

1.

Eurobodalla Shire Council Sitting 14 AUGUST 2018

Agenda running-order: Public Access

NAME: Fitzroy Boulting, resident of Turlinjah in the Shire of Eurobodalla, delegated as Acting Vice-President with the full authority and powers to speak for the Tuross Head Progress Association on behalf of the community of Tuross Head and Turlinjah. This written authorisation, signed by THPA's Hon Secretary and dated 12 August 2018, is tabled for Council records as an attached document: With duplicate copies made for each Councillor for their present reference. It can be read out if so wished

I wish to address Councillors on the subject of Council's Proposed Amended LEP 2012; with the accompanying presentation of a Community Petition directly related thereto. Accordingly, **Council are asked to receive and note the lodgement of a Public Petition:** **And to kindly render to it and its signatories the respect of their attention and fullest consideration. It is therefore placed in these Council Chambers forthwith as full discharge of its receipt.**

2.

As a matter of courtesy, before presenting to Councillors, Firstly, may I take the opportunity to express our community's sincerest good wishes to THPA President, Gary Cooper, who at very short notice is unfortunately not with us today due family health issues. THPA Secretary, Maj John Tilbrook, has also been detained by a longstanding commitment that cannot be rescheduled. Both persons ask for their apologies to be conveyed to Councillors.

Secondly, following the exemplar and convention of our National Parliament, may I acknowledge the Traditional Custodians of Australia and of our Shire, and their ancient connection to Land and Community. I pay respect to them and to their cultures, and to the Elders both past and present.

On behalf of THPA and the Community may I now very simply outline the Petition's final specifications as formally certified: and as to its content.

The specifications are as follows

(refer Petition Header and Certification document):

3.

PETITION

 COPY

TO
EUROBODALLA SHIRE COUNCIL

PRESENTED BY
TUROSS HEAD PROGRESS ASSOCIATION
on behalf of the community of Tuross Head,
Turlinjah and concerned Shire residents

(EXCISED : NOT INCLUDED IN PRESENTATION)
~~Lodged~~

~~Eurobodalla Shire Council Meeting~~

~~14th August 2018~~

(EXCISED : NOT INCLUDED IN PRESENTATION.)
~~Tuross Head Progress Association Inc. PO BOX 3100 TUROSS HEAD NSW 2537~~


4.

 COPY

~~EXCISED~~
~~TO WHOM IT MAY CONCERN~~
(not included in Presentation)
~~CERTIFICATION~~

I hereby certify that this document dated July 2018, comprising sixty-eight (68) pages of petitioning signatures, being a Petition to Eurobodalla Shire Council concerning a proposed change in zoning as "Deferred Matter" from proposed Environmental E3 (proposed ELEP 2011) to proposed RU1 "Open Uses" (proposed Amended ELEP 2012) of Tuross Head's HERITAGE GRAZING LANDS (Kyla Park),

~~WITNESSED: EXCISED (not included in Presentation)~~

~~
.....
Justice of the Peace~~

~~Date: 12 August 2018~~

JOHN D. TILBROOK
A Justice of the Peace in and for
the State of New South Wales
Reg. No. 174 176

5.

Given the particular focus of concerns amongst some Councillors in respect of another recent well-subscribed Public Petition, Councillors may care to kindly note the following data:

- The Petition ran between July 12 and August 10 2018
- The Petition comprises 520 signatures – after analysis, we have excluded
 - 6 signatures which appeared twice
 - 13 signatures from people mentioning addresses outside the Eurobodalla Shire (although some of them are known Turrosians)

Leaving 501 signatories supporting the Petition

This represents a substantial strengthening, rather than diminution, over time on the part of community sentiment in protecting their Heritage Grazing Lands. A similar Petition Run in 2000 in respect of the then-Council's extraordinary "Tuscany in the South" project involved, yes, once again, the Community's Heritage Grazing Lands! The word "*their*" is used, as a cursory reference to the Deed to which Council was a solemn signatory, makes the public gifting of the Lands and its perpetual nature unutterably clear.

6.

Promises are made to be kept – in both law and in principle
– NOT broken!

- The Petition is organised in 17 individual sets of 2 and 5 sheets, left exactly as they were when being filled in by the public. As a consequence, some pages are partially blank and are marked with a cross to denote being voided.

(EXCISED AND NOT INCLUDED IN PRESENTATION)

- The total number of pages delivered to the Council is 68, which includes the header page (containing explanatory preamble) of each individual set.
- A duly certified safety copy has been retained by the Tuross Head Progress Association as a prudential measure.

To conclude, and on behalf of the Association and Community whose deepest concerns should neither be underestimated nor mistaken, I would respectfully submit the following four points of Petition:

(refer Petition Text)

7.

PETITION

 COPY

TO THE EUROBODALLA SHIRE COUNCIL

JULY 2018

We, THE BELOW UNDERSIGNED OF EUROBODALLA SHIRE, wish to express our objections to Council's proposal to approve the Amended Local Environmental Plan 2012 (LEP 2012) as currently drafted. We note the following with concern:

- *Administrative convenience overrides natural complexity*
The inappropriate nature in many instances of changes of zoning, often on a one-size-fits-all basis, over a diverse range of lands – as just one example Tuross Head's Heritage Grazing Lands from protected E3 to 'open uses' RU1 - provides a clear pathway for changes in type of uses often incompatible with their character and/or configuration.
- *Diminished Community consultation*
The comprehensively expanded list of permissible land uses accompanying the proposed new zoning results in excluding the previous community consultation checks and balances, effectively making Council sole assessor and decider of developments in those lands.
- *Objections ignored*
The strong objections raised by a range of State Government authorities, including RFS (publicly reconfirmed 05 July 2018), NSW Office of Environment & Heritage (reconfirmed 22 June 2018), and NSW Local Land Services, remain 'on-book' and unaddressed by Council and the Rural Lands Strategy Committee, the local landowner committee set up by Council to drive the Amendments now incorporated into the LEP 2012.
- *Increased and compromised Fire Risk Management*
RFS' strong concerns about the extent and nature of what Council has proposed in the Amended LEP 2012. We draw Council's urgent attention to the substantial financial liabilities to which this potentially exposes Eurobodalla rate-payers, in both individual and class action categories, by failing to fully address those concerns. The main responsibility for discharge of Duty of Public Care has now been explicitly placed upon Council in terms of compliance with the Risk and Safety Audit contained in RFS' formal assessment, in effect a Notice of Warning. This is no small matter.

3 MINS TIME COURTESY EXTENSION NOT GIVEN
in consequence, we believe that the Amended LEP 2012 must be immediately withdrawn and appropriately redrafted:

- To properly comply with the technical objections of all the above mentioned authorities
- To reflect in much more balanced fashion the wishes of all Shire residents
- Whilst ensuring that no existing rights or interests will be diminished by extending this process

**THIS EXCERPT SEGMENT
NOT PRESENTED .**

8.

~~TIME EXTENSION (COURTESY) 3 MINS, NOT GIVEN~~
On behalf of THPA, I thank Councillors for their attention and consideration of the matter it addresses. I can only counsel one thing with certainty: Disregard of the Community's wholly proper concerns, as reflected in its Petition, may almost certainly be likely to generate both a profound discord with and a terminal distrust of its Council which may become impossible to repair. Patently, this is in neither party's best interests. The remedy and solution, Councillors, is entirely in your hands and yours alone.

Thank you.

~~THIS SEGMENT UNABLE TO BE PRESENTED .~~

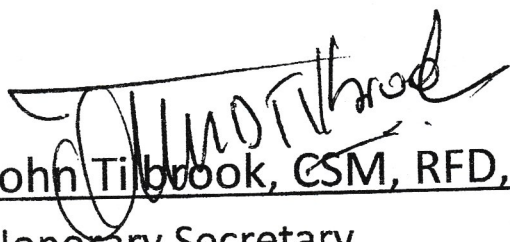
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 **COPY**

TO WHOM IT MAY CONCERN

Authority of Delegated Powers

This hereby confirms that **Fitzroy and Mylene Boulting**, as current members financial of the **Tuross Head Progress Association**, on its behalf and with its full knowledge, are duly delegated individually and severally with all authority and powers to act as Honorary Vice-Presidents in the presentation of the Community Petition to Eurobodalla Shire Council at its Meeting of 14 August 2018, and to lodge the said Document with Council as discharge of its receipt. They are further fully delegated and authorised until further notice, on behalf of Tuross Head Progress Association in reflecting clear community sentiment, to add such comment and representations in its respect and all matters pertaining thereto as in their best judgement they deem warranted and to purpose.


John Tilbrook, CSM, RFD, JP

Honorary Secretary,

TUROSS HEAD PROGRESS ASSOCIATION

PO Box 3100 Tuross Head NSW 2537

12 August 2018.