY LAND IN THE LEP2012, (WHICH HAS DENIED ME A DWELLING ENTITLEMENT) IS ILLOGICAL AND CERTAINLY UNREASONABLE, I THEREFORE COULD ONLY CONCLUDE IT WAS RETRIBUTION, (A PENALTY IF YOU LIKE) FOR MY PERSISTENT ENDEAVOURS TO ESTABLISH WITHIN COUNCIL;- THE 1992 MORUYA RIVER FLOOD STUDY IS IN MASSIVE ERROR.

I STILL HOLD THIS VIEW, PARTICULARLY AS A 2005 COUNCIL STAFF REPORT, (FOR THE VERY FIRST AND ONLY TIME) STATED, QUOTE: *“DESPITE UNAVOIDABLE INACCURACIES IN THE HISTORICAL DATA USED IN THE CREATION OF THE MORUYA RIVER FLOOD STUDY PLAN, THE PLAN IS BASED ON GOOD PRACTICE”* -BUT NEVER STATED OR DESCRIBED WHAT THE “UNAVOIDABLE INACCURACIES” WERE.

WITH THE REPORT BEFORE YOU TODAY STATING, QUOTE: *“A PLANNING PROPOSAL MUST INCLUDE PROVISIONS THAT GIVE EFFECT TO AND ARE CONSISTENT WITH THE NSW FLOOD PRONE LAND POLICY AND THE PRINCIPLES OF THE FLOODPLAN DEVELOPMENT MANUAL 2005”*

FROM THIS IT IS RELEVANT TO REPORT, THE NSW GOVERNMENT’S FLOOD PRONE LAND POLICY VIA ITS FLOODPLAN DEVELOPMENT MANUAL (FDM) WHOSE MANDATORY PROVISION STIPULATES **“MUST”** BE COMPLIED WITH, WERE BLATENTLY CONTRAVENED BY COUNCIL WHEN;- THE PRIMARY OBJECTIVE OF THE NSW GOVERNMENT’S (FDM), TO; REDUCE THE IMPACT OF FLOODING ON LAND IN NORTH MORUYA WAS SUBSTANTIALLY INCREASED, WHEN THE RAISING OF NORTH HEADS DRIVE WAS UNDERTAKEN BY COUNCIL IN 1996, FOUR (4) YEARS AFTER THE 1992 MORUYA RIVER FLOOD STUDY WAS COMPLETED.

OF COURSE THIS MEANS THE MASSIVELY ERRONEOUS (FLAWED) 1992 MORUYA RIVER FLOOD STUDY WAS COMPROMISED, I.E. FURTHER FLAWED.

REGRETABLELY, TWO (2) SEPARATE PETITIONS TO COUNCIL BY CONCERNED NORTH MORUYA LANDOWNERS TO THIS; INCREASED BACKWATER FLOODING DEPTH WERE NEVER ACKNOWLEDGED OR RESPONDED TO BY COUNCIL.

MOREOVER, I WAS DECEIVED BY COUNCIL STAFF WHO REPORTED TO ME, (IN (2) LETTERS) THAT "THE COUNCIL" HAD AUTHORISED THE RAISING OF NORTH HEADS DRIVE PRIOR TO THE WORK COMMENCING. SUCH IS A LIE, AS I SUBSEQUENTLY DOCUMENTED, (BY CORRESPONDENCE TO COUNCIL), BUT DID NOT RECEIVE A REPLY FROM COUNCIL.

SURELY ALL OF THIS IS REPREHENSIBLE STAFF CONDUCT AND DAMNING ON COUNCIL.

PRECISELY WHAT THIS REVEALS IS;- COUNCIL STAFF IS CONTINUALLY REPORTING COUNCIL HAS A DUTY TO COMPLY WITH THE NSW GOVERNMENT'S FLOOD PRONE LAND POLICY AND FLOODPLAIN DEVELOPMENT MANUAL FDM, (AS THE REPORT BEFORE COUNCIL TODAY ATTESTS TO), BUT WHEN IT SUITS; COUNCIL TURNS A "BLIND EYE" AND REMAINS SILENT IN CASES WHERE IT IS ~~NOT~~ ^{NON} COMPLIANT WITH THE GOVERNMENT'S FDM PROVISIONS.

THIS IS HIGHLIGHTED BY THE FDM STATUATORY PROVISION THAT; COUNCIL "MUST" ADOPT A "FLEXIBLE MERIT BASED APPROACH" WHEN DEALING WITH FLOOD RELATED MATTERS.

AS I HAVE SHOWN IN THE EXAMPLES ABOVE, ANY "FLEXIBLE MERIT BASED APPROACH" WAS NON EXISTENT.

THIS I POIGNANTLY DETAILED IN CORRESPONDENCE TO COUNCIL'S GENERAL MANAGER DATED 8 OCTOBER 2012 AND MY (18) POINT SYNOPSIS ON;- **KNOWN COUNCIL STAFF'S UNETHICAL CONDUCT AND WRONGDOING'S**, IN RELATION TO MORUYA RIVER FLOODING, FORWARDED TO COUNCIL, 30 JANUARY 2010.

WHEN READ THIS SYNOPSIS IS STAGGERING AND VIRTUALLY UNBELIEVABLE.

WITH THIS IN MIND AND THE CIRCUMSTANCES COUNCILLORS – "THE COUNCIL" ROLE AND RESPONSIBILITY IS, (INTER ALIA) TO REPRESENT THE INTEREST OF RATEPAYERS, I FEEL SURE "THE COUNCIL" WOULD AGREE I HAVE BEEN DISCRIMINATED AGAINST AND UNFAIRLY TREATED BY COUNCIL.

AS PAGE 29 OF THE REPORT BEFORE "THE COUNCIL" TODAY STATES;- "E2 ZONED PROPERTY HAVING A LOW TO MEDIUM FLOOD HAZARD, (AS MY LAND HAS), WILL BE CONSIDERED FOR REZONING".

AGAIN, WITH THIS IN MIND, I PUT FORWARD AND URGE COUNCILLORS – "THE COUNCIL" TO RESOLVE THAT;- COUNCIL'S PLANNING PROPOSAL TO THE NSW DEPARTMENT OF ENVIRONMENT AND PLANNING INCLUDE A VARIATION TO CLAUSE 4.2A OF LEP2012 TO PERMIT THE ERECTION OF A DWELLING ON MY PROPERTY.

OF COURSE ANY VARIATION TO PERMIT DEVELOPMENT ON MY LAND WOULD REQUIRE A SUCCESSFUL DEVELOPMENT APPLICATION THROUGH COUNCIL, WHICH UNDOUBTEBLY; WOULD REQUIRE EXTENSIVE FLOOD PREVENTION MITIGATION CONDITIONS, BEING ATTACHED TO ANY APPROVAL.

IF COUNCILLORS HAVE ANY QUERIES ON MY PRESENTATION I WOULD BE MORE THAN HAPPY TO ANSWER THEM. I CAN BE CONTACTED ON 4267 2277.

A handwritten signature in cursive script, appearing to read "Noel Dolton", written over a dotted line.

NOEL DOLTON