

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 27 March 2018

Name	Subject/Comments
Public Forum – 10.00am	
Trish Hellier	NOM18/003 Albert Ryan Park
Leah Burke	NOM18/003 Albert Ryan Park
Sue Matthews	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
Wayne Kelly	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
Alex Christlo	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
Cecilia Christlo	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
Jennifer Harrison	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
Helen (or Martin) Ransom	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
David Haultain	PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch
George Browning	PSR18/060 Long Beach Coastal Wattle Management
Neil Gow	PSR18/060 Long Beach Coastal Wattle Management
Rodger Middlebrook	PSR18/060 Long Beach Coastal Wattle Management
Peter Bernard	IR18/018 History and Results of the Groundwater Exploration Program in the Tuross Valley IR18/019 Eurobodalla Southern Storage Facility CCS18/011 Investments made as at 28 February 2018

Good morning Mayor, Councillors, General Managers, Staff, Gallery and those comfortable Live Streaming at home.

My name is Patricia Hellier from North Batemans Bay and I am here today to speak on Item No. NOM18/003 Albert Ryan Park.

Thank you to Cllr McGinlay for raising this motion for our group Save Albert Ryan Park. Initially the motion had 3 points but unfortunately the first point could not be raised at this meeting due to a technical error. That point I raised in my statement to a Council Meeting Tuesday 27th February 2018 Mr Owen Cartledge spoke in my absence and that was to change the listing in the ROSS report of Albert Ran Park from Medium to a Priority listing.

The first point in this motion today is in relation to access to public toilets for the disabled and they say a photo say a thousand words I have presented to you Councillors some photos taken at the toilets at Albert Ryan Park they are number 1 through to 9 . Photo 1. Shows a mobility walker at the narrow entrance into one of the ladies toilets, Photo 2. is the second ladies toilets which has a wider door but the problem is getting the mobility walker into the toilet and having room to close the door, Photo 3. clearly shows the much needed makeover of these toilets, Photo 4. shows the hand basin in the ladies toilets well I think the photo says it all (not particularly acceptable) Photo 5. is obviously taken in the men's toilets, Photo 6. is the toilet in the men's with a photo of the mobility walker again an issue with having room to close the door, Photo 7. is the entrance area into the park with very noticeable issues with pot holes on the road that disable people would have difficulty using their walker etc, Photo 8. I believe to be the door of a cleaning cupboard area size unknown, Photo 9. is the land on the right hand side of the park facing the water.

I am sure Council is aware there are grants for Disable Toilets and Dump Point Subsidy and recently City of Sydney Council received a \$85,000.00 grant for an upgrade of there toilets. I firmly believe with careful planning and thoughtful renovations this current toilet block could be brought up to date. With internal renovations we could have 1 ladies toilet and a separate large disabled toilet as many people are seen using a disabled toilet if the other toilets are occupied. The men's toilets should also be also be upgraded. The Mogo and Moruya Public Toilets with the veranda area out the front is a far more appealing look from outside and this type of structure could be adopted at Albert Ryan Toilets to create different look on the outside of the toilets. The appropriate signs for toilets including disabled toilets should be erected.

The second point to this motion appears to have become unsettling for some and in one of the on line media sites it has been suggested that a scenic route be advertised that will eventually lead to a Dump Point to be placed at Surf Beach Tip where the sewerage works is located this suggestion we find totally unacceptable realistically welcoming tourists to this shire is as important as inviting a guest to your home and as a tourist attraction would you take that guest out to the smelly sewerage works.?

For some time I have been raising in this chamber the need to embrace the Grey Nomad and these travellers that are self contained to this shire. In 2017 there were 11.58 million caravan and campers in overnight trips in Australia. I have personally witnessed men carrying toilet cylinders into the toilets at Albert Ryan Park, Councillors this is happening. There is an ideal spot behind these toilets that a Dump Point could be placed out of site. I can assure you if you decide not to support this item

in this motion, the emptying of these cylinders will continue at Albert Ryan Park toilets – SO why not provide this service to these travellers.

Some will argue there is a Dump Point at Corrigans, this Dump Point is located next to a pathway, and during the busy season it is impossible to park at Corrigans with a caravan, motor home or a fifth wheeler, Councillors this is a fact and it is highlighted in the Travellers guide website on the internet it actually points out the difficulty of navigating vehicles in this area to use this Dump Point. Some may argue that some caravan parks provide a Dump Point but those that would use that dump point are not the travellers that I am referring to.

The vacant car park at the old Bowling Club site has shown the need to provide an area for people to be able to stop . The land area of Albert Ryan Park is 4882 sqm and Photo 9. is land adjacent to the men's toilets . During the Christmas period many caravan etc. were seen stopped at Albert Ryan Park some unhooked their vans from their cars I believe to explore the shire. At the very first meeting in April 2016 of Mr Stephen Dunne pointed out that the toilets at Albert Ryan Park were listed in travellers magazine as 24hr access toilets.

NOW what would the name sake of the land think – we think that Albert was a man born before his time as he built that beautiful two storey guest house known as Ocean View House above this park he obviously recognised that there was a need to accommodate many, including travellers – Councillors this was tourism and he was embracing and providing a service for travellers and this was in the 1930's. We need to attract tourism to this shire so why not provide the facilities. I would suggest to you Councillors if you want to gain a view of a "grey nomad" that like to avoided the caravan parks have a chat to Mr. Tubby Harrison.

I will attach to my presentation forms in relation to Dump Point Subsidy and an email I received yesterday in relation to this point. I am sure staff would be aware of this Subsidy.

From: [Emily Smith](#)
Date: 3/26/2018 1:15:59 PM
To: patspalace8@optusnet.com.au
Subject: Dump Point Subsidy Program

Hi Trish

It was nice talking to you regarding Batemans Bay. Please find attached the Dump Point Subsidy program information sheet as discussed.

Please feel free to also pass my details along to Council.

Kind regards
Emily



Emily Smith | Member Services Officer
emilysmith@cmca.net.au

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CMCA | Campervan & Motorhome Club Of Australia Limited
☎ 02 4978 8788 | ☎ 02 4978 8799

—
www.cmca.net.au



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CMCA / KEA Campers Dump Point Subsidy Program

The Dump Point Subsidy program has been created by the Campervan and Motorhome Club of Australia Limited (CMCA), in partnership with KEA Campers, to develop a network of key infrastructure for recreational vehicles (RVs) across Australia. The basic infrastructure needs for self-contained RV travellers are a dump point, access to potable water and a place to park. Any location offering these three facilities can attract and sustain this lucrative market.

This subsidy program targets those councils that the CMCA and KEA Campers have identified as having ideal locations for RV dump points within their region. It should be noted that these dump points not only meet the needs of RV travellers but also provide a service for touring coach operators who usually offload passengers for a rest break before taking their vehicle to the dump point to empty the on-board toilet.

What is provided?

The CMCA/KEA Campers Dump Point Subsidy program provides a Gough Plastics Dump-Ezy dump point unit, delivered to council.

What is required?

- Council is responsible for installation and maintenance of the facility.
- The dump point is available for public use, free of charge.
- The dump point is available for use every day, at a minimum during daylight hours.
- The dump point is located in a position accessible to all types and sizes of recreational vehicles and is installed in a manner that ensures all vehicles can access the facility.
- A small plaque (supplied by the CMCA) is displayed at the facility acknowledging the contribution of CMCA and KEA Campers.

CMCA can also supply two 600 x 690mm steel signs, which may be displayed on roadways leading into the dump point. These signs display the official dump point logo. There is also one 300 x 500mm sign available that can be supplied, which may be affixed at the dump point site. The total cost for all three signs, including freight is \$313.00.

It is important that dump points are installed as low to the ground as possible to allow gravity discharge from waste tanks, which in motorhomes, are usually located between the front and rear axles. It is also important they are located in a position that allows access for large vehicles up to 19.5 metres in length, as access may be required by coaches and large towed vehicles, such as fifth wheelers.

Councils should tap into the experience and knowledge of their local CMCA State Representative, whose role is to encourage councils to install dump points and help identify the best locations for these facilities.

An application form for the CMCA / KEA Campers Dump Point Subsidy program can be obtained from CMCA National Headquarters.

For more information contact:

National Headquarters

P: 02 4978 8788

F: 02 4978 8799

E: memberbenefits@cmca.net.au

February 2015



Good morning, my name is Leah Burke and I would like to thank Council for the privilege of speaking at this meeting today.

And today I would like to speak on the notice of motion NOM18/003 proposed by councillor Patrick McGinlay regarding Albert Ryan Park. We thank Patrick for bringing this to the table today

Most of you will know me from my times here at council meetings speaking on behalf of this Park and the man it is named after. After much research we can now tell Alberts story. A story from the tragedy of his daughter, Adelaide, perishing in a house fire on this land, to his working life as a sawmill manager and working oyster leases on the Clyde river for 4 decades. His untiring community work for the town he loved and his time in this Council as both Councillor and Deputy Shire President.

Today we acknowledge the work that has gone into saving this park and amenities, and the continued work to get it upgraded to a standard that we will all be proud of. Albert Ryan Park has the potential to be an incredible open space. With some foresight and careful planning this could easily be accomplished. With Disable facilities and a makeover of the grounds this is definitely within the realms of possibility.

We, as a group, welcome and support whole heartedly with part one of Councillor Patrick McGinlay Notice of Motion NOM18/003 That is

That Council

- 1.. Consider a state of the art upgrade on the toilets at Albert Ryan Park for people with disabilities.

With an ageing population it is becoming a priority to provide amenities catering for people with disabilities. Albert Ryan park is an ideal place for such a facility. The land is flat and even and there is ample space for close to amenity parking, making very easy access for those who will benefit most. This part one deserves to be heard, funded and made happen.

Part two on the Notice of Motion we do not agree.

- 2.. Consider Albert Ryan Park as a location for a dump point facility for the number of caravans and motor homes travelling around Australia.

We are aware that at peak times it is hard for the big motor homes and caravans to negotiate the dump point at Corrigan, but we also know that at peak times it is difficult for anyone to access any facility in the Batemans Bay area. Be it Corrigan or Albert Ryan Park.

Albert Ryan Park has always been spoken of as an open green space for people to relax and enjoy. By now all councillors would be aware of the Park and its dimensions. It may appear there is a lot of land, but this park is long and narrow. If we get these new amenities its footprint would be much larger than the current one. Add to this, designated disabled parking on either side and also parking spaces for the casual visitor, space is suddenly becoming limited. The area that is lot 11 is at the moment a lovely grassed area with two beautiful shade trees. This is ideal to be utilised with seating and paths to encourage everyone to have access to all of the Park. Not covered in Motor homes and Caravans, as we well know if its a good place and its free they can set up for much longer than just using a dump point. It can de a couple of days.

Sometimes up to 12 of these rigs are set up at the old Bowling Club site. Imagine when discovering the Bowling club site no longer available they then all head to Albert Ryan Park. We are not against embracing the so called "grey nomads", we all know the benefits they can bring to a local economy but we dont think Albert Ryan Park should be encouraged as a free camping site.

People may have been observed disposing the toilet and shower refuse in the amenities at Albert Ryan Park, but this will happen anywhere there is a public toilet. It doesnt necessary follow that because it might be occurring at Albert Ryan Park then it is an ideal place for a dump point there. If there is a need for another dump point then we're sure council could find a place within easy distance and access to accommodate this need.

We would like all councillors today to contemplate part two of this motion and what the ramifications could be to Albert Ryan Park. It isn't just a matter of a dump point. Its the problems Big motor homes and caravans will create trying to access this park and the impact they will have on the park itself. If any money is to be spent anywhere in this Park a good starting place might be for the Historical signage for a start.

The group I represent today is Supporting Albert Ryan Park and we have affiliated with the Clyde River and Batemans Bay Historical Soc. Inc. as a sub-committee. This has given us the structure to apply for grants to assist with finance for some of the upgrades. The Historical Society is very much behind our thoughts for the Park and we should hopefully have some good outcomes along the way.

Address on Agenda Item 9

Madam Mayor, Councillors, General Manager, Council staff and others present.

I share concerns other speakers will raise today and trust that collectively we will convince you to support Deputy Mayor Anthony Mayne's intent to have the Development Application brought before Council.

I question the claim that the new road is required. I believe that Oaks Ranch has legal access to the west and is not effectively landlocked. I believe Oaks Ranch has either opted not to fully use its legal access to the west or is unaware of it.

For decades access to and from Oaks Ranch has been from the Princes Highway in the west, passing through the Oaklan property.

Oaks Ranch is clearly traditionally linked to the west and the Princes Highway. Its address of 340 Old Mossy Point Road was set according to its distance from the Princes Highway, that is 3.4k.

The DA asserts the only legal access Oaks Ranch has is to the east through a Crown Road reserve, implying this right is current but impractical. This access right to the east was effectively extinguished long ago.

Access to the east via Clearwater Terrace is not a right of way, customary access route or historical mapped route. There is no existing legal land access entitlement to the east that can be "reassigned" to the Estuary Estate road system.

The claim that Oaks Ranch is landlocked and has no option but to obtain new access to the east is a key justification for the new public road.

The current GIS mapping and NSW Land Registry Service online portal show the existence of road access from the west right to Oaks Ranch.

The 1904 Deposited Plans for Oaklan and the two parcels of land that make up Oaks Ranch show a Reserved Road providing access through Oaklan right to the boundary of Oaks Ranch. This provides legal access to both parcels that make up Oaks Ranch. I can find no publicly available land title information that the mapped road reserve through Oaklan is privately owned.

We know from the mapping and DPs that the currently used unsealed formed road through Oaklan generally follows the line of the mapped road reserve until it approaches Oaklan cottage, close to the western Oaks Ranch border. There the track diverges from the mapped road reserve to take an easterly 600m short cut on the "unofficial right of way" to reach the current access gate on the western boundary of the southern parcel of Oaks Ranch.

The unused and unformed road that is the continuation of the formed road reserve leads further north around Oaklan cottage to provide legal access to both parcels of Oaks Ranch. This ensures that neither of those parcels of land are landlocked.

If the mapped but unformed road is crown land, Oaks Ranch could apply to Council for approval to form the road within the road reserve and thereby utilise their legal access.

Alternatively, in the absence of any indication that Oaks Ranch will be unable to continue to access the 600m "unofficial right of way", the ranch could continue accessing the track for its day to day operations – just as it has for decades.

The current access from the west is over the property of Oaklan but it seems that no relevant information has been sought or obtained from the owner of Oaklan or NSW Crown Lands about the status of the road.

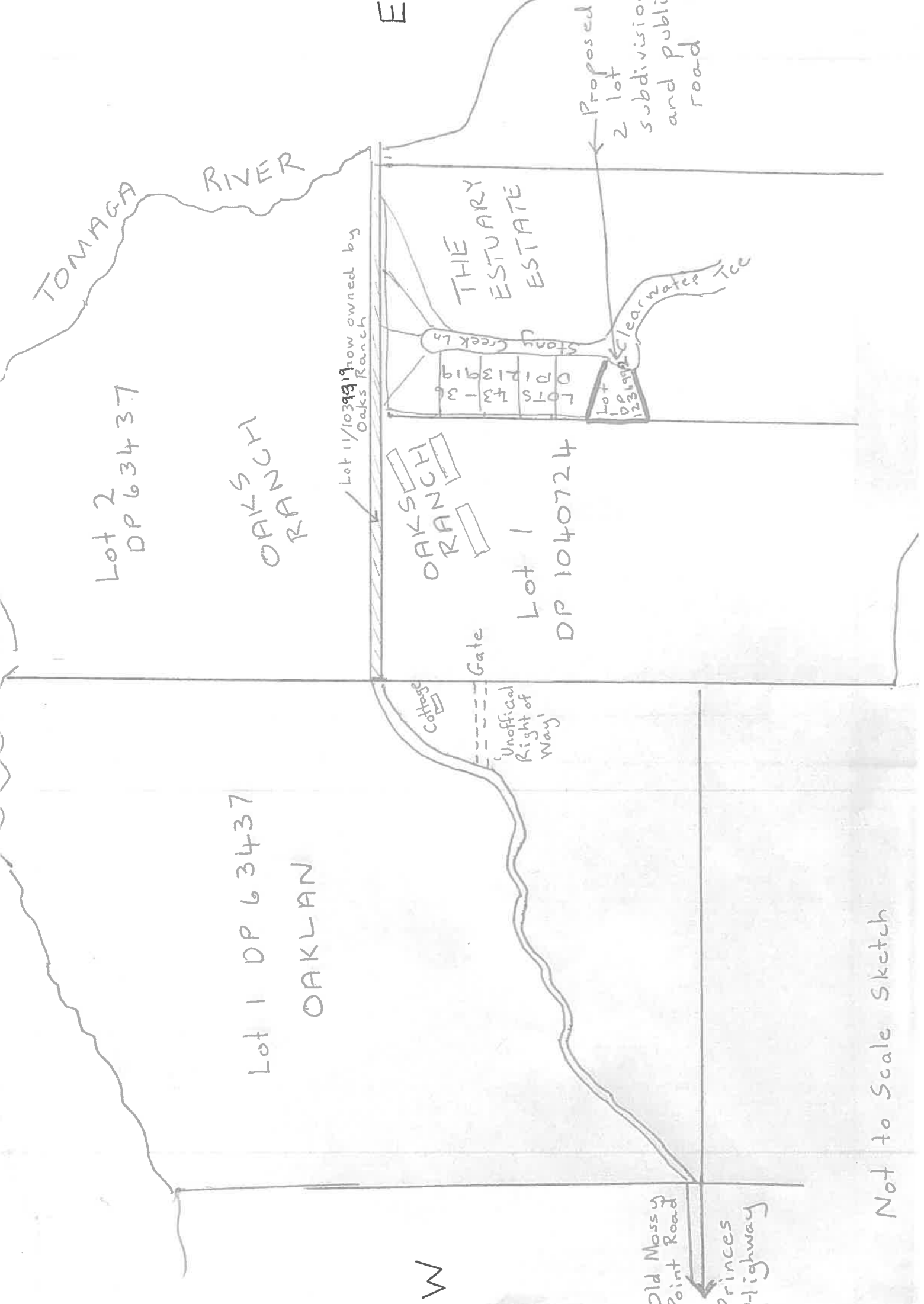
In the absence of evidence of private ownership of the mapped road I can only conclude that it must be crown land. If Council or the applicant disputes this they can apply to NSW Crown Lands for a status search for around \$70.

Unless it obtains definitive evidence that Oaks Ranch has no legal access to the west and is indeed landlocked, Council should not consent to this DA.

Thank you for your attention.

Susan Matthews

27 March 2018



Not to Scale Sketch

Eurobodalla Local Environmental Plan 2012

Current version for 1 September 2017 to date (accessed 26 March 2018 at 18:27)

Part 4 ► Clause 4.6

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, **Zone R5 Large Lot Residential**, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made, it did not include Zone RU2 Rural Landscape, Zone RU6 Transition or Zone E3 Environmental Management.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.

Madam Mayor, Councillors, Council staff and others

Firstly, I would like to draw Council's attention to the concerning way in which the area of proposed Lot 45 has been calculated as 5557 square metres (reference DA 408/18). In my view the effective usable area of this proposed lot is less than the R5 development standard of a minimum 5000 square metres and this warrants further investigation by Council.

However, given time constraints, my focus today is to point out why this DA cannot be legally approved.

The DA preliminary survey drawing dated 21 August 2017, with approximate dimensions and areas, shows the proposed Lot 45 as 5557 square metres and the smaller proposed Lot 46 as 4500 square metres.

These **approximate** figures have been taken up as if they are unquestionable in almost all of the supporting documentation for the DA, including in a full justification report at Appendix D of the Planning Report of 18 January 2018.

If these approximate figures were exact Council would certainly have the power to approve the DA, should it not be convinced by the other strong arguments against the DA being put forward here today.

However, these approximate figures are not exact. How do we know this? We know it because on page 15 of the Planning Report the exact areas of the two proposed lots relevant to the DA have been provided.

Proposed lot 45, to the north of the road is stated as 5561 square metres and the smaller proposed Lot 46 is stated to be 4496 square metres. These are very precise figures and in fact the very figures that are required to determine the legality of this DA.

Why does it **matter** that proposed Lot 46 is under 4500 square metres in area? – it is such a small amount, no one else seems too worried about it.

Well it matters a great deal because subclause 4.6.6 of the Eurobadalla Local Environmental Plan 2012) provides that development consent must not be granted, I repeat **MUST NOT BE GRANTED** under clause 4.6 for a subdivision of land, in a number of zones including R5 zones, including where, and I quote:

‘(b) the subdivision will result in one lot that is less than 90% of the minimum area specified for such a lot by a development standard’

The area of proposed Lot 46 at **4496** square metres clearly does not meet this requirement and sub clause 4.6.6 provides no flexibility whatsoever for the approval of an R5 lot below 4500 square metres.

The scope for flexibility in allowing a smaller than standard R5 lot in a DA of this nature ceases **absolutely** at 4500 square metres.

Given the clear legal prohibition and the current auditing and close monitoring by the NSW Department of Planning and Environment of clause 4.6 variations, I would urge Council not to risk jurisdictional error in granting development consent where they do not have the power to do so.

Rather than being unable to say no to this DA on legal grounds, Council is unable to say yes.

Thank you for listening.

Wayne Kelly

27 March 2018

Madam Mayor

Alex Christlo
27th March 2018

The two lot subdivision and construction of the public road development application (DP1236992 Lot1) is about access for the total Oaks Ranch redevelopment.

By not linking the application for the 123m of Public Road with the total Oaks Ranch site the developer aims to present the issue as a minor construction proposal. This would send the application through as an issue to be assessed only by council staff without any consideration by councillors and avoid listing on the agenda of the Ordinary Meeting of Council. This is – “presenting the small target” - approach! The road application avoids the main problem - total traffic through the Estuary. There are concerns with omission and avoidance!

Any consideration of increased traffic resulting from this proposed public road proposal must address the total amount of traffic – not just the the 5% of “touristy” traffic. What is being attempted here is lack of transparency, out of context and is not plausible!

The developer wants access through the Estuary to avoid reconstructing the existing access road which has served the Oaks Ranch for about 30 years or seeking some other access route. Also, higher profit and increased sales by claiming five minutes to the beach and shops.

However, the developer realises the cheapest access will cause a major traffic problem for Estuary residents. Thus, present the small target, minimise the traffic assessment, avoid scrutiny and get the access road. What could be simpler?

We were notified of the road proposal January 22nd – a one page plan – nothing more – no details. All of our written objections were limited in some way by this lack of supportive information - it created uncertainty. Nevertheless, to the credit of the estuary residents, 38 objections were submitted to council.

Finally, we received supporting details on the access public road proposal on 2nd March, 39 days after the initial notification!

A petition of all estuary residents provided 101 signatures - 99% signed. This is a further indication of the solidarity and feeling against the proposed public road and this manyfold increase in traffic through the Estuary streets.

A Media Release(refNSW Gov 6th Oct.,2010)in 2010 indicated that a rezoning of the land would be required to permit the proposed permanent residential dwellings. However, in 2012 the zoning was changed and development for the purpose of residential accomodation,consisting of no more than 90 dwellings is permitted with consent(Ref.Eurobodalla Local Environmental Plan 2012,15 (2),p3).The developer has been given general approval for up to 90 dwellings and only has to submit a D.A. to obtain consent.

Thus, if the public road is allowed by the council, the residential development will begin, starting with the some of the 90 dwellings.This small proposed public road opens up to a very large residential development (with the potential for many more than 90 dwellings) if the 2010 planning is followed and constuction will continue for many years.This is very concerning and the traffic implications are very worrying!

The importance of refusing this proposed public road cannot be overstated!

We know what ideal conditions we have in the Estuary and we paid a high price to gain this lifestyle.This public road access spoils our highly valued small closed road development.We do not want to be linked to tourist facility accommodation, golf course, boutique hotel plus a large residential development of unknown size!

What results from the developers being refused access through the Estuary ? They find a less profitable access elsewhere. They market their residential development as 15 minutes from the beach and shops. We suggest to the developers there will be no problem selling on the basis of “15 minutes to the beach and shops” for Sydney and Canberra buyers. An extra 10 minutes will make little difference!

Surely the councils role is to find a balance between encouraging development, and respecting, protecting, residential amenity and community values! This Development Application supports an obvious imbalance!

George Bass Drive is the main arterial road in our area and is becoming increasingly busy especially in peak periods and holidays .Starting at Ainslie Pd.at the north and travelling south, intersections occur at Tomakin Rd., IGA and Moorings, Estuary Way, Annettes Pd. and Train St. This covers a distance of 3.2 Km, can be driven in three minutes passing a garage and six intersections.

Residential development is increasing traffic on this stretch of road. Bringing additional vehicles into this stretch from the Oaks Ranch (tourist plus residential) redevelopment at the Estuary Way junction increases the danger (sadly one fatality in recent years). Obviously, this should be avoided and can be avoided!

The Traffic Impact Assessment Report is not in context, contains out of date data and difficult to assess generalities. There is a need for an accurate traffic assessment which is inclusive of the current and future traffic flow through the Estuary plus the traffic generated from the total Oaks Ranch development. Relying on difficult assessments and outdated data is unacceptable when the Estuary lifestyle is under threat.

The word "Public" is very significant in the context of this Development Application. If the development proposal were to be passed with its present description as a "Public" Road then the Council is unable to deny access in any future dispute – because it is a "Public" Road. The Council will have little say in the future regarding residential development at the Oaks Ranch!

Therefore, councillors, if the proposed public road access is passed then recognise that this will be the precursor to a very large increase in traffic through the Estuary onto George Bass Drive.

Again, the importance of refusing this proposed public road cannot be overstated!

Consider the claim that "the developers are doing nothing wrong, it's legal" in reference to the proposed Public Road. Yes it is "legal to do so". But, "there is no legal requirement to do so"!

This measure is a control to challenge anyone wanting to construct a public road without good reason. Even if the proposal is legal in some respects. Council has an obligation to consider all the social ramifications, including traffic considerations, before reaching a view on the overall legality of the proposal.

As our elected representatives, I urge you to consider the severe and adverse impacts that approval of the proposal will have on residents of the Estuary Estate. Reject the proposed public road - it is not necessary!

Alex Christlo.





Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

MEDIA RELEASE

6 October, 2010

EUROBODALLA HOUSING PLAN REJECTED

The NSW Government has rejected a planning proposal that would have allowed 90 permanent residential dwellings to be constructed half way between Batemans Bay and Moruya.

Minister for Planning, Tony Kelly, said the proposal had been earmarked for the privately-owned Oaks Ranch and Country Club at Mossy Point.

"The project, put forward by Eurobodalla Shire Council, had been carefully assessed by the Department of Planning through the Government's 'Gateway' system for local environmental plans," the Minister said.

"It has been deemed unacceptable and the proposal will now not progress any further through the plan-making process.

"The location is too isolated from local infrastructure and services such as shops and does not fit with the strategic planning policies of the council and the NSW Government."

The Department of Planning carefully assessed the merits of the project and found:

- The proposal is inconsistent with both council's Eurobodalla Settlement Strategy and the NSW Government's South Coast Regional Strategy;
- The site is an inappropriate location for urban residential development due to its isolation from basic social and retail services; and
- It has not been demonstrated the associated tourism development requires permanent residential development.

Mr Kelly said the Government has consistently refused to support the location of permanent residential development in isolated locations aimed at supporting tourism development.

"The current zoning allows for tourism and a golf course with the consent of Eurobodalla Shire Council and I would be happy for it to discuss with the Department of Planning any other approaches for redevelopment of the tourism facility," the Minister said.

"However, the location is simply not appropriate for a permanent urban housing development.

"This decision shows the benefits of the Government's Gateway system which weeds out inappropriate rezoning proposals early in the plan-making process."

Madam Mayor, Councillors and staff

I ask you all....What is the underlying purpose of the proposed new public road?

In the supporting documentation submitted to Council, the purpose is stated as being simply to provide legal and practical access to Oaks Ranch for its modest current operations. Any possible impact on the neighbourhood amenity of the Estuary Estate is dismissed as of little consequence or concern. Also by specifically pointing to the SP3-Tourist Zone and peaceful grazing paddocks of the adjacent Oaks Ranch land the documentation aims to reassure Council and Estate residents about the limited purpose of the proposal.

What then could there possibly be to worry about?

In referring to the current zoning of the land adjacent to the proposed new road, the supporting documentation fails to disclose a highly relevant fact. The proposal documentation should have referred not only to the SP3- Tourist Zoning but also to the significant additional permitted use for the adjacent land, being development of up to 90 residential dwellings, with consent. I refer to item 15 of Schedule 1 to the Eurobodalla Local Environmental Plan 2012. Yes there it is, even though it was very difficult to find!

Now what do we know about the real purpose of the proposal?

After a resident (concerned about what was rumoured to be happening) contacted Oaks Ranch, a meeting was organised at the Ranch in December last year. Around 8 or 9 residents attended the meeting at which the planned developments were explained to them.

I quote from the submission to Council of one resident who attended the meeting:

“I attended a meeting during December 2017 hosted by major shareholders in the Oaks Ranch property. All present were told that the road DA was the first step in the redevelopment of the Oaks Ranch and surrounds including subdivision for the purposes of constructing residential dwellings, the construction of holiday apartments and villas, the establishment of a Boutique Hotel similar to one found at Cabarita Beach Far North NSW, and the extension of an existing golf course from 9 to 18 holes.”

I quote now from the submission to Council of another resident who attended the meeting:

“In a December 2017 meeting with the major shareholders of the Oaks Ranch residents of the Estuary Estate were informed that a development application to allow road access to George Bass Drive was the first stage in developing the area to include a residential subdivision, a boutique hotel and expansion of the existing golf course.”

I believe that Lot 1 on Clearwater Terrace was purchased, or is in the process of being purchased, specifically to create access to the Oaks Ranch and thus add value to the proposed development area.

I share the concern expressed in a submission to Council by one of those who attended the meeting that the DA for a through public road is the first step in a major redevelopment similar to one rejected in 2010 - however on this occasion it is by stealth in the form of one DA at a time until the ultimate goal of major redevelopment is achieved, that is, the road is the first vital infrastructure to allow further future development as discussed in the December 2017 meeting at Oaks Ranch.

I ask you to open your eyes to what is happening here.

Yes- the Proposal creating two lots and a road reserve that provides access to a neighbour seems innocent enough but we must consider the underlying reasons such as those disclosed to residents at the December 2017 meeting and our knowledge of the 2010 large scale development proposal.

Council must realise that once the road is dedicated a public road and is built to the specifications outlined, there will be no turning back. From that day forth it will be a public road and a vital factor in any future large scale development application by Oaks Ranch.

Thank you for your attention.



Cecilia Christlo

27 March 2018

Eurobodalla Local Environmental Plan 2012

Current version for 1 September 2017 to date (accessed 5 March 2018 at 17:04)

Schedule 1

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Beach Road, Batemans Bay

- (1) This clause applies to land at Beach Road, Batemans Bay, being Lot 11, DP 124295 and Lot 11, DP 870049.
- (2) Development for the purposes of shops, office premises and public administration buildings is permitted with consent.

2 Use of certain land at 49 Beach Road, Batemans Bay

- (1) This clause applies to land at 49 Beach Road, Batemans Bay, being Lot 2, DP 734790 and Lot 12, DP 124295.
- (2) Development for the purposes of mooring pens and moorings is permitted with consent.

3 Use of certain land at Hanging Rock Place, Batemans Bay

- (1) This clause applies to land at Hanging Rock Place, Batemans Bay, being Lot 3, DP 1171024.
- (2) Development for the purposes of an educational establishment is permitted with consent.

4 Use of certain land at Old Princes Highway and Crown Street, Batemans Bay

- (1) This clause applies to land at Old Princes Highway and Crown Street, Batemans Bay, being Lots 1–11, DP 18817, Lots 1–3, DP 385366, Lots 19 and 20, DP 17406, Lot 1, DP 118982, part of Lot 35, DP 801738, Lot 100, DP 1068268, Lot 1, DP 118980, Lots 18–21 and 27–31, DP 37507, Lot 12, DP 17406, Lots 1 and 2, DP 118978, Lot 1, DP 118979, Lots A and B, DP 159998, Lot 230, DP 624089, Lot 1, DP 121366, Lots 24–31 and 40, DP 758064 and Crown Land, DP 755902, identified as “1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

5 Use of certain land at Vesper Street, Batemans Bay

- (1) This clause applies to land at Vesper Street, Batemans Bay, being Lots 14–17, 29–33 and 36, Section 3, DP 758064 and Lot 341, DP 1043224.
- (2) Development for the purposes of any development permitted in Zone B5 Business Development is permitted with consent if the consent authority and Roads and Maritime Services are satisfied that a suitable vehicular access road to the land can be achieved in a manner that does not impede vehicular traffic movements on, or reduce the operating efficiency of, the Princes Highway.

6 Use of certain land at 11191 Princes Highway, Benandarah

- (1) This clause applies to land at 11191 Princes Highway, Benandarah, being Lot 1, DP 807108.
- (2) Development for the purposes of a service station is permitted with consent.

7 Use of certain land at 1554 Princes Highway, Bimbimbie

(1) This clause applies to land at 1554 Princes Highway, Bimbimbie, being Lots 21 and 22, DP 1063392.

(2) Development for the purposes of an animal boarding or training establishment is permitted with consent.

8 Use of certain land at Bodalla

(1) This clause applies to land at Bodalla, being Lots 1–11, DP 32142 and Lots 12 and 13, DP 1060883.

(2) Development for the purposes of a single dwelling on each lot is permitted with consent, if the means of access to each lot is satisfactory to the consent authority.

9 Use of certain land at 1166 Princes Highway, Jeremadra

(1) This clause applies to land at 1166 Princes Highway, Jeremadra, being Lot 1, DP 60785.

(2) Development for the purpose of an extractive industry within the curtilage of the existing quarry is permitted with consent.

10 Use of certain land at Princes Highway, Mogo

(1) This clause applies to land at Princes Highway, Mogo, being Lot 1, DP 875990.

(2) Development for the purposes of extractive industries within the curtilage of the existing quarry is permitted with consent.

11 Use of certain land at Bruce Cameron Drive (Airport Road), Moruya

(1) This clause applies to land at Bruce Cameron Drive (Airport Road), Moruya, being Lot 4, DP 1090948.

(2) Development for the purposes of commercial, tourist, residential, industrial and recreational land uses that are related to the use of Moruya Airport is permitted with consent.

12 Use of certain land at 97 Campbell Street, Moruya

(1) This clause applies to land at 97 Campbell Street, Moruya, being Lot 6, DP 1089159.

(2) Development for the purposes of industry, being specifically for a concrete batching plant, is permitted with consent.

13 Use of certain land at 28A Evans Street, Moruya

(1) This clause applies to land at 28A Evans Street, Moruya, being Lot 308 (SPL 1964/13), DP 752151.

(2) Development for the purpose of serviced apartments in association with a registered club is permitted with consent.

14 Use of certain land at North Head Drive, Moruya

(1) This clause applies to land at North Head Drive, Moruya, being Lot 100, DP 1004180.

(2) Development for the purposes of hotel or motel accommodation comprising 18 detached and semi-detached rooms or self-contained facilities, amenities and recreation hall, workshop and storage building, boiler house, BBQ shelter and a caretaker's residence is permitted with consent.

15 Use of certain land at Old Mossy Point Road, Mossy Point

(1) This clause applies to land at Old Mossy Point Road, Mossy Point, being Lot 1, DP 1040724.

- (2) Development for the purposes of residential accommodation, consisting of no more than 90 dwellings, is permitted with consent.

15A Use of certain land at Wharf Street, Nelligen

- (1) This clause applies to the following parcels of land at Nelligen:
 - (a) the parcel of land comprising 1 Wharf Street, being Lot 15, Section 6, DP 758762,
 - (b) the parcel of land comprising 3, 5, 7 and 9 Wharf Street, being Lots 11–13, Section 6, DP 758762, Lot 1, DP 125591 and Lot 1, DP 1038903,
 - (c) the parcel of land comprising 11 Wharf Street, being Lot 10, Section 6, DP 758762,
 - (d) the parcel of land comprising 13 and 15 Wharf Street, being Lots 8 and 9, DP 571676,
 - (e) the parcel of land comprising 17 and 19 Wharf Street, being Lots 6 and 7, Section 6, DP 758762.
- (2) Development for the purposes of a single dwelling house (and any associated bed and breakfast accommodation, health consulting rooms, home-based child care, home business, home industry or secondary dwelling) is permitted with consent on each of the parcels of land specified in subclause (1).

16 Use of certain land at Clyde Road, North Batemans Bay

- (1) This clause applies to land at Clyde Road, North Batemans Bay, being Lot 70, DP 877865.
- (2) Development for the purposes of a building or group of buildings used for storage of a maximum of 60 boats and the undertaking of ancillary boat servicing activities is permitted with consent.

17 Use of certain land at Kings Highway, North Batemans Bay

- (1) This clause applies to land at Kings Highway, North Batemans Bay, being Lot 3, DP 865527.
- (2) Development for the purposes of vehicle sales or hire premises and a vehicle repair station is permitted with consent, but only in relation to motor vehicles.

18 Use of certain land at 44 Tranquil Bay Place, Rosedale

- (1) This clause applies to land at 44 Tranquil Bay Place, Rosedale, being Lot 4, DP 804658.
- (2) Development for the purposes of two attached dwellings for holiday accommodation on a casual basis for the exclusive use of terminally ill persons and their families is permitted with consent. The development must be contained within the nominated building curtilage as shown on the deposited plan.

19 Use of certain land at Old South Coast Road, South Narooma

- (1) This clause applies to land at Old South Coast Road, South Narooma, being Lot 31, DP 876114, Lots 3 and 4, DP 1042712 and Lots 4 and 5, DP 1040577.
- (2) Development for the purposes of one dwelling on each lot is permitted with consent.

20 Use of certain land at 2–10 Ainslie Place, Tomakin

- (1) This clause applies to land at 2–10 Ainslie Parade, Tomakin, being part of Lot 33, DP 207386, identified as “2” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a market and storage of items for sale at that market is permitted with consent.

21 Use of certain land at George Bass Drive, Tomakin

- (1) This clause applies to land at George Bass Drive, Tomakin, being Lot 1, DP 881897, Lot 3, DP 843654 and Lot 221, DP 1111921.
- (2) Development for the purposes of residential accommodation, consisting of no more than 60 dwellings, is permitted with consent.

22 Use of certain land at Trafalgar Street, Tuross Head

- (1) This clause applies to land at Trafalgar Street, Tuross Head, being Lots D–J, DP 18055, Lot K, DP 362231, Lot L, DP 624709, Lots 1–5, DP 28921 and part of Lot 8, DP 28921, identified as “3” on the Additional Permitted Uses Map.
- (2) Development for the purposes of restaurants or cafes, take away food and drink premises and shops is permitted with consent.

23 Use of certain land at Church Street and Queen Street, Moruya

- (1) This clause applies to land at 33 and 35 Church Street, being Lots 2 and 3, DP 700880, 37 Church Street, being Section 13, Lot 7, DP 758710, 41 and 43 Church Street, being Lots 1 and 2, DP 800767, 78 Queen Street, being Lot 1, DP 700880, 88 Queen Street, being Section 13, Lot 8, DP 758710 and 88 and 90 Queen Street, being Lots 3 and 4, Lot 4, DP 800767.
- (2) Development for the purposes of community facilities, information and education facilities, office premises, recreation facilities (indoor), restaurants or cafes, shop top housing and veterinary hospitals is permitted with consent.

24 Use of certain land in Zones R2, R3 and E4 at Moruya

- (1) This clause applies to land identified as “4” on the Additional Permitted Uses Map.
- (2) Development for the purposes of funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

25 Use of certain land in Zones R2 and R3 at Narooma

- (1) This clause applies to land identified as “6” on the Additional Permitted Uses Map.
- (2) Development for the purposes of funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

26 Use of certain land in Zone R3 at Narooma

- (1) This clause applies to land identified as “5” on the Additional Permitted Uses Map.
- (2) Development for the purposes of entertainment facilities, food and drink premises, function centres, funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

EUROBODALL SHIRE COUNCIL MEETING, TUESDAY 27 MARCH 2018

SPEAKER AT COUNCIL MEETING: JENNIFER HARRISON

**TALKING POINTS: OPPOSING THE PROPOSED DEVELOPMENT IN CLEARWATER TERRACE,
MOSSY POINT**

PROPOSED DEVELOPMENT: Two Lot Subdivision and Construction of Road

PROPERTY DESCRIPTION: Clearwater Terrace, Mossy Point – DP1236992 Lot 1

I would like to thank Council for allowing me to speak today to outline some of my concerns in relation to the proposed development.

Firstly, I would like to quickly reiterate some of the concerns I raised in my submission to Council opposing the proposed development:

- There was very little information about the proposed development provided in Council's letter to me dated 16 January this year.
- Due to availability of Council staff, at this time, it was difficult to seek and obtain additional information.
- There was no evidence provided as to why blocks 45 and 46 could not be accessed from Clearwater Terrace and Stoney Creek Road.
- The original Estuary Estate plans did not provide for public road access between the two blocks and access to Oaks Ranch.
- The original plans indicated this area as "public reserve".
- I purchased property in the Estate in August 2017, at that time there was a very rough dirt track from Clearwater Terrace into the Ranch and the access was closed.
- Since this time the track has been gravelled, signage to the Ranch erected and traffic usage has been increasing substantially.
- I understand this is an "unapproved" road.
- Visibility of traffic using the unapproved road, coming out of the Ranch, has created substantial safety issues for exiting and entering my property.

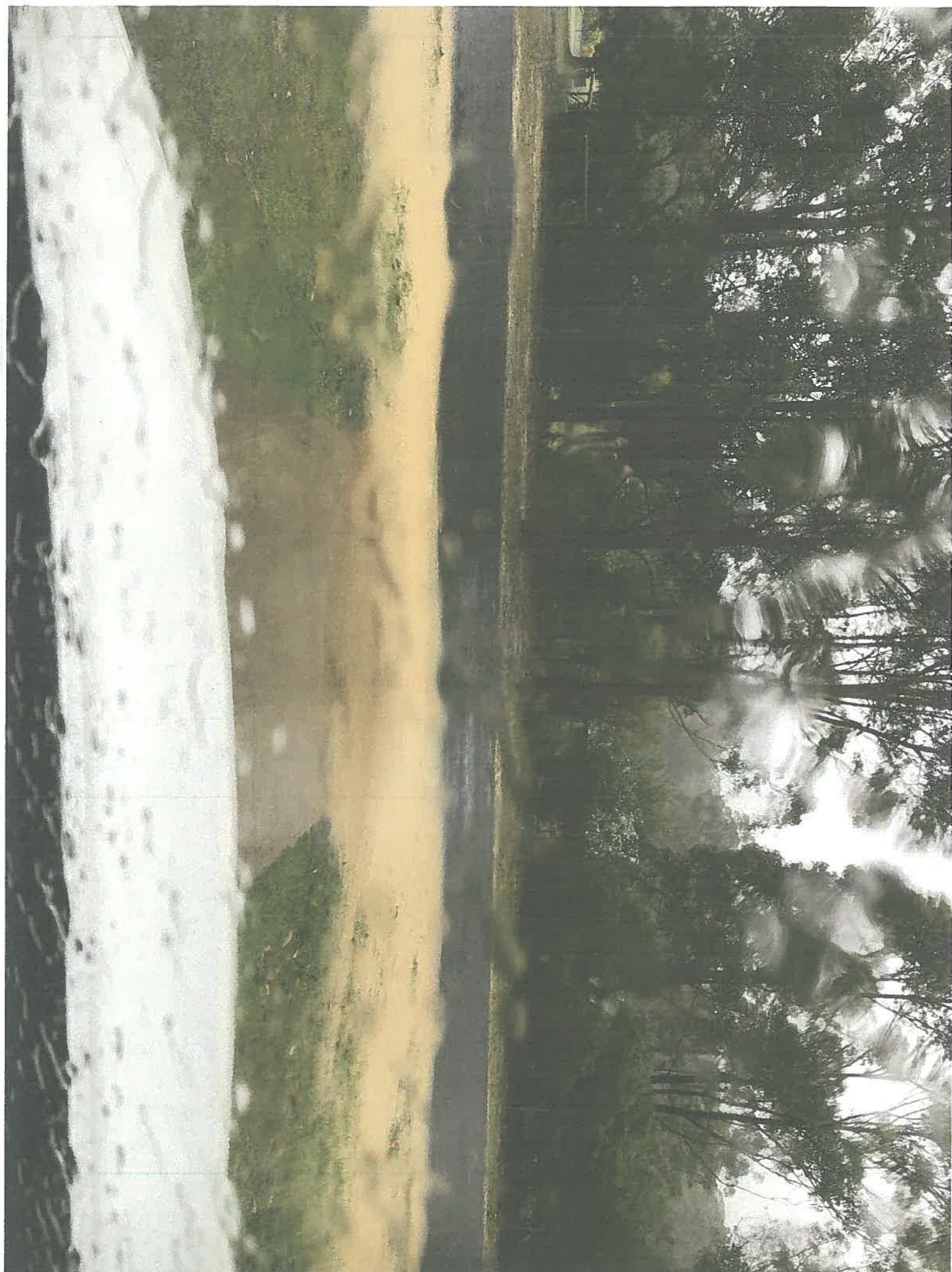
Further to demonstrate my concerns relating to safety implications if Council was to approve Lot 46 as a smaller than 5,000 square metre R5 block, together with approval of a new public road, I make the following points:

- According to the plan for the new Lot 46 the distance across to where the 18.5 metres new public road, including verges, is a mere 11.2 metres from my front corner boundary fence.
- Because of the creation of a new public road and the proposed angular shape and much reduced size than standard for an R5 zone block, siting of any new residence on that Lot will impact adversely, including privacy, on my property.
- I do not agree with the developer in saying that the reduction in the size of Lot 46 will not create a "precedence". Once any reduction of a block size is approved in the Estate this does create a precedence.
- My current exit is onto Clearwater Terrace where traffic is clearly visible from all directions and quite slow because of the curve onto Stony Creek Lane. The proposed new public road will present difficulties for me in safely entering and exiting my property.
- The Traffic Impact Assessment supporting the new road fails to address the specific impact on access to my property given the realignment of the road, visibility, and speed of vehicles particularly those entering and exiting Oaks Ranch.
- If the development is approved I will be forced to re-position the access point to my property. This will come at substantial personal financial cost to me, which I may seek compensation to do so due to the safety issues.
- Since the unofficial dirt track has been reopened, I have already observed an increased volume and speed of traffic generated from the Ranch.

- In addition, the Ranch has publicly advertised access to and from the Ranch via Clearwater Terrace using the unapproved road.
- Residents of the Estate drive quite slowly as they are aware that children and other residents utilise the roadway for walking and cycling. Non-residents, visitors to Oaks Ranch or others coming directly from the Princes Highway, seem to be more inclined to ignore the Estate's speed limit.
- I ask Council to consider other safety concerns of this proposed development put forward by residents. I have provided photos today of flooding that occurs in the Estate after rainfall. These photos are evidence to further support the residents of the Estate's safety concerns if the proposed development proceeds.

Finally, I ask that Council please positively consider our petition opposing the proposed development and to continue to consult with all residents in the Estate.

Again, thank you for the opportunity to speak with you today.







27/3/18

Re: Objection to current proposed development relating to subdivision and construction of public road DP 1236992 Lot 1– Clearwater Terrance Mossy Point 2537

Good morning, my name is Helen Ransom and I am speaking regarding agenda Item 9.

I am here to request that the planned subdivision and development of a public road between Clearwater Terrace in the Estuary estate and Oaks Ranch is not granted.

As we have already heard, the Estuary Estate is designed for quiet residential living.

It is a closed estate with safe roads, not a thoroughfare for access to Oaks Ranch or any other traffic.

The traffic assessment in the Development Application does not take into account the potential for future development for Oaks Ranch and other areas west to the highway, which also may have development potential. It does not acknowledge the effect of possible through traffic accessing other properties along the Old Mossy Point road. Importantly, it also does not acknowledge that, if this link road were built, it could create a “cut through” from the highway to George Bass drive through the Estuary estate.

The current infrastructure in the estate is not in keeping with significant through traffic - the junction from Estuary Way onto George Bass drive is already challenging to exit in peak traffic.

We moved here and chose to buy a house in the Estuary estate, as it was a safe, quiet residential area with no through roads and no further development plans that would adversely impact the area.

Development of the area and jobs are important issues for Eurobodalla, but I don't believe they should be put above the interests and investments of the current local residents, who like us, have been here for years working and serving the community.

120m or so of public road does not sound much, but it is a big deal when, as the community, we are, in effect paying for it. We pay by potentially losing value on our property, we lose amenity in the environment we invested in and we lose aspects of safety with the increase in traffic.

Oaks Ranch already has an access road, the Old Mossy Point road, with clear routes to Moruya and Bateman's Bay, so why should Estuary estate residents provide them with another access road?

The views of the local residents should be taken into account and given priority over development outside of the estate that it would inevitably impact. I believe that current residential developments, such as Estuary estate, should take precedence over future plans that affect their amenity.

Thank you.

Madam Mayor, Councillors, Ladies and Gentlemen

I live directly opposite where the proposed new 2 lot subdivision and public road will enter Clearwater Terrace. I am therefore directly affected by the proposed development.

I share the many concerns voiced by other speakers here today but I would like to express particular concern about the fact that Oaks Ranch has apparently pre-empted any Council decision on this Development Application by proceeding to form a non sealed road from the gates of Oaks Ranch to Clearwater Terrace and is currently encouraging its patrons to use that road.

When I and my family first purchased our home in the Estuary Estate in 2015 we understood that there was no road into Oaks Ranch. There was a narrow rough dirt track but access to the ranch gate was blocked by large concrete blocks just this side of the gate and the dirt track was largely covered up by piles of bulldozed branches and dirt. All vehicle access into Oaks Ranch would have been from the Princes Highway.

Late last year the bulldozers came in and road base was delivered, spread and compacted to form a defined unsealed single lane road through to Oaks Ranch. Since that time there has been a steadily increasing amount of traffic on this unsealed road. The wooden gate into Oaks Ranch is also a single lane entry and would cause some confusion if vehicles were approaching from opposite directions.

I understand that several objections lodged with Council concerning the proposed development have referred to traffic issues relating to the use of the road. One objector has referred to several near misses apparently caused because visitors to the Oaks Ranch were clearly confused about the application of traffic laws, in particular the need to give right of way to all passing traffic on a public road when attempting to enter that same roadway from private land. Another objector has raised concern about safety concerns in accessing and exiting her residence given the speed and increased traffic coming out of Oaks Ranch and the position of this road.

There is also the issue of legal liability and third party insurance should a collision occur on this non sealed through road that is fully within the boundaries of private property. For example, kangaroos and trees are numerous on that private property. Oaks Ranch has been actively marketing its newly opened access onto Clearwater Terrace that provides such convenient sealed road access. For example, the Facebook site for The Oaks Ranch and Country Club now advertises the perfect location just 2 minutes from Tomakin for an event to be held on April 13-15. The Facebook site gives clear directions to enter the Ranch via Clearwater Terrace.

Apparently, Oaks Ranch is so confident that Council will be approving the new road that is openly advertising the new route notwithstanding that patrons must cross private land to enter the property.

Oaks Ranch should not be allowed to pre-empt the approval of Council and the road should be closed pending Council determination of the matter.

I would also add that one of the objectives of R5 zoning is to minimise conflict between land uses within this zone and land uses within adjoining zones. The private land and the roads within the Estuary Estate all fall within R5 Large Lot Residential zoning. Now what we see in the proposed development of a public road is an attempt to use R5 land and roads for the purposes of an adjoining zone that is not R5 but rather is zoned for Tourism with general approval for up to 90 residential dwellings. It would be wrong for Council to approve a road and allow road use within an R5 Zone for the commercial purposes of another Zone.

Thank you for your attention

David Haultain

Agenda Item 11: Long Beach Coastal Wattle Project.

Madam Mayor, Councillors, Council officers and members of the public, my name is George Browning, I am the convener of Long Beach Land Care and a member of Long Beach Community Association. I am here to address agenda item 11, Long Beach Coastal Wattle Project.

The context is that Long Beach Community Association made a representation on the wattle project to council late last year following which council decided to defer its decision until it had heard from Long Beach Landcare. This was intended to happen on 27th February but because I had a total knee replacement on that day, you kindly postponed the agenda until today.

Long Beach Landcare does not implement its own agenda on the whim of its membership but works under the direction and authority of Eurobodalla Landcare and particularly the guidance of its officers Deb Lenson, Emma Patyus and Heidi Thompson. I am proud to say that Long Beach Landcare is the second most active branch in the Eurobodalla after the Deua Valley group. The rationale behind the work is that with the best will in the world there is insufficient public money to implement all desired environmental objectives and therefore community volunteers are called upon to fill this gap. We are glad and privileged to do so.

Long Beach Landcare is committed to maintaining scientific best practice with the aim of assisting maximum bio-diversity, always a challenge following major structural development, namely the development of the estate.

In summary I am here today on behalf of Landcare to encourage Council to adopt the recommendation before it from its own officers and guiding environmental authorities.

This should be now an obvious and uncontentious, given the Association and Landcare, the two Long Beach authorities are now of the same voice.

Long Beach Landcare supports keeping the wattle in check, indeed over the years no one will have spent more time and energy in doing this than myself. What we recommend includes the following:

- Council adopts and implements the recommendations before it based on the best science available.
- Council makes available a small amount of money each year or second year to enable trittering of any areas that have spread back.
- Tertiary species be planted on the dunes according to advice received but not in front of private properties.
- Fencing and vermin (rabbit) control be maintained.
- Council action and signage make it clear that any vandalism will not be tolerated.
- Plans be developed for the enhanced enjoyment of the area through paths and board walks, particularly access to Reddy Lagoon.

Madam mayor and councillors, this matter has already taken up far too much of your valuable time, that of council officers and indeed of ourselves. The way forward is clear and uncontroversial. It is time that the matter was settled and we all got on with matters of greater significance

George Browning PhD DLitt

Convener Long Beach Landcare

**ESC meeting 27 March 2018 LBCA Coastal Wattle Management
Project Address by Neil Gow Public Forum Agenda Item #3**

Madam

Lady Mayor, Councillors, Dr Dale and Senior Council Staff, ladies and gentlemen, thank you for the opportunity to address Council today in relation to Agenda item 11, the Long Beach Coastal Wattle Management Project.

My name is Neil Gow, a resident ratepayer of Long Beach and a committee member of the Long Beach Community Association since 27 January 2018 - that is, the date of the Association's annual general meeting, at which several new committee members including myself, were elected. Today I am accompanied by the new President, Annette McKeown, *Spokesperson on arCW* and the new secretary, Nigel Ridgway.

Since that date the committee has reviewed a range of Long Beach Community Association policies, including the Long Beach Coastal Wattle Management Project. After consideration of all the documentation available, particularly that presented to the Council meeting of 27 November 2017, the Committee drafted a revised position in relation to the Coastal Wattle Management Project, which was circulated to members for comment. Only one adverse communication was received, which was signed by two members. The revised position was then communicated to Council and forms part of the papers for this meeting.

The crux of the revised position is that the Association supports the recommendations to Council as presented in the Agenda papers of the 27 November 2017 meeting, and with a slight amendment, to this meeting of Council. They are:

THAT Council

- 1. Assist Long Beach Landcare and Long Beach Community Association to continue containment and management of the coastal wattle by*

- (a) Ongoing coastal wattle removal on the northern side of the walking track*
 - (b) Coastal wattle removal 2 metres either side of the beach access tracks*
 - (c) Maintain the current line of containment of the coastal wattle*
- 2. Continue weed and pest animal control throughout the reserve*
 - 3. Support Long Beach Landcare in planting additional native species (including tall growing shrubs and trees) at the western end of the reserve (Trial Area 1). No taller species are to be planted in front of houses.*
 - 4. Give consideration to the amenity of those who reside and enjoy the foreshore when planning and implementing these recommendations.*

The revised position was discussed at a meeting between the Association's committee and Council officers held on 21 March 2018.

This position recognises the commitment Council has made since 2012 to the Project and the gains made in controlling the coastal wattle and the improvement in the biodiversity of the reserve. It also recognises the ongoing commitment of Council to these objectives which would be supplemented by voluntary community resources.

We believe this is a reasonable and cost effective strategy which will provide ongoing certainty in relation to the maintenance of the reserve, which is a valuable resource for the Long Beach community and visitors as an area for passive recreation, a habitat for wildlife and a buffer from sand and salt spray which is driven inland by southerly winds.

We urge Councillors to support the recommendations on this matter included in your papers.

Thank you.

Tuesday 27th March 2018

Submission to Eurobodalla Council Ordinary Meeting on Council Motion PSR18/060 LONG BEACH Coastal Wattle Management

Dear Mayor, Dr Dale, Councillors and Council Staff:

The above motion was first presented to Council as PSR17/060 to Eurobodalla Shire Council ordinary meeting of 28th November 2017. As secretary of LBCA I presented a submission which has now been included in the text of the current motion. On that occasion, the motion did not receive a proposer and was deferred for councillors to receive further information.

Council in making its decision to support, reject or modify this motion needs to be aware of the following:

- 1) **The newly elected LBCA** Committee only represents the view of Long Beach Land Care on this issue, a group of 16 not all of whom are LBCA members and who previously brought council into conflict with the Long Beach Community in their bid to fence off and deny access to the foreshore on Bay Road causing much embarrassment and cost to Council.
- 2) **The LBCA position** (representing that of all 225 members, voted on 10 years ago in AGM and reiterated at every General Meeting that I have attended over the last 6 years) was to completely remove this introduced species. However, I and the residents of Sandy Place I speak for today, support most of the recommendations for "Maintenance of Coast Wattle" except for point 3 (page 9 of the motion). The recommendation to plant tall growing shrubs and trees in the reserve as a method of controlling the spread of Coastal Wattle is **nonsensical**. Coast Wattle can be observed growing vigorously **under tree canopies** both in Long Beach and for Councillors who live South of Moruya, along the heavily wooded roadsides and under the beautiful Norfolk Pines in the memorial Gardens at Tuross Heads. On behalf of LBCA, I vigorously objected to the OEH characterising as vandalism, the failure of the 15 or 20 banksias and gums that were planted as part of the trial (out of approximately 4,000 plants). I and other members of LBCA in the absence of any support from council or Land Care, carried bottles of water to nourish these plants. I reported to the annual coordination meetings, that these tall plants had failed due the lack of follow-up watering and were grazed by rabbits and kangaroos.
- 3) **Residents of Sandy Place** who have asked me to speak to you today have expressed very grave fears for their future if this recommendation to plant trees goes ahead, especially in light of the experiences of Sussex Inlet and most heart wrenchingly in Tathra, where communities with single road access like ours, are trapped by a bush fire spreading through a tree canopy encouraged to grow uncontrolled in close

proximity to homes. Sandy Place already had a close call in the fires of 2003. It is **irresponsible** of Land Care and Council's Environmental Services to recklessly promote further fire hazards, when Sandy Place residents are already clamouring for more to be done to control existing dangerous over-growth. The fire brigade has had frequent call-outs in the last few years from anxious S.P. residents terrified by fires set by illegal campers and underage drink parties.

In making your decision to support, reject or modify this motion, Councillors should be guided by the knowledge that a decision to allow Land Care to plant further trees in the Sandy Place Reserve, will lead to strong protest and action from many residents, several having floated with me, the idea of initiating legal action for "**reckless endangerment**" against Council and Land Care and some have discussed an appeal to the State Government to **reinstate** the original zoning for Sandy Place Reserve as **Recreation and Open Spaces** to prevent further meddling from those who would further harm the amenity now enjoyed by residents.

I would **propose** that the recommendations made on page 9 of the PSR18 060 be modified by Councillors to read:

"3. **No tall trees** or shrubs, or invasive species are to be planted in Sandy Place Reserve Trial Area 1 or elsewhere in the reserve.

4. **Support Long Beach Land Care** in revegetating areas where Coastal Wattle has died and replace with lower growing species, mainly grasses such as **spinifex** which has proven more successful than Coast Wattle as a dune stabiliser as can be seen in the success Land Care Long Beach has achieved by planting the species in front of the Coast Wattle scarp line." (See attached picture)

Thank you for your time and attention today



ITEM IR18/18 AND /19 HISTORY AND RESULTS OF THE
GROUNDWATER EXPLORATION PROGRAM IN THE TURROS VALLEY
AND IR18/19 EUROBODALLA SOUTHERN STORAGE FACILITY.

MADAM MAYOR

WHILST BOTH THESE REPORTS ARE COMPHENSIVE IN CONTENT I BELIEVE THAT THEY DO NOT COVER THE FULL HISTORY.OF WHAT HAS HAPPENENED IN THE PAST TOWARDS PLANNING TO ENSURE A SECURE AND SAFE WATER SUPPLY FOR OUR COMMUNITY . IT SEEMS TO IGNORE THE FULL HISTORY . THE REASONING BEHIND THE PROVISION OF AN OFF -RIVER STORAGE SOURCING FROM THE TURROS RIVER WAS RECOGNISED WELL BEFORE THE COUNCIL INTERGRATED WATER CYCLING STRATEGY .

THIS INVOLVED THE POSSIBLE BUILDING OF A DAM IN THE UPPER REACHERS OF LAWLERS CREEK ,DALMENY, AND SUPLEMENTED BY CONSTRUCTION OF A PIPELINE FROM A STORAGE FACILITY TO BE BUILT OFF STREAM ON THE TUROSS RIVER .. THE MAYOR OF THE DAY COUNCILLOR THOMPSON "TURNED THE FIRST SOD " ON A PROPERTY ADJACENT TO THE TURROS RIVER IN NEAR VICINITY TO THE PRESENT PUMPING STATION . ALL THIS HAS WAS TO HAPPEN AFTER THE LAWLERS CREEK DAM SITE WAS IDENTIFIED BUT THIS IS NOT MENTIONED IN THESE REPORTS

THE CONCERN FOR THE FUTURE ,DURING MANY YEARS OF DROUGHT, HEIGHTENED AMONGST THE COMMUNITY AFTER 2005 AND DIED AFTER THE NEXT SUBSTANTIAL RAINS. IT WAS A PROMINANT ISSUE IN THE MEDIA AT THE TIME AND FORMATION OF A NUMBER OF ACTION GROUPS INCLUDING ONE CALLED "DCS " -DAM CONCERNED CITIZENS". ITS MAIN ISSUE WAS TO REVITALISE THE SECURITY OF WATER TO THE SOUTH OF THE SHIRE AS WELL AS THE NORTH . INDEED THE LONG TERM INTEGRITY OF DEEP CREEK DAM ITSELF.WAS QUESTIONED AND IS STILL TO BE ANSWERED BY COUNCIL .THE "DSC "ADVOCATED AN OFF WATER STORAGE FROM THE TURROS AND PIPELINES ASSOCIATED WITH THE CONSTRUCTION OF LAWLERS CREEK DAM .

MADAM MAYOR MR SHARP WAS NOT IN CHARGE AT THAT TIME BUT HIS SUMMATION OF EVENTS SINCE THEN ,WHILST BEING COMMENDABLE ,RAISES MANY QUESTIONS BUT DOES NOT GIVE US THE REAL PICTURE

WHAT HAS REALLY HAPPENENED SINCE THE FIRST "SOD " WAS TURNED BY THE MAYOR OF THE DAY.? VERY LITTLE HAS BEEN ACHIEVED SINCE 2005 APART FROM THE SPENDING OF MILLIONS ON PROJECTS DOOMED TO FAIL . AFTER KEEPING DOZENS OF CONSULTANTS , PLANNERS, ENGINEERS IN JOBS AND RATEPAYERS BROKE WE ARE BACK TO 'SQUARE ONE " . THIS COUNCIL IS NOW ASKING THE NSW GOVERNMENT FOR A MINIMUM OF 50 MILLION DOLLARS . THE NSW GOVERNMENT WILL HAVE SHOWN THEY HAVE ROCKS IN THEIR HEADS IF THEY CONTINUE TO ALLOW AMOUNTS OF THIS NATURE TO BE GIVEN TO THIS COUNCIL WITH LITTLE RETURN TO THE COMMUNITY . IT LOOKS VERY MUCH AS THOUGH THIS COUNCIL IS INCAPABLE OF PLANNING FOR THE WATER SUPPLY OF ITS RESIDENTS . WE ARE LUCKY THAT WATER STILL RUNS DOWN HILL AND FALLS FROM THE SKY.

COUNCILS TRACT RECORD ,SINCE 2005 ,INDICATES, THAT THEY HAVE SHOWN THEY DO NOT HAVE THE CAPABILITIES OF PLANNING FOR THE FUTURE. THE RESPONSIBILITY FOR SOME WATER SUPPLIES SHOULD BE CONSIDERED BY PRIVATE INTERPRIZE . THE COMMUNITY COULD NOT BE WORSE OFF ANDTHE RETURNS TO GOVERNMENT WILL BE FAR GREATER THAN THE SALE OF HALF THE POLES AD WIRES . WE HAVE REACHED A CRITICAL STAGE IN THE PLANNING OF EUROBODALLA AND THE SOUTH COAST FOR TOMORROW. HIGHWAYS AND

BRIDGES ARE BEING PROPOSED IN AREAS THAT ARE FOLLOWING THE SAME TRACKS USED BY THE COB AND CO COACHES OF YESTERDAY . WE ARE NOW BEING PENALISED FOR BUILDING IN COASTAL AREAS COLONISED AROUND THESE STOP OVERS AND PORTS USED BY THE SAILING BOATS OF THE YESTERDAYS . WE ARE NOW CONCENTRATING ON PUMPING WATER FROM UNDERGROUND AREAS WHICH HAVE NOURISHED THIS EXTREMELY HARSH LAND FOR CENTURIES . OUR PLANNERS AND ENGINEERS SHOULD "GET WITH IT "AND HARNESS WHAT IS FALLING FROM THE SKIES RATHER THAN LETTING IT RUN INTO OUR CONSTANT RISING OCEANS .

PETER BERNARD 27TH MARCH 2018

COUNCIL ADDRESS
ITEMS CC18/012 AND CC18/011

INVESTMENTS AS AT 28 TH MARCH 2018 AND CC18/011

SOME OF THESE REPORT SEEM TO HAVE SOME CONTENTS REGURGITATED FROM PREVIOUS REPORTS AND THEY ARE DIFFICULT FOR A LAYMAN TO UNDERSTAND .

WOULD THE GENERAL MANAGER PLEASE EXPLAIN THE REAL MEANING OF THE FOLLOWING.

I " THE ARIC CONSIDERED THE FINDINGS AND AGREED THAT COUNCIL COULD INCLUDE BBB AS PART OF AN ACCEPTABLE RISK PROFILE, SHOULD IT BELIEVE IT TO BE CORPORATELY RESPONSIBLE "

Q. WHAT CRITERIA SHOULD THE ARIC FOLLOW TO DETERMINE WHETHER " SHOULD IT BELIEVE IT TO BE CORPORATELY RESPONSIBLE "

2. HOW DOES COUNCIL DETERMINE WHETHER " CLAIMED FOSSIL FREE INSTITUTION S "ARE FOSSIL FREE OR NOT AS CLAIMED ."

PETER BERNARD 28TH MARCH 2018