

## 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 11 September 2018

Name	Subject/Comments
<b>Public Forum – 10.00am</b>	
Dr Karin Geiselhart	Mayoral Minute
Jane Coates	Mayoral Minute
Robbie Gibson	Mayoral Minute
John Ramsey	NOM18/012 Logging Corunna State Forest
Steve Andrea	PSR18/079 Pool Fence Exemption
Owen Cartledge	CAR18/031 Captain Oldrey Sports Park Landscape Masterplan
Ross Hayward	CAR18/031 Captain Oldrey Sports Park Landscape Masterplan

**11 September 2018**

Dear Councillors and Council

Good Morning Councillors

I am Dr Karin Geiselhart. I have been a visitor, part time resident and investor in the ES since the 1980s. I have been involved with climate change issues for several decades, back in the days when it was still being denied. I am a proud member of the Moruya SES and SAGE.

My presentation today is both personal and as a community supporter on behalf of the Nature Coast Alliance.

I have several questions for Council regarding the RLPP and its underlying Rural Lands Strategy adopted by Council in 2016: -

## **Possible Conflict of Interest**

### **1.Councillor and Committee Perceived or Possible Conflict of Interest**

What land or property interest does any present or past Councillor hold since or after the first meeting of the Rural Land Strategy Steering Committee (RLS Cttee) on 23 August 2012 that is subject to change in any way through RLPP e.g.

- amendments to the 1987 or 2012 ELEM's, including rezoning,
- change to Minimum Lot Sizes,
- access to grazing as exempt of wetlands or other high conservation value areas zoned as E2 in the 2012 LEP or protected by SEPP 14 Coastal Wetlands, SEPP 46 Littoral Rainforests or the new SEPP Coastal Protection that superseded SEPPS 14 and 46 in March 2018.

Please provide address, title details, size and when acquired.

### **2.RLS Steering Committee Member Perceived or Possible Conflict of Interest**

What land or property interest does any Member of the Committee hold since or after the first meeting of this Committee on 23 August 2012 that is subject to change in any through the RLPP e.g.

- amendments to the 1987 or 2012 ELEM's, including rezoning,
- change to Minimum Lot Sizes,
- access to grazing as exempt development of wetlands or other high conservation value areas zoned as E2 in the 2012 LEP or protected by SEPP 14 Coastal Wetlands, SEPP 46 Littoral Rainforests or the new SEPP Coastal Protection that superseded SEPPS 14 and 46 in March 2018.

Please provide address, title details and size.

Member of the Committee includes any past or present Councillor of ESC who represented the Council, chaired the Cttee or represented community interests as a Member of the Committee

Member of the Committee Includes any past or present Councillor who participated in the affairs of the Cttee as an observer, visitor or specialist advisor.

Land or property interest and the person and immediate family and close associates of a Councillor or Steering Committee Member are as defined in the Local Government Act regarding conflict of interests and probity.

### **3. Independent advice on probity etc**

## 18. Expert Referral

Did Council seek appropriate expert scientific and technical advice from its own officers or independent experts regarding advice from the expert State agencies that its planning area did not accept or agree with?

19. If so, from whom was the advice sought, when was it sought and when was it received

20. Will Council make all such advice publicly available

These questions go to the heart of transparency, public accountability and good governance.

Short talk: If necessary

o We have contacted the Maritime Roads Authority NSW – Jessie Fogg- the concern was the - intersection at Central Tilba Corkhill Drive - Sherringham Lane and the Princes Highway. We have communicated our concerns of the danger at this intersection to (Jessie) NSW Maritime Authority – Jessie did come and look – Jessie replied saying they put a plan into their Planning Department – it was approved but would have to wait for funding to have it fixed. As we understand they would have to change the markings on the road to make this intersection safe for persons on the Princes Highway going North/South and those coming out of Sherringham Lane/Central Tilba turning North or South on to the Highway. I have tried to contact Jessie to inquire about the amount of money it would cost to change the markings and change the speed approaching the intersection coming North on the Highway. Also – the speed of 100 should be reviewed as it is also unsafe as you approach this intersection – being reduced to 80 maybe appropriate.

o We have also expressed our concerns to the Eurobodalla Council regarding the small houses and ECO accommodations for tourism on the land in this area – Central Tilba..We understand that Tourism is required to keep the community growing as there is no light industry for employment. However, looking at our community from a nature, historic, geological, climate, tourism point of view - we need to maintain this pristine landscape, as it is one of the key assets - of the community and why people come here for visits or to stay. A formal plan for tourism accommodations from high end to ECO accommodations/low end is needed to keep our pristine unique landscape and for tourism. Not just another spot along the coast.

We feel dotting the area with small box homes/ECO accommodations will start turning the area into any other area on the coast. We would like to understand the rules of subdividing and boundary adjustments of farms and acreage off of Sherringham Lane/ Central Tilba District.

We agree with the 100 Hectors Subdivision on a property over 200 Hectors. (No Less).

o We received your mail out on the update and progress of your key projects...we were amazed to see that \$78,295.00 was given to an ECO Tourism Accommodation and \$28,000. was awarded to private enterprise for tourism in the Tilba area.. Therefore, we found it hard to believe that having the road markings changed for the safety of the community and tourists would not be granted now, but just added to the list. You can go to most people in the area and outside the area about the intersection they would say dangerous.

I understand that you are coming to Central Tilba (did not receive a letter) and wanted you to understand our concerns and would hope that you may be of assistance.,

Thank you

Warren and Jane Coates

## **Rural Lands Planning Proposal**

Re: Lot 1 DP653316 and Part Lot B DP415821, 62 Reservoir Road, Malua Bay, McKenzie's beach

### **Proposal to rezone 5 hectare block from Rural 1(a) to E4**

#### **Tree management**

Our major concern is how the rezoning will change the way we are able to go about tree management on the block Lot 1 DP653316. The family has owned the block since the 1950's and has regenerated the forest from regrowth saplings over that time to approximately 5000 trees and a diverse ecosystem. We are pro keeping the essence of this, especially in regards to the perimeter of the block including along the road and the foreshore.

After a fair amount of investigating it is evident that rezoning our block to E4 will make some of our current tree management practices more costly and requiring an arduous approval process. We still want to be able to cut down trees for safety, small sheds, driveway access, and for fencing and building materials for use onsite. We want to be able to do this in a sensible and timely manner without going through arduous and uncertain processes usually associated with urban zoning. Being a dense regrowth forest the trees are too close to one another and it needs some good forest management to ensure that it continues to grow into a beautiful, natural, and diverse ecosystem.



View from verandah to beach

Understanding what was allowed under the current Rural 1(a) zoning was made very clear with one phone call and an email from the Local Land Services. Conversely we have spent the last few days trying to get our heads around the multilayered regulation applying to trees under the proposed E4 zoning. Despite some wonderful efforts from the council staff, people from RFS and numerous people from the Office of Environment and Heritage, we have no more certainty on what the ultimate, long term implications will be for our tree management. It does look like that it will ultimately fall under the Tree Preservation Code, which if similar to its current form, will mean expenses for fees and arborists, 30 day time delays, plus an organisational nightmare trying to organise inspections by arborists and council officers remotely from Canberra. It will also mean some of our existing rights to timber use will be removed.

The expense and rigmarole will also fall on the council and ultimately the rate payer. We are curious to know how long it will take a tree assessor to jump the locked gate, find the 3 trees in question in a 5 hectare forest of 5000 trees without anyone to guide them, and then go back and process the certificate. It is likely to cost the council much more than the \$109 fee we pay.

We are under the understanding that work may be done on the Tree Preservation Code to change the ways trees are managed in E4. We welcome this as a sensible step. There have also been other suggestions how we might be able to enter arrangements on how to manage the land in a sensible manner. All of these things may be a way forward for us accepting E4, but until we have more clarity and certainty on them we ask to retain a rural zoning.

## What will changing the zoning achieve

The irony of the tighter tree controls under E4 is that if a future owner of the property wanted to they could pretty well wipe out the majority of the bush on the block under either zoning, by building a new dwelling or adding to the existing one. The block is in a bushfire prone area and the slope and vegetation type means that the building codes will require vast swathes of bush to be cleared to create asset protection zones. This amount of clearing is much greater than the amount of thinning that would be allowed for grazing cattle.

Having said this, the Gibson's love their patch of bush and don't want to do either of these things and have made arrangements to keep the land in the family in perpetuity.



Track leading down to the house just before it gets steep down to the beach



## Protecting the uniqueness of McKenzie's beach

We are highly supportive of protecting the unique bush backdrop backing onto the beach. We are active in rehabilitating the fore dune and encouraging Banksias to flourish in our small bit of land between the beach and the road. We strongly support the proposal to change this bit of land to E2.

To further protect the unique bush backdrop of McKenzie's we think it would be more appropriate for ours and our neighbour's block to the east to have a split zoning. The majority of the blocks should retain a Rural zoning in keeping with the other blocks west of George Bass Drive and the E2 zoning proposed for the part of our block that is between the beach and the road should be extended across George Bass Drive to create a buffer zone measured 100m from the foreshore. This would create a good screen of trees to the beach and protect the wet swampy area that flows into the northern end of McKenzie beach. Please refer to attached map.

For 60 years we have maintained our timber rail fence which creates a beautiful and unique element to the beach. Fairly frequently we replace the rails burnt by Canberra bogans with saplings cut from our forest. We have found the key to maintaining the fence is to do this as soon as possible to keep it looking respectable and less of a target for other vandals. Waiting 30 days for a permit and making a special trip down the coast is going to make this very problematic and perhaps unfeasible to maintain.

We thank you for the opportunity to present our case in person and allowing us to correct the inaccurate and somewhat misleading summary made of our original letter dated 22.6.2018 in Attachment 5, Individual Submissions and Responses, No 88.

We ask that you reconsider any decision to rezone our block to E4 and are more than happy to work together to come to a better outcome.



Yours sincerely,

Robbie, Helen and Trevor Gibson

10.9.2018

John Ramsay- Representing the Corunna Forest Protection Group

I would like a motion put forward that council send a request to Forestry NSW to upgrade the exclusion zone [FMZ3B STS medium \[visual\]](#) along the Princes Highway to exclude the removal of any trees [\[Excluded Forest\]](#) within 50 metres of the [Princes Highway easement](#). as described by the Forestry NSW harvest plan draft 4 which was supplied at the previous council meeting



We live in difficult times. Looking out the window as I write this, the paddocks are yellow and dry and there is a smoke haze from the fires to the south. There may be some rain soon but in the meantime our communities are grateful for the work of our amazing volunteer firemen. Although the forecasts do not look that promising as we move into spring, our communities are still active and getting on with life, hoping that everyone will do the right thing. And with spring in the air there is the hope for good things in our resilient and visionary communities ...

## On the move

The Tilba area is known as a tourist destination. One of the important aspects of tourism strategies is to increase the time visitors spend in the area. Two accommodation businesses, one at Central Tilba and the other at Tilba Tilba, have been successful in receiving tourism grant money to enhance their facilities with the aim of increasing overnight stays. Both properties have changed hands in recent years and have undergone significant redevelopment.

Tilba Lake House on Sunnyside Road, Central Tilba, is home to Rebecca and Tim Jones's young family. With its commanding position above Tilba Lake it has expansive ocean views and a backdrop of Gulaga. Rebecca and Tim applied for funding through the Regional Tourism Development Fund to further develop Tilba Lake Camp by adding two pods.



Tilba Lake Camp pod

Tilba Lake House and Tilba Lake Camp fit into the eco-tourism category with their emphasis on energy self-sufficiency, local and homegrown produce and rural environment.

The Regional Tourism Fund provides dollar for dollar funding to successful applicants. The funding is open until June 2019.

Mountain View Farm on The Avenue, Tilba Tilba, is part of the land settled by Henry Jefferson Bate in 1869 and lies right at the base of Gulaga. Now the home of Kathryn Ratcliffe and her children Stella and Marcus, Mountain View Farm with its collection of historic buildings has been undergoing a major repurpose. With successful funding through the NSW Government's Tourism Demand Driver Infrastructure Fund, Kathryn has been busy upgrading septic facilities, fitting out the old Alpha Cheddar Cheese Room and developing amenities to support two glamping tents.

The Studio, formerly the Cheddar Cheese Room, is now a spacious, light-filled, open-plan apartment designed to wheelchair accessible standards, with a delightful deck facing Gulaga. Work is not quite completed on the tents but Kathryn is hoping that the launch will happen this month. The old dairy has also been given a new lease on life—the old dairy yard has been paved in local rock and, with its fire pit and view of Gulaga, it provides a stunning area to while away the time. The old dairy building has been resurrected as a great undercover area with comfortable furniture and barbecue facilities.

## House on the hill

'Tingaringy', my and Philip Mawer's new home at Central Tilba, will be open to the public on Sustainable House Day, Sunday 16 September, from 10 am to 4 pm. Sustainable House Day provides a great opportunity for people to visit some of Australia's leading green homes—ones that are not only environmentally friendly, but cheaper to run and more comfortable to live in.

Tingaringy is built using passive solar principles and features a conservatory at the centre of the home. The house meets the requirements of the Development Control Plan for the Tilba Villages and Conservation Area, takes full advantage of its position and orientation, and fulfils its aim as a thermally comfortable home.

Visitors must register via the website [www.sustainablehouse.com](http://www.sustainablehouse.com). House

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addresses will be displayed in full two weeks prior to the open day. There are several houses in the Moruya area and one at Dignams Creek, as well as Tingaringy at Central Tilba.

## Kitchen garden

Central Tilba Public School has a new kitchen garden thanks to the hard work of Sandy Felder and Linda Applegren. Sandy, Linda and all the children have built the beds and filled them with soil and mulch. General Assistant Warren Atkins has also been very busy emptying trailer loads of soil for the new garden beds.

The children have been enjoying the new experience of planting seeds and seedlings with their new gardening gloves and tools. With a newly converted kitchen they are also learning to cook the garden produce for hearty lunches each Wednesday.

Bunnings Batemans Bay and Mitre 10 Bermagui generously donated garden beds, tools and framing material to enclose the garden. Please contact the school if you have time to help. The school is seeking donations towards the kitchen garden—tea towels, chopping boards, rolling pins, aprons, hoses, tools, seeds and seedlings, surplus produce are all welcome. Please contact Kim Atkins on 4474 7210, school hours.

## Tilba and District Chamber of Commerce

Each year Eurobodalla Shire Council runs the Eurobodalla Business Awards.



Tingaringy, one local home to see on Sustainable House Day

Winning businesses will be announced at a Gala Dinner on 8 September. Peter Lonergan, President of the Chamber, says there have been several entries from the



Central Tilba School kitchen garden

Tilba area. Good luck to those that have entered.

The Eurobodalla Tourism Strategy has been under review and recently work has begun on rebranding the region. A major consultancy has been engaged by the

Council to undertake this work and Peter has been involved.

Work is expected to start soon on the new Central Tilba public toilets. Council has indicated completion before Christmas. Temporary toilets will be set up once work commences.

## Tilba Easter Festival

The Tilba Festival has a new committee enthusiastically working on plans for next year's Easter Saturday event. The well-known family festival has had a break for a year and the new committee has a new approach.

Cas Mayfield, President of the Festival Committee, says, 'It's a great honour and responsibility to take on this role. Local residents are very passionate about the traditions of the Festival.'

As a committee we are committed to preserving all the best aspects of the event, but we also want to give it added life and a broader appeal.'

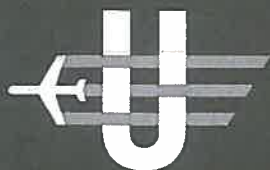
The committee wants to bring in locals from all of Eurobodalla and Bega so they are trying some new things in 2019. Pending Council approval there will be a headline concert in the early evening to keep the good vibes going.

One of the stages will be dedicated to local talent to showcase the great well of creativity in the area. For the older kids there will be an open mike session in the Small Hall after the kids' performances finish, as well as an Instagram photo

competition throughout the day.

Cas says that there is still a lot to do. For anyone wishing to be involved, or for information, contact her on 0412 136 145.

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11<sup>th</sup> Septamber, 2018

## Presentaion to Eurobodalla Shire Council

Good Morning councillors and Mayor,

My name is **Steve Andrea** of **STEVE ANDREA ARCHITECTURE**.

I am here representing our firm as architects for the new dwelling at 76 Burri Point Road, Guerilla Bay. I am here in support of our application for a pool fence exemption under section 22 of the Swimming Pools Act and am happy to answer any questions in the course of your deliberations.

Thankyou.



My name is Owen Cartledge and I speak today as an environmental ecologist. I am qualified in this field ~~and~~ with a Ph.D. and have worked in and published from university departments of Resource Management, Environmental Science, Soils, and Botany, a State Dept. Agriculture & the NCDC in Canberra.

I express my utmost concern about the Captain Oldrey Park proposal. This ESC document is an answer to the wrong question. The main focus is on sport. The Executive Summary "recommends a number of facility upgrades and expansions while retaining and maintaining native vegetation where practical."

I wish to argue the case here today that the starting point could and should be the reverse, i.e. maintenance and passive utilization of natural vegetation and the expansion of sports facilities at another site.

If this ESC proposal is adopted then ~~we~~ we will witness the greatest lost opportunity seen in this chamber.

Parking, roads and an additional oval

would remove 65% to 80% of the Bangalay<sup>2</sup> forest at this site

The Bangalay forest, its understory and soils have evolved over thousands of years. It is the climax community of a sand dune succession. Many of the individual cycad plants are hundreds of years old.

This forest is rare in a built up area and contiguous to an increasing population.

There are many examples of populations seeking passive recreation in forest communities. Kings Park in Perth, & the new National Arboretum in Canberra. People seek out plants, parks, and forests in particular. Canberra Nature Park comprises 33 separate areas.

There is a significant scientific literature ~~on~~ on forests, walking tracks, and the health benefits to accrue from the provision of these services. Improvements to immune systems, diabetes, heart issues and general health have been found. People walk through these areas for respite, rejuvenation and rehabilitation. The Green Building Council of Australia is rapidly moving beyond buildings and energy ratings. It is extending its accreditation to whole communities including surroundings.



3

The implementation of the plan in front of you Today would be another step towards turning the Eurobodalla Nature Coast into the built concrete and heat island we see at the Gold Coast, Queensland. I do remember the more natural appearance of Southport and Broadbeach when I was a child.

Page 1 states " This masterplan has been developed to incorporate ideas and feedback from the community " I am sure Councillor Mayne + Mc Ginley have powerful memories of a community meeting held at Broulee School about six months ago. The feedback at that meeting was very much at variance with this document.

This document outlines the needs and wants of sports people. The ecological and environmental losses just get a mention, a few crumbs are offered, no serious consideration.

Councillors need to ask the alternative question — What is the best use for this land? — NOT — How do we expand sport into this land?

Public Forum –Item CARS 18/031                      11 September 2018  
Captain Oldrey Park Draft Masterplan  
Presentation by Ross Hayward President Broulee Mossy Point  
Community Association.

I wish to speak not on the detail of the draft but on the procedure to achieve the final Masterplan.

When previously attending Council meetings I've seen many other shire residents speak at the Public Forum.

Speaking with many of them afterwards I've noted they had a similar experience to me, we were heard but maybe not listened to.

One's submission felt like a waste of time.

Why is this happening?

At a time when the Banks, Insurance companies, Church, Federal Liberal Party, Wagga by-election are causing many in the community to lose faith in our large institutions we very much need coherence at the local level and trust in our Council.

The Capt Oldrey Park draft masterplan proposal will no doubt go out for public submissions today.

Information for the proposal has been gathered, assessed, draft report written and Councillors briefed.

Submissions will be 'considered' and final report forwarded to council.

The process is efficient.

All very "Best Practice".

But is it effective?

In this process the only time the major players i.e. the residents, their elected councillors and staff are at the same place at the same time is here at the Council meeting during Public Forum.

The rules of engagement are very strict: only speak for 5 mins, an extra 3 maybe if you're nice, no questions to staff, no free flowing discussion with the elected representatives.

No opportunity to gather around a plan and express opinions, to tease out ideas.

The council chamber is very formal and for many speakers it is intimidating particularly if it is their first time.

Much like a court of law, really.

At Council meetings there appears to be a reluctance to take on new information, defer or make changes for fear of decisions on the run.

Understandably often it is the final action in a long running saga and its only natural to want the final performance to proceed smoothly.

An experienced local government professional once described the Ordinary Meeting of Council to me as being part ceremony, part legal but mainly theatre. Serious theatre. The final performance.

If that is so, where is the 'dress rehearsal' allowing for community residents to have a free flowing discussion with both staff and elected representatives prior to any plan coming before Council?

In past years Council's "dress rehearsals" have been at the working level of district committees, works committees and planning committees at which residents, elected representatives and staff were involved in a discussion of ideas.

Those committees no longer seem to exist and now there is no 'dress rehearsal' for all to interact.

So it's no surprise that speakers at Public Forum and others leave frustrated and despairing.

Similar to a theatre's final performance, the Ordinary Meeting of Council performance should leave its audience feeling that Council knows its community, is fair and does the job well.

A meeting with the Manager of Recreation is to be held during the exhibition period to discuss the masterplan.

No date has been set but if it can be on a Tuesday after their briefing session it would enable Councillors to be present for an open discussion of ideas that incorporates all stakeholders to work together not in isolation.

Thank you for listening and I hope a meeting can be arranged so Councillors can attend.