

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 28 August 2018

| Name | Subject/Comments |
|-------------------------------|---|
| Public Forum – 10.00am | |
| Peter Bernard | GMR18/017 Audit, Risk and Improvement Committee Annual Report |
| Frank Eden | PSR18/071 Renewable Energy Options Analysis |
| Julie Mills | PSR18/069 Rural Lands Planning Proposal |
| Suzzanne Gray | PSR18/069 Rural Lands Planning Proposal |
| Jenny Sheppard | PSR18/069 Rural Lands Planning Proposal |
| Fiona Kotvojs | PSR18/069 Rural Lands Planning Proposal |
| William Braines | PSR18/069 Rural Lands Planning Proposal |
| Geoff Berry | PSR18/069 Rural Lands Planning Proposal |
| Mark Bice | PSR18/069 Rural Lands Planning Proposal |
| Brian Kennedy | PSR18/069 Rural Lands Planning Proposal |
| Noel Dolton | PSR18/069 Rural Lands Planning Proposal |
| Alan Reeves | PSR18/069 Rural Lands Planning Proposal |
| Mary Rose | PSR18/069 Rural Lands Planning Proposal |
| Kathryn Maxwell | PSR18/069 Rural Lands Planning Proposal |
| Chris Jones | PSR18/069 Rural Lands Planning Proposal |
| David Grice | PSR18/069 Rural Lands Planning Proposal |
| Kevin McAsh | PSR18/069 Rural Lands Planning Proposal |
| Damien Rogers | PSR18/069 Rural Lands Planning Proposal |
| Keith Dance | PSR18/069 Rural Lands Planning Proposal |
| Cheryl Blessington | PSR18/069 Rural Lands Planning Proposal |
| Noel Plumb | PSR18/069 Rural Lands Planning Proposal |
| Joanna Evans | PSR18/069 Rural Lands Planning Proposal |
| Amanda Thompson | PSR18/069 Rural Lands Planning Proposal |

My name is Frank Eden, I am the assistant chair of the Southcoast Health and Sustainability Alliance (which we abbreviate to SHASA). I am also a member of the Narooma Rotary Club which for the past two years has organised the Renewable Energy Expo. This year I am assisting the Moruya Club in organising the Expo which will be held on Sat October 20 at St Marys.

Our region uses power mostly generated elsewhere. Because of this, a great deal of money leaves our local economy as payments for energy, and that is a contributing factor to the fact that we have areas of below average socio-economic standard of living. Owning and operating our own local generation should be considered; it would avoid the flow of money out of our region.

SHASA has a key focus to highlight and support action to mitigate climate change. We aim to encourage good long term outcomes with positive and practical methods that also help the local economy. *We energy audit bulk buy roof tops? 130*

SHASA has over 400 people on our mailing list; we have worked with council during the past year to run six highly successful solar sessions which provided advice and information to the public. We would like to congratulate Council for its support with that

Item 73 - Emissions Reduction Plan, page 62

On behalf of SHASA I'd like to congratulate the Council and in particular the efforts of Mark Shorter to meet the Council's emissions target of 2020 by 2018 - two years ahead of target. The target was a 25% reduction and the Council has already achieved a 36% reduction.

SHASA strongly encourages the Council to focus on reducing its transport emissions by moving to an electric car fleet as quickly as possible. Doing so would create a seed that would support the growth of electric cars and its supporting infrastructure in the Eurobodalla.

Item 72 - Renewable Energy Options Analysis page 69

SHASA is pleased that Council has undertaken an analysis of some of the renewable energy options.

However in that analysis, it is clear that the demand profile is assumed to remain the same as it is now, in other words, that the pumping of water is done at night. Since most power at night is supplied by coal fired plants, we recommend that Council shift their water pumping from night time to day time, to take advantage of low cost solar.

The report says that a solar farm would only supply 30% of Councils energy demand. We would suggest the analysis be reexamined with pumping being done during the day.

The report talks about a Council built solar farm being economically marginal. SHASA recommends they look at partnering with the community or with other Councils to get one built.

This should be done soon with the availability of large scale certificates which reduce the cost by about a third. We are prepared to help establish the community infrastructure needed.

SHASA has, over the last few years, run a very successful bulk buy program. But we regularly talk to people who cannot install solar on their own house because they have shading from trees, or they are renters and so on. These people are very receptive to the idea of a community solar farm.

Large Scale Certificates (LGCs) are attractively priced at the moment and time is running out for them, now is probably the time to act if ever.

We agree however that the easiest and quickest method for Council is a power purchase agreement to buy renewable generated power. Its takes time to build a solar farm, Council should arrange a power purchase agreement before it faces a significant price rise in December 2018.

Good morning Councillors and staff.

My name is Julie Taylor Mills and I will be addressing Agenda item 11 in relation to the Rural Lands Strategy.

My husband and I bought in this area because we were looking for acreage and to become investors in sustainable agriculture. We did all our research from London and we were drawn to the Eurobodalla region because this area spoke to our values -

- it had not suffered the piece meal over development of so much of the North Coast
- its estuaries and river catchment areas were not surrounded by extensive destructive cattle grazing.

The region appeared to value its forests, estuaries and coastline and

- its history of farming had not been undertaken at the expense of the natural environment.

We saw the

- considerable uptake of solar power in the area,
- the establishment of extensive national parks and wilderness areas in the region,
- noted organisations like SAGE and felt this was an area where we would find a like minded community

AND we heeded the marketing undertaken by Eurobodalla Shire itself - the importance it appeared to place on the pristine nature of its estuaries and coastline,

Our objective was to establish somewhere where we could live here and invest in industries true to this mantra.

Our 40 acre coastal property has significant environmental features and we paid to have a wildlife covenant applied across the property. The covenant we have applied to our property is in perpetuity - our prime beachfront land can never be subdivided. This I am sure you would agree was a significant decision on our part. Our land is zoned R1. Can I say that we have had fantastic assistance from council environmental services staff towards the rewilding and habitat restoration work we have done to date - this help has been invaluable.

Foremost in our thinking towards investment was that we wished to invest in industries that did not damage these environmental values or even perhaps enhanced them. After 20 years living in cities round the world we knew how special the place we had discovered really was. Oyster farming is just such an industry and has been our first investment. Put bluntly, you can't harvest oysters unless you have pristine river ecosystems and protecting those river systems going into a climate constrained future in a country where everyone seeks to live closer to the coastline was front and forward in our minds.

For all these reasons we are deeply alarmed at the changes being put forward in the Rural Lands Strategy. I have been advised by Members of State Parliament that the changes being proposed by Eurobodalla Shire in

response to the State Government's simplification of land zoning categories are unlike any in the rest of the state and will have far greater damaging environmental impacts than other changes being undertaken by any other council across the state.

We find it breathtaking that Council is ignoring the suggestions of the various expert professional bodies in response to the RLS. The promise of a region that respected the environmental values without which no human activity can flourish seems to be diminishing before our eyes.

The idea that the council will be able to make discretionary decisions in relation to zoning and land use without an avenue of recourse by the community to other state or federal authorities is shocking. Such a reduction in checks and balances is fundamentally wrong.

Particularly when such decisions relate to the natural environment - which sustains us all.

The ecosystem services provided by our rivers, forests and coastline are not quantifiable. But they underpin our ability to farm the land and to harvest from the oceans. As investors in farming, energy and social ventures we are acutely aware that we will not derive success or wealth if we foul the nest in which we operate.

And we thought we had found a location where the majority of the community recognized this philosophy.

This regions unique selling point is its nature and its coastal environment.

But this is not a given. It requires all of us to work towards sustaining it.

It is totally unfathomable to us as long term investors with a commitment to operating within the constraints of a healthy environment why the council would seek to jeopardise the environment all of us love and treasure and call home by approving the changes to zoning being proposed.

I implore Council to withdraw this Proposal and review it together with expert State agencies and a community advisory panel that is truly representative of the broad community.

Dear Councillors, Ms Tate and Managers,

Please support the MOTION:

1. *TO AMEND THE RURAL LANDS STRATEGY for 50 SITES ADJACENT TO WATERWAYS, TO MAINTAIN CURRENT LOT SIZES OR, REDUCE AS PER THE RECOMMENDATIONS IN THE ATTACHED REPORT BY S.E. GRAY (Coastal Ecosystems Analyst)*
2. *REJECT THE SMALLER LOT SIZE proposed for LOT 63 GEORGE BASS DR, MOSSY POINT AND MAINTAIN CURRENT 2ha minimum lot size (MLS)*

UPDATE

Since speaking to you on 14.08.18, I have been in communication with Oyster Growers, Fisheries, the State Planning Office, the Director of Planning, Gary Bruce, Eurobodalla Shire Council and, dozens of scientists and members of the community. Elizabeth Rankin, Eurobodalla Shire Council, wrote to me and asked that I review the amendments to the RLS and, I have done so. I have read the submissions from state agencies, also drawn upon data from my own studies, utilised reports such as the one by Haines (ICOLLS) and the Healthy Rivers Commissions (HRC) plus accepted a range of other scientific evidence and taken community input into account.

Please find my draft report, attached. Due to the very limited timeframe, I have concentrated on the sites adjacent to waterways that have been proposed for smaller lot sizes and rezoning under the RLS, as available online and in the libraries. Ideally, I would like to have more time to conduct a thorough review. My draft and final report will also go to the State Planning Office, as well as the appropriate ministers and their departments. I encourage councillors to vote on accepting the recommendations.

PROPOSED AMENDMENTS, additional to those provided by council:


As stated previously, I have been daily receiving information and copies of submissions from community groups and scientists that point out areas which have been rezoned for development and reduced minimum lot size that put our waterways, fisheries, aquaculture and tourism industries at risk. The Community (apart from a small group of farmers), the State Planning Office and all of the state agencies have requested Environmental Protection zones in the category of E3 and also, to restrict grazing in E2 zones. Small block holdings in sensitive areas affect water quality and ecosystem health, as well as degrade the natural assets which the community wish to be protected.

As our elected representatives, it is your duty to uphold the wishes of the majority of citizens in our community.

REFUSAL TO PROTECT THE ENVIRONMENT MEANS FURTHER DELAY

I spoke to the State Planning Office this week and failure to address the key environmental protection issues will mean yet another delay in getting this RLS document signed off. When I spoke to State Planning in March, I was told that the delay was due to council's refusal to implement environmental protection zones and particularly, the removal of E3 zones.

CONFLICT OF INTEREST

 Any councillors who are going to personally benefit from the rezoning of property that they own, you must abstain from voting. Peter Dutton was not going to benefit from the money given to childcare facilities in which he had shares, yet he was recently threatened with ejection from government office under Section 44.

MOSSY POINT ESTUARY

Again, I would like to address the rezoning planned for Mossy Point estuary. Replacing forest and wetlands with hard surfaces adjacent to waterways *always* leads to problems, particularly when acid-sulfate soils are present as found at Mossy Point. The roundabout construction at Tomakin is on acid-sulfate soils and my data suggests, has affected ecosystem health in the river. The road construction engineers and contractors are the experts and if they have failed to protect the river, what hope is there for developers?!

I have closely monitored the river over the last three weeks, since the light rain event in early August. Most of the fish have disappeared. I went on a canoe survey with a fellow ecologist and we saw zero fish and zero stingrays, when generally we would see hundreds of fish and 6-10 rays. On Saturday, I did a crab hole survey. Crabs are the "frogs" of the estuary – environmental indicators. There were 3 holes in my control site, which would normally have hundreds. Today, after the rain event Saturday-Sunday, I measured the pH of the water and it was 6.5 and 7.0 at the two sites which have been monitored regularly, 1999-2004; 2010-2013. Normally, these sites would be pH 8.0-8.5. I checked my data and there was only one instance of pH 7 in the many years of monitoring – this was after a storm event of 250mm. pH of 6.5 means the acidity has increased 100-fold and given the roundabout is less than 500m from the river, there is a strong case for an acid-sulfate soil incursion. There is no sediment or tannin in the river, but acid dissolves in water and runs through the geo-fabric, into the river, lowering the pH and affecting all life in the river.

The Oyster growers utilise this estuary for growing up oyster spat. Both these species are very susceptible to pollution especially juveniles. The Oyster Industry is worth over \$10 million/annum, according to the report from Fisheries submitted to council and employs many people. Recreational fishing is huge in the Tomaga and surrounds. The Mogo Zoo and the Tomakin Sports and Recreation Club both rely on a healthy river for their tourism dollars. I spoke to the manager at Mogo Zoo (12% of our tourism dollar) and she supports protection of the river and shire waterways, actively.

THREAT TO EXISTING HOUSES IS VERY REAL

The hillside that feeds the bend in the river scheduled for development into 1000sqm blocks is highly unstable and in turn, this directly affects the next bend in the river which is beside the ocean, known as the Spit. If this unstable piece of land is lost, the entire village of Tomakin is affected and Mossy Point has 50 houses close to sea level that are immediately put under threat.

Also, there is a greater risk of flooding to existing houses if the trees between George Bass Dr and Connells Close are cleared. The watertable resides very close to the surface and will rise substantially above the ground when the trees on the hill are removed. My Masters research looked at rising watertables between Canberra and Murramarang and native species adaptation. Afterwards, I did an experiment in my back yard, thus discovering in Connells Close Mossy Point, at 2.96m above sea level, the watertable is less than 40mm below. I also documented rising groundwater and inundation as a result of tree removal, my own, my neighbours' and council, for the sewer line.

The Mossy Point wetlands are already inundated by rising sea levels and are unable to process or hold the additional storm water in high intensity events. There is no engineering solution to deal with storm events above 150mm, especially on steep slopes adjacent to EEC wetlands and waterways, as found on this site. We annually get at least one downpour of more than 200mm in 48 hours, on steep slopes. The water covers the entire road and flows past the stormwater drains. Without the forest and adjacent wetlands to soak it up, approximately 30 houses are immediately at risk in Connells Close and Annettes Parade. ***I encourage all councillors to vote for the proposed amendments, as shown in the attached report, or ideally, conduct a second review as requested by the community here today.***

Dignams Creek Community Group Presentation to Council

Almost seven years ago I stood here representing some 50 Eurobodalla Shire residents from Dignams Creek, and over 300 people from across the Shire whose formal objections to the that LEP were not recorded or addressed.

Today, I stand here to thank the Council for their work to address the concerns we raised. We sent a brief, informal email to say thanks, but we did not put in a formal submission – an omission as it is easy to complain, and most of us fail to recognise achievements made.

I will not list all the concerns that have been addressed, but I would like to identify some that others appear to be seeking to reverse.

E3: We understand that some people are seeking to have E3 included in the LEP. We note that (i) the elements of the LEP under consideration only relate to land that is zoned as RU1 under the current LEP. I.e land that has been designated as agricultural land and used for this purpose for some time. Much of this would not meet the objective of E3: “to protect, manage and restore areas of special ecological, scientific, cultural or aesthetic value”. In Dignams Creek, there are no studies to support application of this zone, most land has been logged at least once in my lifetime, and much of the regrowth includes species that are not indigenous to the area. (ii) E3 does not exist in the current LEP. Therefore, nothing is being ‘removed’ by its exclusion from the LEP. (iii) The inclusion of E3 to land historically zoned as RU1 would result in significant detriment to these land owners, generally without benefit. These issues were raised in 2011 and I refer you back to that material.

Minimum lot size: From the summary of submissions, some people would like the minimum lot size increased to 1000 ha, i.e 10km². We argued strongly against this in 2011 – 2013 because it is not practicable. In Dignams Creek for example, it is seven times the largest existing lot size. If all the privately owned land was joined, it would still not be 1000 ha.

Overlays: We strongly support the exclusion of overlays from the LEP. These would still be used when Council considers a development application. In addition, if a landowner wants to remove vegetation from their property, they must still go through various approval processes before this can occur. I would note that on our own property, the complexity of this has prevented us from harvesting timber in areas purchased for agro-forestry and previously harvested.

Community Consultation: A number of submissions raised concerns with the community consultation process. We have previously taken the opportunity to commend the Council on the vastly improved consultation process used this time in comparison to 2011 – 2013. From our perspective, we were involved in community consultation, have been made aware of the changes and how the issues previously raised have been addressed, had the opportunity to inspect documents as electronic and hard copy and to discuss with Council Officers if we chose. Largely, we have not taken up many of the opportunities as our concerns have been addressed

we would also like to express our concern about the misinformation being communicated in regard the LEP.
In closing, we would like to again thank Council for taking seriously the concerns previously raised and addressing these. We also trust that the process for finalisation of the LEP will be progressed without further delay to provide some certainty to farmers in their planning.

Many of us have a tendency to ignore changes in Council planning documents because it is all very dry, but they are of real importance and can affect what we want to do with our property in the future. Some will remember the changes to the Local Environment Plan (LEP) in 2012. In Eurobodalla it caused a lot of anxiety, distress, conflict and public outrage as a consequence of the proposed changes and the process the Council adopted to determine the changes. In contrast, the changes proposed by Bega Valley Council were fairly uncontroversial.

Six years on (2018), both Councils need to implement further change. In Bega, it is because various clauses will cease this year. In Eurobodalla, it is because all the planning related to land zoned as RU1 (the part causing most controversy) was removed from the LEP in 2012 so that the bulk of the LEP could be put in place. The planning for RU1 is happening now.

These changes haven't received the media coverage that the previous changes did, possibly as they are far less controversial. But if you own land in either Shire, check whether they affect you.

In Bega Valley, there was a clause (Clause 4.2A Subclause [4]) that meant permission to erect a home on land identified as an existing holding would cease from August 2018 (i.e you would lose this permission). The Council has proposed changes to this clause so that the opportunity to build a home on this land will be retained if it is identified on the Existing Holding Map. So, if your land is an existing holding (which means it has remained in the one ownership since 1966), it is intact (you haven't sold off blocks), and you think you have dwelling entitlements you haven't used, then this change may apply. You should talk to the Council and see if it applies to you. It is now too late to be included in this version of the Map, but you can be included in the next planning process. Until then, you would not be able to use this entitlement to build, so the sooner you check and have it included the better.

If you are in Eurobodalla, then the document is much larger. The report is available for public viewing (on web site at <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/rural-lands-strategy/planning-proposal> or in Council offices. In 2012, we (the Dignams Creek Community Group) had numerous concerns. From our review, it seems that these concerns have now been addressed. But there are still things each landowner should check. As with Bega Valley, some of the changes relate to retaining dwelling entitlements on land zoned as RU1. If you own RU1 and think you have dwelling entitlements on your land that are not used, it would be good to talk to the Council about this and ensure they are listed in the LEP.

This article is simply intended to help you be aware of changes that may affect you, it is important you check what applies to your land for yourself.

28/8/2018

WILLIAM BRAINES
179 FRENCHMAN'S

VERBAL SUBMISSION
TO COUNCIL

GULLY RD
NAROOMA

0488 141 062

SUBJECT
RURAL LAND PLANNING
LEP AMENDMENTS

I AM A RATE PAYER AND RURAL LAND OWNER IN THIS SHIRE. MY PROPERTY IS LOCATED ON THE NORTH WESTERN SIDE OF WAGONGA INLET AT NAROOMA. I HAVE BEEN INVOLVED WITH THE RURAL LAND LEP FROM ITS BEGINNING AND MADE A NUMBER OF SUBMISSIONS I HAVE ALSO ATTENDED WORKSHOPS OVER THE LAST 10 YEARS.

IN THIS ~~TIME~~ LONG DRAWN OUT PROCESS, THAT'S COST THE RATE PAYERS OF OUR SHIRE A VAST SUM OF MONEY - I HAVE LOST CONFIDENCE AND TRUST IN ~~OUR~~ OUR COUNCIL.

I AM HERE TODAY REGARDING MY SUBMISSION TO THE LEP RURAL LAND AMENDMENTS.

✓

I ~~FEEL~~ FEEL THAT WE NEEDED A CLAUSE INCLUDED ^{IN THE LEP} RECOGNISING COUNCIL'S RESPONSIBILITY TO ENSURE THE STABILITY OF OUR RURAL ROAD INFRASTRUCTURE, IN LINE WITH ITS RURAL STRATEGY.

THE RURAL ROAD'S NEED TO REMAIN INTACT AND KEPT IN A SERVICEABLE CONDITION, NOW, AND INTO THE FUTURE WE NEED TERMS OF REFERENCE TO DEFINE THIS IN THE LEP, SO RATE PAYERS AND OTHER STAKE HOLDERS CAN APPROACH COUNCIL WHEN THEY HAVE FAILED IN THEIR RESPONSIBILITIES.

AFTER MY SUBMISSION I RECEIVED A POSITIVE RESPONSE FROM PLANNING DEPT. ASKING IF I WAS PREPARED TO DISCUSS THIS WITH A COMMITTEE BUT I HAVE HEAR NOTHING SINCE AND IT APPEARS MY SUBMISSION HAS GONE MISSING. MR MARK HITCHCOCK HAS SINCE ~~LEFT THE EMPLOYMENT OF~~ COUNCIL ~~WHO WAS INVOLVED IN~~ ALL THIS AND THOUGHT MY SUBMISSION HAD MERIT.

OUR RURAL ROADS ARE VITAL FOR FIRE FIGHTING TOURISM AGRICULTURE AND SUBDIVISION. ALL OF WHICH ARE COVERED IN THE LRP + STRATEGY SO WHY HAVEN'T OUR ROADS BEEN ~~COVERED~~ INCLUDED.

~~HOWEVER~~ I HAVE AN EXAMPLE OF WHAT CAN HAPPEN TO OUR RURAL ROADS. SOME YEARS AGO, IN MY AREA, PART OF SCENIC DRIVE (THAT TRANSVERSES WAGONA INLET) WAS CLOSED BY STATE FOREST CORPORATION, WITHOUT NOTICE TO COUNCIL OR THE GENERAL PUBLIC, AND STATE FOREST TO MY KNOWLEDGE DOES NOT HAVE THE AUTHORITY TO CLOSE A PUBLIC ROAD.

I CONTACTED THE GENERAL MANAGER VIA EMAIL AND DISCOVERED TO MY SURPRISE THAT ALTHOUGH THEY HAD NO KNOWLEDGE OF THE CLOSURE, ~~THEY~~ THEY WERE IN FULL SUPPORT OF THIS CLOSURE AND COUNCIL HAVE ADMITTED RESPONSIBILITY FOR THE ROAD.

OUR RURAL ROAD STRUCTURE AND
INTEGRITY SHOULD BE PROTECTED
AND WHERE NEEDED EXPANDED
UNDER THE LRP + STRATEGY.

IN FACT COUNCIL HAS ALLOWED
SUB DIVISION ON 6 PROPERTIES IN
THE AREA OF THIS ROAD INCLUDING
MINE. THIS CLOSURE IS TOTALLY
AGAINST THIS RURAL DEVELOPMENT
AND INDICATES THE NEED FOR
THIS PROTECTION.

ARE WE GOING TO ALLOW THESE
SORT OF CLOSURES TO CONTINUE,
AND UNDERMINE THE SUCCESS
OF OUR RURAL ECONOMY.

SOME FACTS ABOUT THIS ROAD

- IT HAS HISTORIC VALUE
BEING THE ORIGINAL HIGHWAY AROUND
THE INLET.
- IT HAS TOURISM VALUE
COUNCIL IN FACT HAVE PUT UP
A BIKE SIGN
- ALL MAPPING TOOLS STILL SHOW
THIS ROAD AS OPEN.
- EMERGENCY VEHICLES WILL
STILL TRY TO USE THE ROAD
INCLUDING FIREFIGHTERS
- AS NO MAINTENANCE HAS BEEN
PERFORMED NOW HAS SERIOUS
EROSION ISSUES
- STILL BEING USED BY THE
PUBLIC DESPITE BARRIERS
- ROAD SHOULD REMAIN OPEN
IN A FIRE PRONE AREA.
- COUNCIL IS RESPONSIBLE FOR
DEATH OR INJURY, AS A
RESULT OF ROAD CLOSURE.
- NO "ROAD CLOSED" SIGN AT
ONE END

Brian Kennedy

135 Potato Point Road

Bodalla



In relation to the Eurobodalla
Local Environmental Plan 2012

I seek an amendment to the zonings
on my property. I seek the removal of
the E2 zoning along Borang Creek where
it runs through my property as the split
zoning divides my property into two halves.

It is not clear to me if this portion
of Borang Creek is zoned E2 why other
creeks running into lakes in the Eurobodalla
are not all zoned E2

How does the Planning Department determine
what gets zoned E2

SB Kennedy

28-8-2018

PUBLIC FORUM PRESENTATION TO COUNCIL BY N. DOLTON ON 28th AUGUST 2018

Thank you Madam Mayor for the opportunity to address Councillor's - **"The Council"**.

I do so to "support" my Public Submission and "20 Page Document" which were both forwarded to Council requesting, both documents be presented to Councillors – **"The Council"** in full, i.e. not edited, condensed or "under separate cover", to enable the true facts to be on the public record; for the following two (2) most important reasons:

Firstly, my Public Submission challenged the truth of Council Staff's report of 8 August 2017 which lied and mislead Councillors – **"The Council"**, as pages 3-6 of my Public Submission, comprehensively detailed. Secondly; my "20 Page Document" irrefutably proved the 1992 Moruya River Flood Study MRFS is in massive error, to which Councillors – **"The Council"** is unaware of. Regrettably, (as seen from the report) my request has been ignored.

This has resulted in my Public Submission and "20 Page Document" being **"CLASSIFIED INFORMATION"** which means, they are literally confidential secret documents, being kept "in-house" and known only to a select few and rarely read by Councillors; if read at all.

With my Public Submission and 20 Page Document being of the upmost importance to **"The Council"** and North Moruya and Mullenderee landowners, my Public Submission urged and requested Councillors – **"The Council"** to; temporarily defer any decision on Council staff's report today until a "Round Table" conference takes place; between Councillors – **"The Council"** and myself, for the following seven (7) "common sense" logical reasons.

(1) A genuine "Round Table" conference as above, would enable Councillors – **"The Council"** to be au fait and consider, the entire (25) year background and Council's probity in this matter, as extensively detailed in both my Public Submission and "20 Page Document" before any unwise and later regretted decision on Council staff's report is made today and "locked-in" and be most difficult, if not impossible to undo.

(2) With Council staff's documented history of systematically "covering up" the 1992 MRFS is in massive error for over twenty (20) years, (as the six (6) examples listed in my Public Submission clearly reveals); it would rectify what I reported in my scathing/damning letter of 22 September 2017 was; Council's "difficult situation":- Whether the 1992 MRFS is in massive error, or not, for "once and all time"?

(3) It would accord with Councillor's duties as Section 232(2) of the Local Government Act 1993 directs;- **"TO REPRESENT THE INTEREST OF RATEPAYERS BY PROVIDING LEADERSHIP IN FACILITATING COMMUNICATION BETWEEN THE COMMUNITY AND COUNCIL"**.

(4) Council would be complying with the NSW Government's Flood Prone Land Policy mandatory requirement that **"The Council must adopt a flexible merit based approach"** when considering and dealing with flood related matters.

(5) As an extra bonus; If the 1992 MRFS is determined by **"The Council"**, (from the "pros and cons" of the "Round table" conference) **not to be in major error**, Council could then resolve to approve the 1992 MRFS retrospectively; albeit some twenty five (25) years late which, would "clear-up" its uncertain legal status. See Page 4 of my Public Submission and Pages 18/19 of the "20 Page Document" for full details of the 1992 MRFS legal uncertainty.

(6) It would be the final opportunity for **"The Council"** to "put right" the injustice of North Moruya landowners having their land unreasonably and unnecessarily sterilised from development by the massively erroneous 1992 MRFS by a simple inexpensive recalibration of the 1992 MRFS electronic Flood Data Disc; which had previously been mislaid, (lost) along with its "Works-As Executed" details for some seventeen (17) years.

(7) If Council gives the "green light" to Council Staff's report today, it will automatically empower Council Staff to proceed unfettered under delegated authorisation, I elaborate:

Unless an amendment/caveat is introduced today by **"The Council"** and resolves to **"Temporarily defer the report until my requested "Round Table" conference takes place"** Councillors – **"The Council"** will be denied its lawful duty and responsibility to take any deemed warranted action. Put in plain english, **"The Council"** will be just the proverbial "rubber stamp", in foregoing any meaningful investigation or scrutiny of this matter.

Moreover, with Council benefiting greatly from these (7) "common sense" reasons, the obvious question arises; - Will **"The Council"** temporarily defer any decision today on Council Staff's report until after, my requested "Round Table" conference takes place. After all, Isn't this precisely what Councillors responsibility and duty is; - To facilitate dialogue between the community and **"The Council"** which my requested "Round Table" conference is?

I therefore table my "Public Submission" and "20 Page Document" and respectfully request; both documents be incorporated into Council's website under the "Public Forum Presentation" category, to enable them to be genuine **"Publicly Available Documents"**, and not privileged or confidential **"Classified Information"**, (known only to a select few).

I have taken the opportunity to have copies of my Public Submission and 20 Page Document bound and printed, to hand over to Councillors today for **"The Council"** to belatedly today, be aware from this, (my presentation) my land complies 100% with Council's LEP 2012 **Objectives**; despite Council staff's report denying my land a "dwelling entitlement", but gives no logical or justifiable reason, or any reason whatsoever for doing so.

Perhaps the Council officer responsible for the report; the Director of Planning and Sustainability Services could give a plausible explanation; -Why this vital fact and key point of my Public Submission was omitted from Council staff's report, thereby misleading **"The Council"** in not providing Councillor's knowledge of it?

I commend and trust that both documents will be read by all Councillors.



Allan Rees 350 Eurobodalla Address to Council on Agenda item 11 28 August 2018

Rural Lands Planning Proposal, we ask councillors to vote against the proposal;
2017-18 Emissions Reduction Plan Progress Report, we enthusiastically endorse this;
Renewable Energy Options Analysis, we ask councillors to continue to examine opportunities.

First the good news. The Council has made tremendous progress in reducing emissions, reaching the emissions target for 2020 two years ahead of schedule. Council is to be congratulated and we note that cost savings of over \$1 million per year from this policy are a great result.

Reduction of pollution, smart use of energy and installation of solar panels has achieved this. Eurobodalla is getting on with the job while the Federal Government is unable to achieve a climate policy or an energy policy.

Now the bit where we're not sure – the Renewable Energy Options Analysis. Council should avoid a Public Private Partnership arrangement as these have a terrible history of the public holding the risks and the Private holding the profits.

We expect that, in the near future, there will be a climate and energy plan that reduces emissions and brings down prices.

Council should not lock into a Power Purchase Agreement that runs for more than five years as that risks locking in the current high prices which will come down once we get a greater share of renewables in the grid. Solar power is now very cheap and batteries will fall in price with further development and mass production.

And the bad news. The Rural Lands Planning Proposal should not be endorsed without fundamental changes. You will hear some of the other areas of concern from other speakers.

350 Eurobodalla is greatly concerned at the increasing chaos coming with climate change. We have serious bush fires while still in winter, we have a severe drought, we have two years of bleaching of the Great Barrier Reef and the sea temperatures on our coast are going up and up.

To combat climate change and draw down carbon from the atmosphere we need to be planting and growing more forests than we are harvesting or clearing.

Private land owners should be paid for the carbon they are storing and removing from the atmosphere. Mature forests continue to sequester more carbon over time.

There is so much carbon in Eurobodalla forests that could be cleared as a result of the Rural Lands Strategy. We provided some estimates in our submission and could do further work now that we have the Community Emissions Profile report. The report did not cover agriculture, land use and forestry and these should be added in future reports to give us an accurate picture of the shire's total emissions.

Council says that the NSW government controls land clearing. But the reduction of lot sizes in heavily forested areas will result in more homes and thus more clearing.

The Rural Fire Service has highlighted the need to avoid smaller lots resulting in new houses in steep, heavily timbered land with limited access. Why won't the council accept their advice and not reduce lot sizes in those locations?

350 Eurobodalla asks Council to withdraw this Proposal and review it together with expert State agencies and a community advisory panel that is truly representative of the broad community.

Address to Eurobodalla Shire Council

re: amendments to Eurobodalla Local Environment Plan 2012

Given by Maryrose Whale on behalf of herself, her partner Philip B. McGrath and her brother Christopher L. Whale.

Owners of: Lot 20, 49 Brierley Ave

Nth Moruya N.S.W. 2537

Mayor Innes and Councillors present here today. Unlike 2012 when I wasn't pleased to be here to address you all, today I am hoping to be pleased and that I will be happy finally after an exhaustive process of protests, steering committees, consultation meetings and multiple submissions that we will have arrived at the end with a sensible result of "Like for Like" zoning that the state government originally intended in this LEP process. Every other shire council in the state achieved this with ease in a timely manner, less angst and cost.

For those of you who don't know me or my family we bought a small rural holding of 25 acres or 10 hectares just north of Moruya 8 years ago, thinking that the zoning would remain the same, rural, as we had horses, chooks and a blue heeler. We wanted fruit trees, veggie patch, sheds, stables, round yard, safely fenced paddocks and after renting the property for 2 years we were delighted it had all we needed including a comfortable 3 bedroom house, most of the hard work was done. It was zoned LC rural. So the 3 of us all in our 50s became 1st home owners after a lifetime of working hard to pay for it. Imagine our shock when the LEP came out with a zoning of E3!

After 25 years of fighting for mine and my horses right to access Public lands ie National Parks

State forests, Wilderness, Beaches and even Batemans Bay Pony Club grounds now I was going to have to fight to ride him through the front gate into his already existing paddock, yard and stable that I had paid to own. (This is after 12 months of being away perhaps on the Bicentennial National trail) I would need a O.A for that and many other things ie New mail box, hot water system, chook pen ect. This was not the freedom that my father and his many siblings fought for and our uncle Eddie died for in the mud of P.W.G. during WW2 "this was communism by stealth" I raged when last here. So began the long exhaustive process I mentioned before and after much consulting and angst we have arrived at this point today with a zoning of Ru4 (proposed RLS) Primary Production Small lots. We are happy to have "like for like zoning at last. We have food security and zero food miles in our eggs, veggies and fruit trees which keeps us active and healthy. I note that this is happening shire wide with award winning local weekly farmers markets, local produce in fruit + veggie shops and butchers. Small market gardens and orchards are appearing shire wide, again enabling food security, low food miles and organic local produce is available to all. Win Win situation I would say!

In conclusion I would like to say thank you to all those who helped in this long, exhaustive process including former councillor Keith Dance, Mayor and steering committee member Liz Innes, Council staff. In particular Mark Hitchenson and all the lovely girls on the front desk for their smiling professional help support and direction which made the process a little easier. As a rate payer it is so nice to see such a diverse group of councilors representing all sections of the community sitting before me Thank you for listening.
M. Wheeler. Maryrose White

(RLS)

Chair South Coast Health & Sustainability Alliance

Kathryn Maxwell – non genuine consultation by the Eurobodalla Council

Mayor, Councillors, community members

except a small group of farmers & developers

We may have had 6 years of "consultation" on the Rural Lands Strategy, but advice, whatever the source, has been ignored first by the Rural Lands Strategy Committee and more recently by the Mayor and a number of other Councillors.

It all started soon after the Rural Lands Strategy Committee was established way back in 2012. A departmental draft paper was presented to the Committee and included the terms stewardship and sustainability. All of the members, except Stuart Whitelaw the SAGE representative, insisted that these terms be removed. Stuart Whitelaw resigned in disgust as he worked out that this Strategy was going to be about personal financial gain for a few developers, not ensuring sustainable agriculture in the Eurobodalla.

We then had the 2015 consultation process where the Council received submissions from a number of state agencies including those with a strong economic focus.

- Local Land Services NSW
- Department of Primary Industries – Fisheries
- Department of Primary Industries – Water
- Department of Primary Industries – Agriculture
- Rural Fire Service
- Office of Environment and Heritage

All to no avail, no matter the level of expertise, data and information provided about the need for significant amendments to the proposed Rural Lands Strategy.

Moving right along to 2018 the Council runs another consultation process. This time with a document of 650 pages in length and 1000 pages of maps.

Does the Council take any notice of the concerns raised by over ~~1000~~ 500 (may be more like 700 by now????) submissions from citizens in the Eurobodalla - no, they say they are 'considered and

by June 20.

addressed' – but they are then ignored and dismissed.

Council will argue they received submissions in favour of the Rural Lands Strategy. They received 30 which constitutes a massive 6% of submissions made by the formal closing date of 20 July. The Council has received another ⁴⁰⁰⁻⁵⁰⁰~~200~~ submissions opposed to the Strategy in the last month. Again all fobbed off.

Does the Council take any notice of the concerns raised in detailed submissions from 14 community organisations in the Eurobodalla -

- Coastwatchers
- Nature Coast Marine Group
- Tuross Lakes Preservation Group
- Guerilla Bay Association
- Sustainable Agriculture and Gardeners Eurobodalla (SAGE)
- Southcoast Health and Sustainability Alliance (SHASA)
- Eurobodalla Natural History Society
- Add more groups

No, they say they are 'considered and addressed' – but they are then ignored and dismissed.

Most significantly does the Council take any notice of concerns raised in follow up submissions from experts in NSW Government state agencies including:

- The Rural Fire Service
- Office of Environment and Heritage
- Department of Primary Industries - Fisheries
- South East Local Land Services

NSW Rural Fire Service

The NSW RFS wrote to the Eurobodalla Shire Council on 4 December 2015 and 12 July 2016 (copies attached) with concerns in relation to a number of items within the Rural Lands Strategy and Draft Planning Proposal. Those letters provided detailed comments relating to potential bush fire

risk impacts from the Planning Proposal and Justification for requesting a strategic bush fire study be undertaken to support the proposal prior to exhibition.

"The NSW RFS provided detailed comments, attended meetings and joint site inspections with Council and other agencies in order to discuss the contents of the Planning Proposal and further explain our concerns. Notwithstanding, the Planning Proposal appears largely unchanged from previous versions and has not addressed the specific concerns identified by the NSW RFS nor undertaken a strategic bush fire study."

Does the Council really think that bushfire deaths as in King Lake, Victoria or lost houses as in Tathra is acceptable?

THE HIGH LOSS OF LIFE IN RECENT GREECE FIRES WAS EXACERBATED BY POOR PLANNING LAWS.
Office of Environment and Heritage starts their 2018 submission with the following statement.

"The Office of Environment and Heritage has reviewed your latest planning proposal resulting from the Rural Lands Study. Given that none of the changes that we suggested in our 2016 submission on this planning proposal have been adopted, we still retain a number of objections to the proposal. This includes ensuring that the objectives of the environmental zones are not undermined by the addition of incompatible land uses and a full review of all the zoning and lot size changes proposed."

South East Local Land Services

"LLS restate the concerns they raised in their 2015 submission. Many aspects of the Planning Proposal could adversely impact productive agricultural land and the environmental assets of the shire. For example, South East LLS recommends that ESC retain the Terrestrial Biodiversity Overlay and clause 6.6 of the ELEP 2012 to ensure landholders have certainty, flexibility and realistic expectations for development."

Department of Primary Industries Fisheries wrote to the Council with 7 pages of concerns in June 2018. For example DPI Fisheries

does not support the removal of clause 4.2A of the Eurobodalla LEP as it will result in dwellings with unsealed roads which will be a significant contributor of sediment to waterways.

DPI Fisheries does not support the rezoning of deferred lands as RU1, RU4 or E4 where they are located adjacent to waterways with good condition native riparian habitat.

DPI Fisheries does not support the removal of the Biodiversity Map from the Eurobodalla LEP as it is a risk to species and communities projected under the Biodiversity Conservation Act 2016 and inconsistent with Goal 1 Direction 7 Action 7.2 of the South East Tablelands Regional Plan.

DPI Fisheries does not support the removal of the Environmental Management Zoning (E3) as it protects important environmental assets and it goes on an one with objections.

Does the Council take any notice of the concerns raised in detailed submissions from these state agencies.

NO, AS OPENLY STATED BY SEVERAL AGENCIES THEIR EXPERT ADVICE IS NOT ACCEPTED

You may Mayor you have heard it all before, but you are still ignoring this advice.

This is not consultation. This is not acceptable in our democratic society.

what is really a coastal development

"I want Council to withdraw this Proposal and review it together with expert State agencies and a community advisory panel that is truly representative of the broad community.

Christopher Jones, personal comment.

Having read much of the Rural Strategy documentation, it seems that there was little direct specific attention paid to Heritage and cultural issues, other than acknowledging known sites. I was surprised that they seemed to be so few. I therefore made some inquiries about the probability and prevalence of Aboriginal sites around the Shire, and their likely prevalence.

I have the following estimate, forwarded to me by Access Archaeology & Heritage, Consultant Archaeologists, which I quote.

A General Model of Aboriginal Site Location for Eurobodalla Shire.

- The margins of lakes will be sensitive to shell middens and stone artefacts – particularly within 50m of the shoreline, but up to 100m from the shore depending on topography.
- Shell midden content will reflect the shellfish resources available in that immediate location.
- Sandy areas such as beach dunes and embayments will be more likely to exhibit shell midden and more dense stone artefact content.
- Crests of ridges and spurs with a slope of 0-3 degrees will have a relatively high density of archaeological material, and may increase in density with proximity to water and/or narrowing of topography (narrow, flat ridges and spurs). All or most of this material will be under the ground.
- Crests of ridges and spurs with a slope of 4-8 degrees will have moderate to sparse archaeological material, side slopes will have sparse archaeological material. All or most of this material will be under the ground.
- Slopes in excess of 8 degrees will have very little archaeological material as residue from camping and artefact manufacture.
- Mature trees have potential to support Aboriginal scars if they were of sufficient age to be utilised more than 100 years ago.
- Silcrete has potential to occur where of basalt meets sedimentary rocks and Aboriginal stone quarries are a consequent possibility. The main outcrops known are at Congo.

Probable Density of Artefacts Occurrence, Eurobodalla Shire.

The probability of artefacts occurring in an area designated 'High' sensitivity depends on the area you are looking at. If you are looking at a single posthole in a high sensitivity area, the odds are probably 50/50, or less. Anything more than about 10 postholes in an area of high sensitivity there is pretty much a 100% chance of finding some evidence of Aboriginal occupation. If you are talking on a general landscape level then there is a 100% chance that a landscape unit of high sensitivity will have archaeological material - regardless of whether it has been cultivated or farmed - that activity does not take the stone artefacts out of the soil. Zones of high archaeological sensitivity are located both widely AND numerous throughout the shire.

Access Archaeology & Heritage, August, 2018

All such sites would surely be best addressed and protected by E3 zoning. I urge that this Planning Proposal be set aside, until these issues are more appropriately addressed.

GRICE 2nd talk 28/08/2018

My name is David Grice and I will address the Rural Lands Planning Proposal

I must highlight at the outset, that any RU1, RU4 or Deferred Matter land owner voting on this, will have a potential financial conflict of interest, resulting from the option of pursuing any of the proposed 31 to 84 land use possibilities. Land use options alone will make their land more valuable and marketable. I ask for advice on whether any councilors, or their families or associates, are rural land owners.

I observed at the last council meeting that some councillors would have benefited from asking state government experts direct questions.

Instead what they got was the filtered and heavily massaged response from the council land planners. If councillors had read the direct submissions from the state government experts they would have realised that the response from the land planners were in many cases misleading them, as well as presenting a biased, "I reckon" opinion that was unsupported by data or evidence. (see examples of misleading at end of this document)

Most significantly, we were also told at the last council meeting that council planners had not accepted advice from government departments because it came down to there being a "Professional Disagreement".

What is most unusual in the example in front of us is :"

1. We have land planners having "professional disagreements" with DPI Fisheries experts who have the more relevant expertise and experience.
2. We have "professional disagreements" with Rural Fire Service experts.
3. We have "professional disagreements" with the OEH experts.
4. We have "professional disagreements" with the DPI Water experts.
5. We have "professional disagreements" with the DPI Agriculture experts.
6. We have "professional disagreements" with the South East Local Land Services experts.

As a former CSIRO scientist I am well trained in statistical analysis but I think anyone can see there is a strong trend here ... and that is ... we have a very disagreeable planning unit in the council. It starts to look like an extreme position dug in against all those relevant experts.

What land planners actually need to do, is accept the advice of the specialist experts, who have the more relevant expertise and experience, and then very cleverly and creatively incorporate that advice into the planning proposal.

What we get instead, is council stating that it has "listened to and considered" the expert advice and concerns ... but they then totally refuse to accept that advice.

There are countless examples of that. The RFS states that despite attending the meetings, inspections and discussions ... "the Planning Proposal appears largely unchanged from previous versions and has not addressed the specific concerns identified by the NSW RFS nor undertaken a strategic bush fire study." (RFS Letter to General Manager 28 June 2018)

The council recognises that many parts of the shire are significantly bushfire prone. The council's solution to this is to NOT accept the RFS concerns and advice for dwellings to be located in defensible locations, but instead, council **encourages** more dwellings sprinkled through parts of our heavily forested and bush fire prone areas ... and to then sit back and wait for the consequences ... expecting the RFS to risk personnel to try to save them. Council continually says it is only a few dwellings. This ignores each of the 255 to 510 dwellings could have 2 or more lives in them.

It will be of no exaggeration to say, that the resultant coronial inquiry will be shocking to watch as council puts the last nails into the coffins of the many victims resulting from their obstinate extreme position.

The council's inability to accept state government concerns and advice will also put a nail in the coffin of our unique oyster industry as our pristine waterways become polluted from multiple sources of runoff as a result of increased land use. The Fisheries submission explicitly and forcefully warns of this.

The council's inability to accept advice will put a nail in the coffin of our areas of productive agricultural land as further fragmentation occurs due to reduced minimum lot size. The Local Land Services submission explicitly and forcefully warns of this.

The council continually states they will leave any protections to the DA process. Several agencies have given advice that the DA is the wrong planning instrument at the wrong stage.

State agencies strongly suggest sensible zoning and minimum lot size is the better planning instrument. Agencies say that relying on the DA will inevitably result in land owners having unrealistic development expectations from an ambiguous environmental planning instrument. Agencies will be swamped by inappropriate proposal just because the council refuses to provide appropriate planning zones. The rejection of expensive DA's will lead to expensive legal battles because of the unrealistic development expectations given by the 84 RU1 land use possibilities. As a result, inappropriate DA's can be forced through.

In summary,

Rather than adopt an extreme position, the council needs to accept the advice from 6 government departments and agencies rather than just being 'considered and addressed' -- and then refuse to accept the advice.

I was brought up on a 2,000 ha grazing and cropping property so I am well aware, of the inevitable impacts on the land, of simply operating a rural land use enterprise. I am also well aware that most farmers do not want to "desecrate" their land. However, I am also aware that some do not have the experience, and their land can be severely affected. I am also aware that in periods of climatic stress or financial stress, the ability to limit the significant impacts on the land, can become very problematic.

That is why sensible land use planning is essential, and that is why accepting the advice of state government experts, is an essential part of that planning.

#####

There is no use mentioning the environment to councillors give their response at the last council meeting However ... the council's inability to accept advice will put a nail in the

coffin of our unique endangered species, as forests are dramatically changed by the stated aim of council to facilitate more intense uses of rural lands. This will inevitably lead to clearing for dwellings, clearing for roads and fences, clearing by more grazing, and the clearing of understorey and over storey for hazard reduction. The OEH submission explicitly and forcefully warns of this in the discrete sites within the planning areas. OEH do not expect most of the shire to be restricted as hinted-to by planning staff.

RFS quotes on planning: *"The RFS is of the opinion that applying environmental zones to HCV land and restricting subdivision potential via the application of appropriate minimum lot size (MLS) are the appropriate tools within the NSW planning system to restrict such development."* (RFS letter 4 December 2015)

SELLS quotes: [Rather than using only DA controls] *"South East LLS encourages ESC to explore opportunities to align land use zoning to regulatory maps."* (p3)

[Rather than using only DA controls] *"Planning for increased lots and dwellings should minimise the impact on productive agricultural lands and intact native vegetation and be in adherence with the NSW Biosecurity Strategy 2013-2021 and State policy objectives in relation to biosecurity."* (p3)

Misleading statements

Misleading on **E2 wetlands** by only talking about "coastal" wetlands rather than the other wetland areas:

SE Local Land Services submission quotes: *"Exempting grazing in E2 zones does not allow proper consideration of the impact of grazing on those sensitive estuarine and riparian environments that are not protected by State Environmental Planning Policy (Coastal Management) 2018. This could lead to confusion and uncertainty for landholders and as mentioned in Vol 1 Appendix 1 of the Rural lands Planning Proposal, 'increase the 'potential for threatened species, populations or ecological communities or their habitats to be adversely affected'."* (p2)

"... agricultural diffuse runoff and stock grazing of riparian vegetation provides the highest threat to estuarine environmental assets. These are the estuaries which support our oyster and tourism industries." (p2) SE Local Land Services submission quotes.

Council states the other E2 areas, not already grazed, are only "small" in number. But how many? This is surely impossible to say until the planning item 11 "Amend wetlands, watercourses and Riparian Land Maps" is complete!!

Additionally this ignores the impact of increased land use possibilities in the vicinity of any category of E2 zone. Why not just maintain that E2 grazing must be "Permitted with consent"?

Misleading on **vegetation clearing**. *"Clearing of vegetation in rural areas is regulated by the NSW Government Local Land Services under the Local Land Services Act 2013. This will continue to occur."*

This could also give the impression that everything is still protected and 'there is nothing to see here'.

This impression is not reflected in the SE Local Land Services (SELLS) submission quotes: *"the impacts of smaller lot sizes on biosecurity and native vegetation through clearing on small land parcels can be significant."* (p2)

"areas of productive agricultural land will be subject to further fragmentation pressure due to reduced minimum lot sizes, additional use, dwelling establishment and future subdivision pressure."

Areas of most concern include those areas classified within Agricultural Classes 1-4 where the minimum lot size has been reduced to 40ha or less. These areas are mostly on the coast and subject to other land use pressures." (p2).

Council suggests that the other E2 areas not already grazed are only "small" in number. But how many? This is impossible to say until the planning item 11 "Amend wetlands, watercourses and Riparian Land Maps" is complete!!

Additionally this ignores the impact of increased land use possibilities in the vicinity of any category of E2. Why not just maintain that E2 grazing must be "Permitted with consent"?

Misleading on **only modest increase in lots and dwellings**: ESC quotes: *"The planning proposal provides for a modest increase in the number of lots and dwellings across Eurobodalla."* (ESC 16/8/18 letter to Clyde QAP)

This could give the impression that 'modest' means not much is involved.

In fact 141 additional dwellings could be added in RU1 zones (a 14% increase, Volume 1: Appendix 5, p48) or 282 additional dwellings (a 28% increase) if dual occupancy dwellings are included (especially as Australian population pressure exponentially increase over the coming decades) must add dramatically more possible impacts. Denying this is negligent.

In addition to this, 114 additional dwellings will be added to RU4 zones (a 47% increase, Volume 1:Appendix 5, p48) or 224 additional dwellings (a 94% increase if dual occupancy dwellings are added) must add dramatically more possible impacts. Surely 47% or 94% is not a “minor” or “minimal” impact by anyone’s reckoning. Denying this is negligent.

Clearing for bushfire APZ requirements, effluent management, land use activities, fence lines, powerlines and roads will lead to significant clearing of trees and understorey vegetation. In many of the smaller lots almost all the understorey vegetation (~2 ha) and most of the tree cover (~2.4 ha) could be cleared. As most of the planning areas will have minimal lot sizes of 100 ha and under (64 of the 70 planning areas), the impacts from clearing and land use activities will be significant. Denying this is negligent.

Misleading on **oyster catchment areas affected**. “Most of the potential additional development is not located in oyster catchment areas.” (ESC 16/8/18 letter to Clyde QAP).

This could also give the impression that there is not much involved. This totally ignores the impacts of 84 land uses possibilities that could occur in previous E3/1(a)/1(a1) zones where previously about 30 (using Bega as an example) were possible. Besides this, the old existing RU1 zones will have 31 new land use possibilities added to their existing 53 land uses. All this in and around oyster farms and their catchments.

Additionally, it fails to indicate what is happening in other catchments in the Eurobodalla. Using Fisheries 10 km rule, in the Moruya catchment there are 15 additional Lots and 18 additional dwellings plus all the land use possibilities. In the Turros catchment there are 14 additional Lots and 45 additional dwellings plus all the land use possibilities. In the Narooma catchment there are 8 additional Lots and 11 additional dwellings plus all the land use possibilities, and as stated in the Clyde catchment there are 9 additional Lots and 20 additional dwellings plus all the land use possibilities.

Misleading on the **number of land uses**: “The proposed use of open land-use tables does not represent ‘anything goes’. Certain land-uses will remain prohibited in the RU1 and RU4 Zones, and any additional permitted land-uses cannot be undertaken without development consent.” (ESC 16/8/18 letter to Clyde QAP)

This could give the impression that possibly land uses are modest.

The is far from the truth. Adding 31 new land use possibilities to the existing 53 land uses in RU1 zones (84 in total could occur in previous E3/1(a)/1(a1) zones) and adding 43 to the existing 30 land uses in RU4 zones (73 in total) (a 58% and 143% increase, Volume 1:Appendix 1, p4, p7) must add dramatically more possible impacts. Denying this is negligent.

Misleading on **rural zone changes** “The land in question currently has a rural zone and will continue to have a rural zone.”

This is misleading and could give the impression that there is not much change.

This totally ignores the impacts of 84 land uses possibilities that could occur in previous E3/1(a)/1(a1) zones where previously about 30 (using Bega as an example) were possible. Besides this, the old existing RU1 zones will have 31 new land use possibilities added to their existing 53 land uses. All this in and around oyster farms and their catchments. The details of this have been discussed above.

Misleading on the **impact on productive agricultural land**: “a balanced strategy that recommends the preservation of larger and good quality grazing and dairy lands as well as water catchment areas by allowing little or no subdivision in these areas.” (Mayor’s Message - Rural Lands Strategy Friday 24 August 2018).

This could give the impression that everything is still protected and ‘there is nothing to see here’.

This impression is not reflected in the SE Local Land Services (SELLS) submission quotes:

“areas of productive agricultural land will be subject to further fragmentation pressure due to reduced minimum lot sizes, additional use, dwelling establishment and future subdivision pressure.

Areas of most concern include those areas classified within Agricultural Classes 1-4 where the minimum lot size has been reduced to 40ha or less. These areas are mostly on the coast and subject to other land use pressures.” (p3)

Misleading on **clearing for dwellings**: “just 255 potential dwellings, generally on land with cleared areas and in areas where there are already homes.” (Mayor’s Message - Rural Lands Strategy Friday 24 August 2018)

#The word “generally” could easily hide the fact that about 35% of the lots to be changed are heavily vegetated and significant clearing will take place.

Clearing for bushfire APZ requirements, effluent management, land use activities, fence lines, powerlines and roads will lead to significant clearing of trees and understorey vegetation. In many of the smaller lots almost all the understorey vegetation (~2 ha) and most of the tree cover (~2.4 ha) could be cleared. As most of the planning areas will have minimal lot sizes of 100 ha and under (64 of the 70 planning areas), the impacts from clearing and land use activities will be significant. Denying this is negligent.

objections

Council response to the DPT Fisheries raised to the Draft Rural Land Strategy were covered in Clause 1.4 page 32 Volumn 1.

2 paragraphs ending with Council will consult with DPI when the proposal is placed on exhibition."

My advice is that DPI Fisheries were not consulted.

When Fisheries became aware that public exhibition was closing they wrote an 8 page detailed letter of objection to Council on 22 June 2018

Read Excerpts

highlight summary.

They also reference DPI Fisheries Healthy Estuaries for healthy oysters sent to all councils in the state – which lists development and activities that are likely to have an adverse effect on estuarine water quality.

I want Council to withdraw this proposal and review it together with expert State agencies and a community advisory panel that is truly representative of the local community.

1 pm.
10 minutes

Address to council 28/8/2018

Thank you Madam Mayor and councillors for the opportunity to comment on the rural LEP matter that is before you today.

Lately there have been many comments regarding the exhibited Rural LEP. The claim that the community have not been consulted is absolute garbage.

To understand where we are today, we need to go back to 2010 when the state Government dictated that all councils must update their Rural LEP and provided a “Template” for councils to follow. As it turned out the template was a proper dog’s breakfast. Council put out its first draft LEP for exhibition in 2011 which caused major community uproar. Many community meetings followed, extremely well attended and all vehemently opposing the template demand that rural land include E3 zonings. Properties that were 50%+ timbered or steep lands had no option but to fall under the dreaded E3 category.

Protests from landholders, not only in this Shire but many Shires throughout coastal NSW forced the government planning department to change their Template to accommodate the public backlash. Thankfully around that time a change of government and constant lobbying from both staff and councillors greatly assisted in a change of attitude from the planning departments.

In 2012 council passed the current Rural LEP leaving out roughly half of the rural lands. Council then set up the Rural Lands Advisory Committee to oversee the updating of the Rural LEP which was to include all rural lands and also reflect the strong views of the community.

Over the next 4 years the committee managed the Rural Lands Issues Paper, Opportunities and Constraints paper community meetings etc, which culminated into the Rural lands Strategy.

This strategy has been accepted by Council, the minister and relevant planning departments. At all times throughout the process State planning reps, OEH, primary industries, RFS and the public participated. Many business people and the general public attended the Strategy workshops and gave valued input into the final document.

The other great work done was to review each locality to determine the existing lot sizes from which council could then offer the land owners potential dwelling entitlements. In total an additional 122 lots and 247 potential dwelling entitlements were identified. These changes will have no detrimental affect on the agricultural output of the shire but conversely is aimed to both grow and diversify the agricultural output of the Shire.

People need to understand that the LEP is the broad planning instrument and for those who do apply for dwelling entitlements must first satisfy all DA requirements relating to access, asset protection, waste disposal as well as biodiversity regulations as set out by state legislation.

The claim that these proposals are unsafe, are a threat to the oyster industry and will be to the detriment of the biodiversity of the shire is nonsense. The current LEP mirrors the past, current and future State environmental legislation and was purposely written to do just that. This gives both clarity and certainty to our rural producers and in fact negates the need for council to be involved in dealing with rural biodiversity and also cutting unnecessary red tape.

The opposition to this LEP is typical misinformation spread from those groups who continually foist their opinions on others irrespective of legislation. They generally claim poor community consultation, dream up some threatened critter or orchid that shows up every 7 or 10 years to justify their spurious claims aiming to disrupt a process that they do not agree with.

Unfortunately they have no regard to those of us who actually own the land, and consider those of us who actually live on and work the land as despoilers and rapists of the environment when in fact the opposite is the reality. It is an insult to those of us who own and protect our land.

Councillors this process has taken nearly a decade with extensive community and departmental consultation. Council has responded with correct and evidence based answers to matters raised in both this and past consultation processes.

Councillors it is incumbent on you that you pass the matter before you and send it back to the State government to have this LEP gazetted as soon as possible.

Thank you.

Submissions – Eurobodalla Shire Council meeting 28 August 2018

Cheryl Blessington of Narooma

Agenda item: rural lands planning proposal

1. My husband and I own rural land at Narooma; we work full time and live in the local area. We first approached Council about the possibility of building on our land in 2009. We were advised at the time that our 36-acre property which is located about 8 kms out of Narooma, on a Council maintained road, did not meet the requirements of the LEP for a dwelling on our land.
2. The Blessington family have lived on farming land in the Narooma area for over 50 years; members of the family have raised their children in a rural environment, who have then gone on to complete university studies and gain skilful employment in the local area and beyond.
3. We too want this opportunity, to raise a family on our property; we are passionate about self-sustainability, we want to grow our own fruit and vegetables, to teach our children about rural values, how food is produced, to have a respect for nature and sustainability.
4. However, following on from our enquiries with Council in 2009, we were uncertain about the future for our property. If we couldn't live on our farm, how could we really enjoy it and raise a family there? How could we properly manage the land, grow produce, plant and protect young trees, control noxious weeds and get control of lantana, all while commuting back and forth from town every day?
5. In about 2012 we were considering what to do with our property, whether to sell and move out of the shire and look for new opportunities. We decided to make further enquiries with Council about building on our land. At that time, we were informed of a rural lands review that Council would be undertaking in the near future, and that there was a real possibility the review could bring about changes which would allow for a dwelling house on our property.
6. Since 2012 we have kept in contact with Council about the progress of the rural lands review. We made written submissions and participated in a community-based forum in 2014. It is our view that since 2012, Council has given the community several opportunities to make submissions and have those submissions considered.
7. In good faith we have waited for, and worked with, Council since 2012, to bring about some positive change for rural land holders. We understood that there was a due process to be followed by Council; we believe that a due process has been followed and we support Council in this Rural Lands Planning Proposal.
8. We are now about 6 years on and we are still waiting for this positive change. It is very upsetting for me and my family to see those that are trying to hinder this rural lands planning proposal in its final stages. The only reason I am here today addressing this Council is because I am concerned that those trying to hinder this proposal may undermine the hard work Council, and members of the community, have put into the rural lands review over the last 6 years, and I want to express my support for Council and getting this proposal implemented.
9. We have waited 6 years; we want to see some positive changes for rural landholders.

10. I note there have been some concerns raised about changes to land use and clearing of rural land, to the point it seems, that if farmers are given the ability to do a broad range of activities on their land, the concern is that they will decimate all native vegetation. I don't believe that is an accurate perception of the local farming community today.
11. As farmers and rural landholders, we are custodians of our rural land; we have a responsibility to future generations to balance growth with sustainability and preservation. As farmers, we understand that. **Pristine area - farmers largely contributed to.*
12. One of the first things my husband and I did when we purchased our property over 11 years ago, was plant trees. We have continued to plant trees and have plans for many more trees to be planted in the future, to work in conjunction with a balance of livestock grazing, market gardening and hopefully rural living.
13. We also understand there has been concerns raised about adequate bush fire protection of people living in rural areas. If we were given the opportunity to live on our property, we believe that we would be in a better position to undertake bushfire mitigation work on a regular basis. We have already, with the assistance of Council, undertaken a lantana management plan which has reduced a significant bushfire hazard on our property. We also have good access to our property for bushfire services, which were in fact used for that very purpose only a few weeks ago.
14. We care for the environment; we just want the opportunity to live on our rural property, so in turn we can be better custodians of our piece of land.
15. We support Council in this rural land planning proposal; it is my submission to you, counsellors, to vote to have this proposal implemented without further delay.

Madam Mayor, Councillors

My name is Joanna Evans. I live at Moruya Heads. I provide Bed and Breakfast accommodation to tourists (with approval of course) and visitors to the area.

I am here today to address you with concerns regarding the process used to guide and develop the Rural Lands Strategy. I have written a letter to you all regarding this which I will read shortly.

I consider that the process has seriously favoured Rural Land owners. Councillor Innes ran for council with the express purpose of ridding the shire of E3 zoning. She has been quoted in the press as having this express objective. Indeed a gleeful photograph of Mayor Innes appeared in the paper in 2016 tearing up a big 'E3'.

If this Rural Strategic Plan is approved it does exactly that. It replaces 38,000 hectares of E3 zoning with mainly RU1 zoning leaving no E3 zoning.

The objectives of E3 zoning is to:

'Protect , manage and restore areas with special ecological, scientific, cultural or aesthetic values and to provide for a limited range of development that does not have an adverse effect on those values.' Under E3 houses are allowed **WITH CONSENT**. This zone can include flood constrained land (and we know we have plenty of that in the shire with all our waterways) or bush fire prone land (plenty of that oo) and areas subject to environmental hazards or areas requiring special management (eg wetlands, special geographic features.)

Mayor Innes is published on the Council's own web site as saying:

'The 38,000 hectares of land subject to Council's Rural Lands Strategy is primarily agricultural land, a large proportion of which is already cleared. The environmental protection controls of the NSW Government will continue to apply to the land.

This is **incorrect**. RU1 Zoning allows and I quote:

'Extensive agriculture and home occupations are permitted **without consent**. "Extensive agriculture" includes the commercial production of crops or fodder (including irrigated pasture and fodder crops), the commercial grazing of livestock, or bee keeping for commercial purposes.'

Ridding the Shire of E3 protections is in my view advantageous to Rural Property owners at the expense of the water quality through runoff, increased fire danger within the shire from the wider distribution of rural properties etc., etc. The State Agency reports clearly pointed these things out but their concerns are not reflected in changes to the Strategy document.

I will now read my letter.

[Read Letter].

Thank you Madam Mayor, Councillors.

12 Hazel Road
Moruya Heads
NSW 2537

General Manager Council
Councillors

25 August 2018

Dear Councillors and General Manager

Re: Rural Lands Strategy

Further to my previous submission, I wish to put on record that in my view the process of approval for the above matter has been flawed for the following reasons:

1. The Public Exhibition period was 42 days with no direct notification to most stakeholders. This was much too short and clearly inadequate to read, understand and respond to a document of this complexity.
2. The move for a deferral in this matter was rejected on 14 August 2018 despite very strong public representation and support.
3. No information was available to the public about the reports from State Government and other Agencies in this matter. Consultation and briefings were held in confidence. It has taken a good deal of time to locate State feedback.
4. The Council appears to have sent a letter/s to Rural Landholders about this proposal prior to its coming up for exhibition but has not adequately informed:
 - Oyster Farmers
 - Fishing interests (ocean and rivers – breeding is in coastal estuaries)
 - Tourist accommodation operators
 - Tourism activity operators
 - Leisure activity operators
 - Local residents.

There is a significant conflict of interest in the Shire between changed zoning of land (especially removing Environmental zoning) and these other interests. As reflected in the largely ignored State Agency reports, changed zonings, increasing grazing and an increased capacity to subdivide and build affect change to our waterways and environment detrimentally. What is this coast without its pristine waterways?


Without adequate consultation with other interested parties the process is clearly flawed.


Yours sincerely

Jo Evans
Resident and Accommodation Provider to tourists.

RURAL LEP 2018

1. The 2012 draft LEP met with widespread public disapproval. This was followed with a most extensive community consultation process engaging the combined efforts of government departments and agencies, community organizations, industry and many individuals.
2. Our family have been part of that process since 2012.
3. I should firstly speak a little bit about our families background so that those of you here today understand the relevance of the LEP to our family.
4. We are 4th generation farmers in our community. Between our immediate & extended family we have 3 primary production based businesses. Reedy Creek Eucalyptus Oil Pty Ltd, Reedy Creek Graziers & Symphony Farm of Tilba.
5. Our rural based skills & knowledge are captured in the following;
6. 30 years in the essential oil industry, growing, harvesting & manufacturing essential oils & exporting them to international markets in the US, Europe & Asia. Supplying to major pharmaceutical, cosmetic & complimentary health organizations.
7. We have had over 25 years of Organic farming production experience, to international standards, USDA & NOP Certification.
8. We have diversified by value adding to our primary production raw materials to enhance our farms profitability.
9. We've also worked in conjunction with the CSIRO on AusAid consultancy projects to improve the Rural Living Standards in Vietnam & on the Island of Mindanao in the Philippines, providing demonstration & hands-on experience in growing essential oils & manufacturing value added products from essential oils.
10. We have over 20 years experience of Organic livestock production.

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- a. Our farm practices & farm design strategies have a 100% focus on “holistic management” to enhance the harmony & productivity of our farm naturally.
 - b. We use a system of “Rational Grazing” for livestock.
 - c. This essentially involves the timed grazing of livestock through pastures divided with a combination of permanent & temporary fencing.
 - d. This system maximizes nutrient cycling to enhance our soils fertility, it promotes biodiversity, this in turn promotes animal & human health, without the use of synthetic fertilizers, herbicides or livestock drenches.
 - e. In recent years our family business has diversified into production of organic pastured poultry, eggs & pork. The local community has embraced both our farm produce & farm philosophy, which is;
 - to contribute to local sustainable food systems,
 - to minimize the use of high-energy fossil fuel inputs,
 - to foster thoughtful, ethical farming practices &
 - to encourage interaction between producers & consumers.
 - Our vision for our community is to have vibrant sustainable rural industries that enhance our unique landscape & contribute to local & secure food systems.
1. We are very pleased that we were able to bring our experience to the table & contribute to the development of this LEP.
 2. We believe that the community consultation process to develop this LEP has been thorough, effective & meaningful.
 3. The community has been given enough time to familiarize themselves with complex government legislation & procedures & have had time to express their views.

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4. The process was inclusive involving a cross section of government agencies, community representatives, industry
 5. representatives & individuals.
 6. It was community focused, interactive & engaging.
 7. Importantly recommendations that emerged from the consultation process were adopted & incorporated into our LEP.
 8. The community had faith in this process, the result being a dynamic & vibrant strategy for the future prosperity of our Shires Agricultural sector, without compromising the balance or harmony of our precious landscape. That's what a Rural LEP is all about.
 9. This LEP encourages progressive, diverse, sustainable farming opportunities.
 10. It offers opportunities to our next generation of farmers & supports family succession, which is so important for the future of our food & fibre security.
 11. Particularly exciting is that this LEP supports the kind of farming that is driving tourism all around the world!
 - a. Small to medium sized farms supporting a diverse & integrated range of productions – fruit, poultry, wine, honey, olives – the list goes on.
 - b. Foodies following food trails – consumer driven farming that has passion, it has an environmental conscious, its sustainable, its alive & full of vitality! Lets move forward with it!