

THE NEW BUSH TELEGRAPH

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Ominous Cloud Over Sussex

Aldous Hucksley

THE recent decision by the NSW Department of Planning to allow development of a draft LEP (Local Environmental Plan) for a proposed new town of 5,000 people at One Tree Bay (Kangaroo Point), a few kilometres north-west of Sussex Inlet, raises serious questions which go to the heart of the integrity and effectiveness of the NSW planning system, as well as highlighting local government involvement with developers and potential conflict of interest issues. It indicates that urban development in NSW can be driven by speculative investment with minimal consideration of rigorous economic, social or environmental analyses and data. It gives short shrift to due process and proper planning principles, undermining the broader community good and ecologically sustainable development.

The proposed new town

The threat of a town of 5000 people at One Tree Bay (Kangaroo Point) raises serious questions about planning processes in New South Wales.

was first publicly floated in late 2005 by Miltonbrook Pty Ltd, with financial backing from Wollongong-based company IMB. It is notable that Shoalhaven City Council (SCC) had \$17.5 million in term deposit investments with IMB when the One Tree Bay proposal was being dealt with by SCC, raising potential conflict of interest issues. When One Tree Bay was proposed, SCC was developing a draft settlement strategy for the Sussex Inlet area. However, when the draft Sussex Inlet Settlement Strategy (SISS) was publicly exhibited in June 2006, it contained no consideration of the One Tree Bay proposal, despite the enormous infrastructure (e.g. sewerage, water supply, electricity etc), service provision, conservation and pollution implications

of the proposal. Development of One Tree Bay would effectively double population growth projections for Sussex Inlet, meaning that around 15,000 people would ultimately be living on the southern shore of St Georges Basin, with major pollution, servicing, visual amenity and sustainability implications, yet this was conveniently ignored in the 50 page draft SISS.

At the same time the draft SISS was on public display, the proponent exhibited a paltry 7 page project description, misleadingly labelled with the caption "Sussex Inlet Settlement Strategy", even though SCC's own media statements indicated that "One Tree Bay is not presently part of the Settlement Strategy". The document contained virtually no details specific to One Tree Bay

apart from a map, making it difficult to compile any sort of substantive response, and was essentially a pastiche of information from other Miltonbrook developments, including re-use of idealised generic illustrations from their project at Tullimbar, near Albion Park.

It is instructive to consider the fate of Miltonbrook's Tullimbar project, as this has been used as the key justification and supporting example for One Tree Bay. Tullimbar was marketed as walkable 5,000 person eco-village (?????), but only went ahead after the Land & Environment Court overturned Shellharbour Council's rejection of the proposal. To date, Stage 1 of Tullimbar consists of only 2 dozen houses (without solar heating/power, in the middle of a large former dairy paddock on the outskirts of Albion Park. The buildings are poorly oriented from a passive solar perspective, and feature mostly 2 and 3

car garages hidden away at the rear. The only services provided by Miltonbrook are a series of signs stating "This is the site for the library/community centre/health centre etc". Miltonbrook is now in the process of trying to sell off the remaining balance of the estate to anyone who will buy it. If this history is repeated at One Tree Bay, we could have 96 hectares of high quality conservation and pollution-preventing land adjoining the shores of St Georges Basin needlessly sacrificed for yet another speculative real estate white elephant.

This highlights the issue that there has been no independent study of housing demand in the Sussex Inlet area, with the most recent urban release near Sussex Inlet providing a further cautionary tale. The 196 lot Taylors Rise subdivision was developed by Multiplex in 2005, and to date only 20 lots have been

►3

Many Hands Make Light Work!

Kelly Upton

Sharing a bountiful harvest is the reward for a team of hard working gardeners at the Helping Hands Community Garden. Located in west Nowra at the Jim da Silva Farm, the garden project has been growing since 2006. A partnership between the Illawarra Institute of TAFE, St Vincent de Paul and a local mental health organization 'Helping Hands', the project delivers training in horticulture to students who put theory into practice by growing chemical free vegetables, herbs and fruit. "The best way to learn how to grow things is by getting your hands dirty" says student Kerry Hutton. Kerry is just one student who has completed a Certificate 1 Access course at the garden and is continuing his education with Certificate 2 in Horticulture this year. With a class of seventeen students enrolled for

2009 the garden is set to produce more great food and budding gardeners with a bent on sustainability. Students at the garden learn how to care for the soil, propagate plants from seed and cutting, save seeds, tend worm farms and make great compost. The garden has been designed on permaculture principles where seasonal and permanent food producing plants grow side by side. Organic matter plays a big role in conditioning the soil at this garden and a small green waste recycling system has been established to turn lawn clippings and green weeds into valuable compost. The latest addition to the garden is the 'Access Garden' designed for students with physical disabilities. The Access Garden is a series of raised garden beds surrounded by paths suitable for wheelchair use although as one student put it "gardening at waist height is so easy, anyone would love to do it!" Anyone who would like to contribute to the green waste centre or find out more about the project can contact the coordinator on 0419 123 539.

Left: Kerry Hutton & fellow enthusiastic gardeners



Editorial

When the local Member for Gilmore Joanna Gash decided to speak out on the recent Heritage Estate decision by the Commonwealth Environment Minister Garrett, she demonstrated that she sets a low value on the environment of the people she represents. According to Ms Gash, she would pursue a reversal of Mr Garrett's decision under a Coalition Government.

Ms Gash has said in the past that in the interests of the landowners there should be a speedy resolution of this case and now that Environment Minister Garrett has made his decision she wants to prolong the agony for the landowners even further.

The Commonwealth Environment Protection Bio-diversity and Conservation Act (EPBC) came into force in 2000 (under a Coalition Government) to provide protection of the environment in matters of national environmental significance.

It is extremely unlikely that a lawful decision made by the Minister under the Act would be able to be overturned if years down the track Ms Gash was still in office when her party won government again.

What Ms Gash could do instead of giving more false hope to the landowners, is to reflect on the importance that most of her constituents place on the natural environment.

Minister Garrett has put an end to the speculation and has shown that the Government has the will to follow up and make its legislation stick and for this he should be applauded.



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The views expressed in this publication are not necessarily those of the Editor.

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Letters

FOR WHOSE BENEFIT THE SHAOLIN TEMPLE?

In the Summer 2008 edition of *NBT* Dennis Argall argues "...this project is of immense potential importance to the economic future of the Shoalhaven and the business of engaging us better with multiculturalism and modern Australia."

While questioning such grand benefits for our economic and cultural future, the proposed Shaolin Temple will no doubt prove a popular tourist attraction. Clearly, it's the business of making money that is the main driving force behind this proposal.

I'm not sure how a religious order can engage us "...better with multiculturalism..." when it is tucked away in the bush, to be funded through that great Aussie tradition of a residential housing scheme, hotel plus golf course, and to promote a form of martial art to attract all of those others who aren't into golf courses!

I will agree that the Shaolin people have cleverly put their finger on the driving force of "...modern Australia..." and are thus way ahead of us in the cultural engagement process.

But what about the really crucial issues of planning and environmental impacts?

In the world of State Government planning this type of project cannot be challenged in court if it is given approval against the community's wishes. By sterilising community input, this poor piece of planning legislation denies our democratic right to insist on a thorough environmental impact process. The same planning provisions may help Cleary Bros avoid important environmental protection measures for a very similar tourist complex proposal at Gerroa. In contrast, a nearby Cleary Bros sand mining project was caught by the court process and a subsequent appeal last year by the Gerroa Environmental Protection Society revealed significant flaws in the approval conditions and led to a reassessment of the project resulting in major wins for the environment.

What about the environmental impacts of the temple project, particularly given the limitations on court action? For a start, it would constitute a major disruption of the Jervis Bay Habitat Corridor which was declared over most of the proposed development site and the adjacent Currambene State Forest in the mid-1990s.

What about the very great risks of downstream pollution of Currambene Creek and its associated wetlands? The threat to the pristine waters of Jervis Bay from development schemes within its catchment have rightly been strenuously opposed by

concerned citizens in the past. The Shaolin Temple is one of the more grand examples of such schemes, similar in scope to the failed naval relocation of the 1980s and failed armaments depot relocation of the 1990s. In its current form, the temple project imparts no more confidence than that of its predecessors.

What about bushfire risk? With the recent bushfire disaster in Victoria, one lesson to learn is that even extensive fire breaks cannot cope with the spotting distances generated in extreme fire weather conditions. Beside the risk to life and property caused by isolating small urban communities in high fire risk areas, consider the impact on the natural environment of the extreme protection measures needed to guarantee no risk from fire (not that such a guarantee could ever be delivered anyway!).

Strict environmental standards would need to be mandated and policed during construction and operation of this complex. With the security of knowing that community court challenge is out of the question, our 'development-at-any-cost' State Government can be even less attentive to environmental provisions than they were with the Cleary Bros sand mining approval. They wouldn't need to change their current practice of failing to police project implementation either.

You are right Dennis, there are "...many steps to be taken before approval". Let's hope these steps are rigorous in their attention to the needs of modern Australia now and for the long-term.

**Terry Barratt
Bomaderry**

EXPLANATION PLEASE!

The debacle around the sale of Comberton Grange to the Shaolin Temple has taken a disturbing turn with not only allegations that the Temple's representative in Australia has been a house guest of Clr. Watson but that he also has been a regular guest of senior staff members of Shoalhaven City Council (SCR 13.3.09).

Although contracts have been exchanged, issues around the sale are still not resolved yet the General Manager was quoted as confirming that Mr Pang had stayed with Council's Property Manager and other staff saying: "But I have no details as to how often or on what dates." He also did not know whether it was before the contract had been signed and exchanged or during the writing of the contract. He agreed that it was not standard practice and that he had some concerns but was prepared to tolerate it!

Shoalhaven residents and ratepayers have a right to know why it was OK for Council staff

to host in their homes the representative of the buyer of \$5 million dollars worth of Council property. The General Manager now needs to reveal exactly who Mr Pang stayed with and on what dates and explain why he thought that this was acceptable when to any reasonable person this would seem most irregular and concerning.

**Richard Bates
Tomerong**

MORE ON COMBERTON GRANGE

Following the bumper 2008/2009 Christmas holiday tourist season, Dennis Argall's enthusiasm for the proposed Shaolin development on Comberton Grange land reads very oddly. (*The New Bush Telegraph*; Summer 2008 Edition)

In his third paragraph, Dennis Argall dismisses public concerns about Shoalhaven City Council's general sneakiness and environmental, heritage and economic issues in respect of the Comberton Grange site as "separate issues, local issues separate from the merits of the Shaolin Temple's proposal".

To support his dismissal of well founded 'local' misgivings, Dennis Argall quotes Council's Charter under Section 8 of the Local Government Act which requires Council to function "in a manner that is consistent with and actively promotes the principles of multiculturalism".

He might, more pertinently, have quoted from the Charter where Council is required to "bear in mind it is the custodian and trustee of public assets and effectively account for and manage the assets for which it is responsible".

As "custodian and trustee", Council has not plausibly accounted for decisions made in respect of both the Comberton Grange Homestead and the Comberton Grange quarry.

The Homestead (circa 1843) was listed by the National Trust of NSW in 1981 under the Heritage Act of 1977. The Trust was aware of a fire in 1989 after which photographs show walls and chimneys of the Homestead still standing. These remained protected, under the Act, as being of "considerable heritage significance." The Trust were not aware, until informally advised in 2008, that, these protected remains had been demolished and the structure's fabric (bricks made on site by convict labour) sold and dispersed at a Shoalhaven Council Clearance Auction held in 2006.

In 1985 Council purchased the Comberton Grange land for \$1.5 million, in part, to secure the in situ hard rock quarry site. The 2003 Jervis Bay Settlement

Strategy describes the Comberton Grange quarry as "a regionally significant resource". In August 2004, when Council was considering the sale of Comberton Grange, it was resolved to "exclude (from sale) the land required for quarry operations and access". But, by October 2004, in an obscurely worded resolution in which the word 'quarry' does not appear, a "regionally significant resource" was thrown in as part of the Comberton Grange job lot?

Dennis Argall seems to believe that 'local' issues of probity are of less consequence than a commercial proposition in multicultural guise.

Patrick Pang, Director of the Shaolin Temple Foundation, suggests in the same issue of *The New Bush Telegraph* that Australia (via the Shoalhaven) has been exclusively chosen to introduce Shaolin culture to the world when he states "why he (the current Abbot) chose Australia as his first overseas choice is not a secret". In October, 2007, the U.K. *Independent* newspaper reported that "since it built its first center of Shaolin Culture in Berlin in 2002, the Shaolin Temple has established more than 10 centres and branches".

A difference between the Shaolin proposal for the Shoalhaven and other Shaolin centres may be illustrated by details contained in Shaolin's 2008 Part 3A Project Application, which successfully sought to have the proposed development designated a 'major project' by the NSW Minister for Planning. In the application Patrick Pang's expression of Shaolin culture and spiritual goals comes packaged as The Shaolin Tourist Residential Development incorporating: medium density housing; residential lots; future expansion of residential lots; assisted living for older residents and which seeks rezoning of the majority of the site to enable multi-unit dwellings, residential flat buildings and shops.

With all of the above plus temple, academy, golf course, clubhouse, 500 bed hotel, coach and visitor parking (and more), I believe Dennis Argall's fears that "Shaolin will be stuck out there in isolation in the bush" (*The New Bush Telegraph*) are groundless.

Dennis Argall is also among those who claim unquantified economic benefits to the Shoalhaven from the Shaolin proposal and who discount the natural values of Comberton Grange in any accounting.

I have been unable to obtain from Wollongong Council or from the Nan Tien Buddhist Temple in Berkeley, Wollongong, an assessment of the extent to which the area had gained an economic benefit from the Temple's presence in terms of direct employment or in other ways. I was advised that, as

a religious institution, the Nan Tien Temple and associated 100 room hotel/motel does not pay Council rates.

However, I understand the Nan Tien development was approved for and built on reclaimed industrial land. A considerably more modest enterprise than Shaolin, the Nan Tien Temple's value to Wollongong, if such an assessment were available, would not be compromised by the nature of the site prior to clearing and construction taking place. That cannot be presumed for development of Comberton Grange.

Tourism in the Shoalhaven has an established and increasing value. Concerns about the Shaolin development on the proposed scale on the proposed site are consistent with concerns expressed in a range of reports, studies and plans since, and prior to, the Discussion Paper titled "Our Heritage, Our Future" which was produced in 1992 by Shoalhaven City Council and the NSW Department of Planning as "a first step towards producing a management strategy for Jervis Bay". The Paper noted the fragile nature of the coastal environment and the need to recognize that "the economic potential of tourism in the area is closely linked to the preservation of the area's natural qualities".

The Comberton Grange site is listed on the Register of the National Estate and is confirmed as habitat corridor, the site of known and potential aboriginal heritage, as containing significant designated wetlands and with a major portion of the site recognized as land of Ecological Sensitivity and/or within a Sensitive Coastal Location.

Comberton Grange is entirely within the catchment of Currumbene Creek and has some 7 kilometres of frontage on the Creek, a declared Sanctuary Zone within the Jervis Bay Marine Park. Currumbene Creek is the major water course entering Jervis Bay and forms 72% of the Bay's total catchment. The Creek and associated wetlands are described as representing an "outstanding ecological and important economic resource in their own right" and as "equally importantly, contributing significantly to the unique environment of Jervis Bay itself".

It is known that the clarity and high water quality of Jervis Bay are the result of largely undeveloped catchments and that, as a consequence, the waters of the Bay are spared the sediments,

nutrients and other pollutants normally exported from developed or developing catchments. Social Impact Assessment.

Consistent with this understanding, the 1996 Jervis Bay Regional Environment Plan does not identify Comberton Grange as site for urban development.

Also consistent was advice given to Shoalhaven City Council in 2000 by Tourism NSW (specific to an Environmental Study/Planning Report for Comberton Grange) that "the attractiveness of the area to visitors depends on maintaining its 'naturalness' qualities if you take that away the area will lose its competitive advantage in the domestic and international holiday market".

Patrick Pang writes of 'transporting' the Shaolin culture to Australia. As aesthetic, cultural and economic assets, unique Jervis Bay natural values are not transportable, portable or able to be replicated somewhere else. They exist here or nowhere and once gone are lost forever.

Reservations about the Shaolin proposal have nothing to do with xenophobia, as Dennis Argall implies, and everything to do with concern for our heritage and our future.

**J.A. Gjedsted
Vincentia**

ONETREE BAY

The avalanche of human urban sprawl continues unabated with the proposal to develop another large slab of the St Georges Basin. As the population of Sydney continues to soar we are seeing increasing pressure to open up the South Coast. Instead of looking at ways to reduce this urban tornado through reductions in immigration, there is a massive drive to clear native bush land in order to make way for more housing.

The One Tree Bay proposal is very appropriately named. You only have to look at the Shell Cove and Shell Harbour urban expansions to be blown away by the Edward Scissorhands sameness of the homes and the lack of trees more than two metres high.

The push for urban development along the South Coast goes hand in hand with the push to turn the Princes Hwy into a four lane autobahn between Sydney and the Victorian boarder. Even Illawarra ABC radio, which claims to be impartial, continually advocates a

major upgrade to what is already a good road. Creating a Hume Hwy on the South Coast will lead to exponential expansion of both commercial and urban development in what have traditionally been small scale coastal communities.

Don't be fooled by the suggestion that the One Tree Bay proposal will be a sustainable development or benefit the Shoalhaven by opening up new National Parks. If the Government was fair dinkum about protecting the environment around the St Georges Basin they would dedicate the entire 1044 hectares as National Park without putting conditions on it.

Immigration levels under both the Howard and Rudd Governments have put enormous pressure on cities like Sydney and Melbourne. Urban sprawl in Sydney has contributed to shortfalls in water and energy; a lack of infrastructure including public transport; and the escalation of ghetto suburbs where social decay and crime are rife. The NSW Government needs a pressure relief valve. Not only do they need the Shoalhaven's drinking water, they need to open up more land to house those who cannot or will not live in the major cities.

Unless we get serious about limiting our population growth by dramatically reducing immigration and abolishing fecundity payments like the baby bonus, proposals like One Tree Bay will become more and more frequent. The NSW South Coast will cease to be a place of beauty and become a cesspit of overdevelopment. That isn't progress; that's wanton destruction of the bounty Mother Nature has bestowed on this beautiful part of the world.

**Adam Bonner
Meroo Meadow**

GREENS VILIFIED

The recent catastrophic Victorian bushfires have fuelled an outburst of anti Green venom from some journalists. Notable amongst these was SMH columnist Miranda Devine who, in an article dated 12th Feb, laid the blame for the fires and even the deaths that occurred on, what she referred to as "green ideals". She bases her accusations on her belief that the large fuel loads were the only reason for the fires and that environmentalists opposed hazard reductions as such.

Lets look at the facts.

In the mid 1990s I was a member of our local volunteer bushfire brigade and from this experience learnt more regarding hazard reduction than your average citizen.

I learnt that Fire Control Officers have wide ranging powers and can (and do) order hazard reduction burns around local villages and removal of vegetation in close proximity to dwellings.

I remember the local brigade's difficulty in finding the right time

to carry out a hazard reduction burn. There were very few windows of opportunity through one winter when conditions were safe enough to light such fires. The weather was either too dry, too windy or unpredictable. Winds that could turn a fire in a different and dangerous direction. Damp weather also was a big problem as fuel refused to burn.

Hazard reduction burns are notorious for getting out of control when wind conditions change, resulting in loss of property and life, as happened a few years ago on the outskirts of Sydney when 3 fire fighters were burnt to death while carrying out a hazard reduction burn.

Some would have us believe that all you need for such a burn is a box of matches.

Hazard reduction burns require a lot of planning and trained fire fighters ready to give up more of their time away from family.

Beside property consideration we must also consider our precious and unique wildlife.

Where possible the understorey should be reduced in a mosaic pattern, so that those animals living in the sections to be burnt can move to an unburnt area where they will find food and habitat.

Prescription burning is a well-known term amongst fire fighters and those charged with caring for biodiversity and is a science based analyses accepted by most.

GREENS Policy does not rule out hazard reduction burns as Miranda Devine implied but does call for prescription burning in areas of sensitive biodiversity.

To imply that no hazard reduction burns have taken place is misinformation as shown in Carmel Tebbut's (Minister for Environment and Climate Change) reply (SMH dated 13th Feb) to Miranda's article "In 2007-2008, the service in cooperation with other agencies, carried out 157 prescribed burns covering more than 48,000 hectares".

It would be impossible to burn off an entire state or country. Firefighting agencies would surely be sued for damages if property were lost in a deliberately lit fire.

GREEN policy does not rule out hazard reduction and in most cases this is left to Fire Control Authorities.

There are many factors that must be looked into with the Black Saturday fires and the facts will only be known after a full Coronial Enquiry.

Let us wait and see the findings of the enquiry and not revert to uninformed and divisive language. After all, we are all Australians and need to be united during this sad aftermath of such a catastrophic event.

**Norm Webb
St Georges Basin**

Ominous Cloud Over Sussex ◀1

sold, with the developer recently attempting to sell off the entire estate. Based on rates of take-up to date, it will take another 35 years for Taylors Rise to be fully sold, and it is probable that if the One Tree Bay proposal goes ahead it will further depress demand for lots at Taylors Rise, as well as for other existing houses in the Sussex Inlet area.

Finally, it must be pointed out that the NSW Government's own 25 year land use strategy for the area, the South Coast Regional Strategy (SCRS) launched in February 2007, unambiguously states that "No new towns or villages will be supported unless compelling reasons are presented and they can satisfy the Sustainability Criteria". The One Tree Bay proposal clearly constitutes a new town, and to date no compelling reasons or rigorous assessment against the sustainability criteria has been provided, in clear breach of the SCRS.

In spite of this, the One Tree Bay proposal was ultimately shoehorned into the final SISS by SCC without any further independent infrastructure, housing demand or environmental and conservation analyses being undertaken. The proponent has linked approval of the project to handover of surrounding lands to National Parks and SCC, with this aspect being emphasised ad nauseum. However, it seems that this land transfer is being used as a stalking horse for a speculative project which can't pass muster on its own merits.

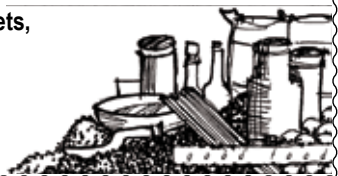
We have now reached the ominous stage where a completely new 5,000 person town involving destruction of large tracts of virgin bushland on the shores of St Georges Basin is under active consideration without even the most elementary independent infrastructure, housing demand conservation or environmental impact assessments having been prepared. The advent of the Global Financial Crisis and advancing impacts of climate change mean that we can no longer afford to fritter away our precious economic and environmental resources and capital on speculative urban developments which have no clear benefits for the broader community and which do not truly embody green growth and sustainability principles.

The *New Bush Telegraph* will undertake an in-depth analysis of the One Tree Bay proposal in its next edition. ■

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The Heritage Estates' Saga

Judy Gjedsted and Pat Thompson

WHEN people purchase land the principle of 'caveat emptor' is well known and understood by most people. Certainly one doesn't embark on a land purchase without checking carefully that you have some prospect of a dwelling entitlement.

The story of the Heritage Estates is a long one. It started with skulduggery on the part of a developer, and has led to a twenty year struggle. It involved land purchases made by more than a 1000 people, either in speculation or ignorance; followed by persistence on the part of some of the landholders supported by wily politicians to make good the error of their ways. It is also the story of concerned ratepayers and environmentalist, who have opposed the urbanisation of critical ecological lands and poor planning by Shoalhaven City Council that has come at an extraordinary public cost.

In January 1992, the *Sydney Morning Herald* published an expose of a "land shark", Michael Tzovaras, the principal of Heritage Real Estate Pty Ltd. Employing the same selling technique, as he had on the Shoalhaven Heritage Estates, Mr Tzovaras had bought land from discouraged earlier speculators on a Burley Griffin paper subdivision of approximately 3,500 lots at North Arm Cove in the Great Lakes Shire Council area. The report stated that Mr Tzovaras mark-ups sometimes exceeded 1,000%. These people have been given neither redress, nor any reason to expect it.

In the case of the Shoalhaven's Heritage Estates most landowners purchased between 1988 and 1990 at purchase prices ranging from \$8,500 to \$20,000.

At the time Shoalhaven City Council wrote to prospective purchasers as an attachment to a 149 Certificate and, in respect of Heritage Estates land, advising that "Council will not permit camping on the land and has no proposals to make services available within the Estate area".

From 1988 to 1995 large warning signs erected by Shoalhaven City Council advising of constraints on the Estate land were established on the Wool Road, Jervis Bay Road and Avenue St George.

In October 1990, as a result of investigations by the Department of Consumer Affairs, the Supreme Court made interim orders requiring Heritage Real Estate Pty Ltd to provide prospective purchasers with a warning notice stating that purchasers should seek independent legal advice as to the contents of the contract for the purchase of non-urban land. The Court also directed Heritage Real Estate to provide a five day

cooling off period "where he or she has not had the benefit of independent advice".

The Shoalhaven Landowners Association

If a gamble is: "Any matter or thing involving risk or uncertainty," the Shoalhaven Landowners Association, from its inception, set about removing any risk or uncertainty attaching to the prospect of rezoning of the Heritage Estates. From 1990 on, the SLA insisted its members had purchased an absolute and immediate right to have the Heritage Estates rezoned and pursued that assumption vigorously in a well documented, aggressive, highly organised and well funded campaign.

In 1990, immediately following its inception, and in 1991, the SLA sought "direct representation as a significant land user group" on the Jervis Bay Region - Environment and Planning Committee which had been established by the then Minister for Planning and Local Government, David Hay, to "address development and conservation pressures on Jervis Bay."

In one of a number of submissions seeking inclusion on the Jervis Bay Environment and Planning Committee the SLA President, Mrs Esposito, advised the Minister: "The single most provocative issue facing us is the apparent determination of planners involved in this exercise to drastically restrict the number of allotments which may gain development approval; that such a recommendation if accepted by the Government will effectively destroy our Association because we cannot maintain unanimity in the face of this threat".

In June 1991, the SLA advised the Hon. Nick Greiner, NSW Premier of the day, that:

"Should we not be invited to take part in these deliberations (of the Jervis Bay Region - Environment and Planning Committee) then the State Government will face the task of having to pay us full compensation for our \$20 million investment at a later date".

The SLA were giving the NSW Premier notice of a claim for compensation if they were not collectively given a dwelling entitlement on land which they had knowingly purchased as being without a dwelling entitlement?

Shoalhaven City Council

In 1990, Alderman Greg Watson (previous and future Mayor) addressed a Sydney meeting of 700 landowners and advised that he "believed that where appropriate some of the subdivision could be released".

In July, 1991, a consultant then employed by the SLA, Michael Ross of Ross and Laba Migrant Services, advised the then Member for the South Coast, John Hatton MLA, that



"some 300-600 landowners had registered to vote in the local government elections, and all located in Greg Watson's Ward, it is only reasonable that they should vote for him as he has consistently shown an interest in their representations".

In 1992 Shoalhaven City Council resolved to "investigate rezoning of the subdivision to enable residential development".

Also, in March, 1992, in response to his enquiry concerning the old subdivisions in the Jervis Bay district, John Hatton MLA was advised by Shoalhaven City Council: "The market for these old subdivisions is based on hope and expectation. The land is purchased more cheaply because of the restrictions imposed by zoning. The purchaser speculates that the relevant authorities will change the rules and thus remove the

restrictions. The hope or expectation can be influenced by the action or inaction of the relevant public authorities. Where there is a degree of uncertainty or indecisiveness on the part of the authorities, the expectation remains". (the letter's underlining has been maintained.) The letter also advised that Council's draft LEP for Vincentia "did not propose any change to the zoning of the various estates".

The *South Coast Register* newspaper of 21/4/95 reported on a Council meeting debate regarding the Draft Local Environmental Plan for the Heritage Estate, Jervis Bay (the Hassell Report). The newspaper article reports Councillor Watson as saying, among other reported criticisms: "This Report is exaggerated to the extreme point. I have never seen such a biased document from a

consultant who should never work for the City Council any more". The newspaper reported "members of the Landowners Association, in the audience, loudly clapped Councillor Watson when he made this and other statements".

The Hassell Report

The Heritage Estates Local Environmental Study by Hassell Planning Consultants was commissioned by Shoalhaven Council in July, 1993. Eight representatives of the SLA are noted as having contributed to workshops held throughout the Study. The Hassell Study Summary concludes: "that development of the Heritage Estates in the form as described on the established plan of subdivision should not be permitted".

Heritage Estates Saga ◀4

And that, in relation to Heritage Estates property owners: "There appears to be little willingness and substantial difficulty in achieving any degree of common intent other than to proceed with development in the manner outlined in the established plan of subdivision". (ref. 8)

That the majority of landowners had access to the content and findings of the Hassell Report is demonstrated by their disciplined response to the Study. Over 1,000 individuals responded to the Hassell Report with the overwhelming majority rejecting absolutely its contents and conclusions. The SLA also engaged consultants, Allen Price and Associates, to prepare a formal submission of objection to the Hassell Study.

Other studies and reports were commissioned. These were:

- 1995 - the Strategic Flora and Fauna Study;
- 1998 - the Patterson Britton Report;
- 1998 - the Report by a Government / Landowner Task Force; and
- 1999 - the Commission of Inquiry.

Some were funded by Shoalhaven City Council on the basis that, "Council was aware of the expectations which may arise from commencing such a study, expectations which would be greatly increased if the landowners themselves were to contribute to the costs".

The Task Force

The Task Force comprised State Government and Council representatives, the President of the SLA, Mrs Esposito, and consultant to the SLA, Peter Price of Allen Price and Associates. A "no development" option was excluded from consideration by the Task Force. The Task Force had before it seven options (also identified as scenarios) for development as identified in the Patterson Britton Report on "Total Water Cycle Management, Land Capability and Infrastructure Study" with regard to the Heritage Estate land. The Patterson Britton options offered significant compromises on environmental values.

The result of the Task Force considerations was expressed at a meeting held by Shoalhaven City Council in June, 1998 at which only landowners were allowed to be present. The meeting resolved, unanimously, to reject the Patterson Britton options (scenarios) 1 to 7, if:

"No compensation is payable (in consideration of land required for habitat and other ecological considerations) that Scenario 8 be accepted as the proposal for rezoning". As a ring-in to Task Force deliberations, Scenario 8 would allow maximum development of the 1915 subdivision, with the exception of some drainage provisions including water pollution control ponds, permitting 1,060 lots.

The June meeting also resolved: "That the all up costs to include the road works, drainage, services, consultants fees etc. not exceed \$30,000 per residential lot".

In November, 1998 Shoalhaven City Council resolved to discard the seven options identified in the Patterson Britton Report and ally itself to the landowners introduced Option 8 which allowed development of 1,060 lots.

By the time of the Heritage Estates Commission of Inquiry in 1999 the SLA had adopted an Option 9 proposal to allow development of 1, 140 lots.

The Commission of Inquiry

Established by the Minister for Environment and Planning, Hon. Andrew Refshauge, the Commission found that should Council wish to proceed with the Heritage Estate subdivision then it needed to be included in a draft Jervis Bay Settlement Strategy and that a Local Environment Plan could not be prepared until after such time.

The Commission also made it clear that the landowners would need to pay the full cost of providing infrastructure and developing their land.

More importantly the Commission of Inquiry indicated that the fundamental attributes of the land are its "wildlife habitat/corridor values and its existing water quality, particularly runoff water quality, both of which must be protected".

Doggedly determined that the landowners be given fresh hopes, Shoalhaven Council then included the Estates in the Jervis Bay Settlement Strategy.(2003)

On the basis of the Commission of Inquiry's findings Council continued and undertook further studies including the detailed Biodiversity & Threatened Species study by Bushfire and Environmental Studies (BES) which unambiguously stated that the rezoning should not occur

Ignoring sustained advice

that the proposal would not be environmentally achievable Council relentlessly pressed on - all at ratepayers' expense.

As a result of the likely impact on Commonwealth Lands the project had been referred to the Commonwealth Department of Environment which under the EPBC Act (1999) provides for the protection of Commonwealth land, which includes action taken outside Commonwealth land that is likely to have a significant impact on the environment of Commonwealth lands.

The Commonwealth Environment Department then decided that the proposed rezoning constituted a controlled action for the purposes of the EPBC Act, with relevant controlling provisions including threatened species and ecological communities (ss 18 and 18A) and Commonwealth Land (ss 26 and 27A). These are both recognized as being matters of national environmental significance (NES) protected under the EPBC Act.

In 2007-08 Council in preparation for possible rezoning Shoalhaven City Council commissioned Judith Stubbs and Associates to undertake a Social Impact Assessment The Stubbs Report) on the affects on landowners.

Public Environment Report

When Shoalhaven city Council released its draft Public Environment Report, a requirement under the EPBC Act, there were wide ranging complaints that the Report breached EPBC procedures by not making available all relevant documentation and studies.

The inclusion of a narrow and unrepresentative social impact study (The Stubbs Report) was superfluous to PER requirements, and unnecessarily diverted resources and analysis from matters of direct relevance to EPBC considerations, including detailed existing studies relating to biodiversity, bushfire, geotechnical, hydrological and water quality/runoff issues germane to the assessment requirements for Public Environment Reports under the EPBC Act.

In its submission the Coast and Wetlands Society noted 'that this pattern of non-disclosure of relevant information has plagued this project, with SCC failing to make available all relevant material during the project's referral consultation phase in June 2007'. It further stated: The data and information withheld by Shoalhaven City Council had direct bearing on issues of National Environmental Significance listed in the EPBC Act, as well as direct relevance to the bilateral assessment under NSW legislation sought by the proponent.

This then is a potted history of the major and relevant events which paved the way for the historic and far reaching decision recently made by Commonwealth Environment Minister, Peter Garrett. ■

Thank you, Peter Garrett

Pat Thompson

Commonwealth Environment Minister, Peter Garrett was on sound environmental ground when he announced his decision to stop the Shoalhaven Council's attempts to rezone the Heritage Estates. It concerned matters of National Environmental Significance, and threatened to undermine key Ecologically Sustainable Development (ESD) considerations of Intergenerational Equity and the Precautionary principle embodied in the EPBC Act.

Shoalhaven City Councillors should have better understood the ecological importance of Heritage Estates. It is highly significant that in February 2007 Council's own report, the Biodiversity and Threatened Species report unequivocally stated that, "The Heritage Estates should not be rezoned for residential purposes due to the high conservation value of the area." The subsequent January 2008 Biodiversity Impact Assessment prepared by Ecological Australia supported these conclusions, indicating that the proposed rezoning would have significant impacts on nationally listed threatened species and Commonwealth Land, while Professor David Lindenmayer stated that the Heritage Estates development proposal is "clearly unacceptable given its impacts on the natural environment generally, on biodiversity (including threatened and endangered species) and on the integrity of Booderee National Park," which is Commonwealth Land.

The Heritage Estates is an area of immense biodiversity value, which provides connectivity for the nearby Commonwealth Booderee National park and the NSW Jervis Bay National Park, as well as providing habitat for nationally listed threatened flora and fauna species. The area also hosts at least 15 species listed under the NSW Threatened Species Conservation Act (1995).

On the basis of biodiversity and threatened species values alone (without considering the critical water quality, runoff and acid sulfate soil issues) the Heritage Estates should never had been considered for urban use.

Booderee National Park also provided input to the 2007 Threatened Biodiversity and Assessment Study and raised many issues in regard to the proposed urban development of Heritage Estates, including:

- i) Booderee is vulnerable to isolation as it only has a narrow area of connectivity to other natural areas in NSW;
- ii) The Booderee Park Management Plan identifies the narrow neck of Bherwerre Peninsula as already fragmented;
- iii) Heritage Estates is strategically

important to Booderee and its habitat connectivity and contiguity;

iv) Booderee Park has expressed concerns regarding the adequacy and effectiveness of the Jervis Bay Regional Environmental Plan (JBREP) habitat corridors;

v) Inadequate habitat corridors are likely to have contributed to local extinctions in the Park;

vi) Proposed development of Heritage Estates and other developments will significantly increase disturbances at habitat corridor choke points;

vii) Booderee National Park identifies housing development in Heritage Estates as a direct threat to biodiversity in Jervis Bay Territory.

Thus Minister Garrett in his historic March 2009 decision concurred with his Commonwealth Environment Department's rationale that the proposed rezoning constituted a controlled action for the purposes of the EPBC Act, with relevant controlling provisions including threatened species and ecological communities (ss 18 and 18A) and Commonwealth Land (ss 26 and 27A). These are both recognized as being matters of national environmental significance (NES) protected under the EPBC Act. It is a pity that Shoalhaven City Council had not drawn the same conclusion long ago.

The inclusion of a narrow and unrepresentative social impact study (Attachment 3 of the draft PER) is superfluous to PER requirements outlined in Attachment 2, and unnecessarily diverts resources and analysis from matters of direct relevance to EPBC considerations, including detailed existing studies relating to biodiversity, bushfire, geotechnical, hydrological and water quality/runoff issues germane to the assessment requirements for Public Environment Reports under the EPBC Act.

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A little blue ray of hope?

Norm Webb

Recently my son and his partner purchased a small tenement house in the inner Sydney suburb of Enmore. The backyard is tiny, as are all the yards in their narrow side street, close to busy Enmore Rd.

On a recent visit, while sitting in their small courtyard, we heard the trill of a Superb blue wren.

Looking over the fence we saw three wrens hopping happily in and around a medium sized shrub in the neighbours garden.

We found it hard to believe these fragile little birds could survive in such a degraded habitat. Looking in our street directory it was apparent there are no wildlife corridors in close proximity to the house and although Enmore Park is a few blocks distant, the park consists mainly of lawns and medium sized trees with only a few small shrubs.

Not normal habitat for Superb blue fairy wrens.

It is heart warming to see these little battlers surviving in this built up environment and we will encourage our son to erect a shallow bird bath in a corner of his small garden.



ENVIROSCENE

Melamine in baby food

Bernie Clarke, Sussex Inlet

There has been a further development in the melamine food scandal reported in the last issue of the Bush Telegraph. A Chinese court hearing into the deaths of six babies and the illnesses of 300,000 others, sentenced two to death and one a suspended death sentence and three others received jail terms ranking from five years to life.

The general manager of the company Sanlu Group Company that produced infant formula tainted with the toxic chemical melamine received a life sentence. Sanlu is part owned by New Zealand dairy giant Fonterra. Melamine, a chemical used to make plastics was mixed into watered down milk to give the appearance of higher protein milk levels. A total of 22 firms were found to have sold tainted milk and the scandal led to contaminated Chinese dairy products being pulled off shelves around the world.

Meeting etiquette for Shoalhaven City Council

AT the inaugural meeting of the new Shoalhaven City Council on 30 September 2008, Greens Councillor Amanda Findley addressed her first motion on the floor of Council on the Code of Meeting Practice.

The Code of Meeting Practice sets out the guidelines to Councillors as to what is expected as a standard at meetings.

At this meeting Clr. Findley attempted to bring forward the following 18 points to be included in the code.

1. Be at the meeting in good faith and with the goal of what is the best interests of the people of Shoalhaven;
2. Come with good intentions;
3. Have the intention of reaching consensus and a commitment to consensus decision-making;
4. Follow procedures laid down in the past which are known to be positive and successful;
5. Extend goodwill to all participants;
6. Try not to bring previous differences, difficulties and problems to the meeting;
7. Don't interrupt - indicate to the facilitator/chair that you want to speak, and speak only when called;
8. Express yourself clearly so others can understand your point of view;
9. Be honest;
10. Listen without preconceptions and be open to new ideas;
11. Respect others' points of view;
12. Encourage quieter people to speak;
13. Avoid negative body language;
14. Avoid sexist language;
15. Address the issue not the person;
16. Avoid all aggressive verbal or non-verbal interaction;
17. Avoid side-conversations and interjections;
18. Leave the room if you don't want to listen.

BPA IN BABY BOTTLES

Several baby bottle manufacturers have agreed to stop using the chemical Bisphenola in their products. Known as BPA it is a chemical used primarily in the production of plastics. Studies have linked it to a range of health problems such as increased rates of heart disease, diabetes and obesity, as well as neural & behavioural effects. BPA has been banned in the United States. Food Standards Australia has been monitoring the concerns about BPA in baby products available in Australia. Products containing BPA have not been banned in Australia. It seems Australia is languishing yet again over chemicals, toxic to human health, that have been banned in other countries after exhaustive testing. Some Australian manufacturers concerned over health implications have introduced BPA free baby bottles. There may be concerns over activating BPA in the plastic through sterilization and warming the bottle's milk in the microwave and allergies babies may have.

Food Standards of Australia might take a lead from the USA and manufacturers who are little qualified in

When asked why she felt the need to introduce such obvious standards, Clr. Findley said:

"I have come along and watched many meetings at Council during the years 2004-2008 and have witnessed a slide in just common decency towards fellow councillors. I thought that if I could get these simple instructions enshrined in the code of meeting practice, if as Council we slipped into these old ways, we have a document we could refer back to and call upon to improve behaviour."

These points were taken by Council's minute taker and the entire code was sent back for further deliberation.

February 24 saw these simple standards brought to the floor of council for open and final debate. Only 4 other councillors supported Councillor Findley's attempts at having the items adopted.

When asked what her experiences had been to date and why she still wanted to have these words committed to the code, Clr. Findley said:

"During my time here, I have had to ask people to be quiet or leave a meeting, put up with being passed over when it is my turn to speak and have witnessed Councillors speaking out of turn when not acknowledged by the chair. Some have commented that these simple so called 'motherhood statements' have no place in the code and others believe that being 'nasty' or 'tenacious' is good meeting conduct as you must 'offend some people to rile them into the debate'. These comments in themselves show a complete lack of understanding of civil meeting practice. It's a shame that there seems to be some fear in putting these simple directions in the code of meeting practice."

So what do you think? - send in your response to the *New Bush Telegraph*. ■

assessing the products risk to human health.

TOXIC FLOWERS

There is growing concern over the importation of cut flowers into Australia from developing countries such as Kenya, India, Thailand and Zimbabwe. The flowers produced can carry up to 50 times the amount of pesticides allowed on foods, causing high rates of cancer, birth defects and diseases among greenhouse workers, who work long hours in sealed glasshouses contaminated with potentially fatal doses of pesticides such as DDT, as they harvest the most chemically intensive crops on the planet. One third of imported cut flowers come from Singapore. Several million roses are delivered across Australia, most leading up to Mothers Day and Valentines Day. The imported cut flower trade is worth more than 22 million dollars. There is no Australian import ban against cut flowers because they are not classified as food, so country of origin labelling laws do not apply. Be warned about sniffing roses on Mothers Day unless you are privy to the place of origin. ■

Peter Sculthorpe in Kangaroo Valley



Peter Sculthorpe is Australia's greatest living composer. He has enthralled audiences around the world with his beautiful music that seems to say so much about Australia. The colours in his music seem to be the colours of our country. Sometimes it seems like you can even smell the land in his harmonies. He has influenced a whole generation of composers including Ross Edwards, Anne Boyd and Barry Conyngham through to Matthew Hindson.

In this special birthday concert, on Sunday 3rd May, you will hear Sculthorpe's own favourite string quartet, No 11, performed by the Goldner String Quartet, followed by 14 special tributes written especially for this event by a selection of Sculthorpe's colleagues,

students and ex-students. Each has written a one-minute miniature for string quartet inspired by the 11th quartet.

The concert will conclude with one of the greatest chamber works ever written: Schubert's monumental String Quintet in C, in which the Goldner String Quartet will be joined by cellist David Pereira. A superb way to end Arts in the Valley 2009!

To be part of this 80th birthday celebration concert with Peter Sculthorpe, telephone 44652575 for tickets or go to www.art-sinthevalley.net.au to download a booking form.

Above: Composer Peter Sculthorpe (right) and cellist David Pereira.

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Going Loco (10 reasons to go local)

Gerard Proust

IN the time of hope and the end of the age of diminishment comes a growing under-swell of roaring local solutions. There has been much written and talked about 'going local' (re-localising) in our food production of late. There are many 'local movements' such as permaculture, seed savers, futurecare and the 100 mile diet, to name but a few that have the same ethical premise: Grow it where you live and you will re-discover the intrinsic joys of life. A bold statement you might say but let us consider the vast array of benefits that this simple premise holds:

1. Environment: Less fuel is used in getting your food. There is less use of chemicals on small local farms and gardens. Less

pressure is on to clear more land to prop-up the subsidised unsustainable western farming culture.

2. Health: You eat more vegetables and less processed foods. 300,000 Americans are hospitalised each year from the food they eat. Over 60% of Australians are overweight from the western fast food diet.

3. Social: You get to meet the people that are growing and producing the food, whether at the farm gate or the local market. Have a good look at the vibrancy at a local market compared to the supermarket.

4. Taste: The food has been picked in the last 24hrs and when it is ripe not months ago. The produce has been grown or cooked for the flavor not for its long distance transport needs. You will discover new flavours



and even opportunities.

5. Food Diversity: Small farms, community gardens and backyard gardens do not grow or raise monocultures. They strive to retain their local food diversity. Only 4% of American farms keep chooks any more. We have over 50 types of fruiting trees in our backyard. How many different types of fruits and how far have they come do you find in the supermarkets.

6. Children: A good diet has

many benefits for our children. Studies have shown that school gardens and good eating programs not only improves the health of our kids but reduces anti-social behavior, increases physical activity and improves their learning.

7. Economic: Money spent at local food businesses stays in the local area. Regions that have a strong local economy withstand the massive failures of the current western consumer market.

8. Seasonality: You will be more attuned to the seasons knowing what is in fruit and when you can enjoy it. In many ways our society is moving away from its connections to nature and all its cycles. Preserving and sharing your bumper harvest is indeed a joyful act.

9. Peace of Mind: You know

what you are eating has not been genetically altered.

10. Carnival: When you start eat the local foods and meet your neighbours a community grows and lunches become feasts and gatherings become carnivals

So I say to one and all go travelling the back-roads of your local area and see what you can discover. Create some new tastier memories. Look at your own living space and see what you want to grow. This will lead to delightful challenges such as what to do with the 800 bananas we have in the backyard, find enough bottles to preserve your year's supply of tomatoes and chillies, etc, sort through the dozen different types of beans to keep the seed for next year and watch friends and family live and grow in a local fun nurturing environment. ■

Home Compost Program

Shoalhaven City Council would like to invite the community to take part in a comprehensive new approach to household waste management... simply by composting.

Council is looking for 5,000 Shoalhaven residents who:

- ✓ Are interested in composting or
- ✓ Have never composted but are keen to try or
- ✓ Are already composting but would like to learn more, and
- ✓ Who are willing to attend a 1½ hour compost information session, and
- ✓ Participate in a survey about your home compost program experience within 12 months of joining the program.



What's in it for me?

As part of the Home Compost Program, Council will provide your household with:

- ✓ one kitchen bench-top tidy bin for easy collection of kitchen scraps.
- ✓ one compost bin to dispose of your household kitchen scraps and garden waste.
- ✓ compost training (1½ hour session) for up to 2 members of your household on learning how to compost.

Kitchen tidy and compost bins will be distributed at the end of each of the training sessions. You will be responsible for collecting and taking your bins home at the end of the training session—this will require a vehicle. The bins are yours to keep!

NB: only one set of resources can be allocated per household

Where will training be held?

The training will be held at various venues across the City. The bulk of the training will be carried out in the larger towns of Nowra/Bomaderry, Ulladulla and the Bay & Basin area but there may be training held in some of the smaller towns & villages also.



Who can join?

Anyone who lives in, or owns a residence in the Shoalhaven local government area. Children, or those under the age of 18, are encouraged to participate with an adult from their household.

How do I join?

1. You will need to register. Registration can only be done online. Go to the Shoalhaven City Council website: www.shoalhaven.nsw.gov.au and click on the Home Compost link and follow the prompts.

Please note: If you do not have access to a computer, drop into your local library or either of the Council offices in Nowra or Ulladulla, where you can get assistance to fill out the on-line registration form. It only takes a few minutes!

2. When you register, you will nominate a preferred time for attending a one & half (1½) hour compost training session. Training sessions run until the end of June 2009.

3. Once Council has received your registration, you will be contacted by the trainers to book your training session.

4. You will then need to attend a compost training session and collect your resources (compost bins etc) (NB: Bins MUST be collected at the completion of the training session and transporting your bins home will require a vehicle)

5. You may also be asked to participate in a survey within the next 12 months, about your home composting experience

6. Then you go home and start composting!

By joining the home composting program, you are committing to undertake a sustainable activity that is both fun, educational and will have a positive impact on your local environment ie: you will be reducing the amount of waste being buried at the landfill in the Shoalhaven.

So...are you in?

OPINION

Council, same as it ever was

Richard Bates
Shoalhaven Greens

OUR new Council - is this a case of the more things change the more they stay the same?

Last September the old guard was swept out of Shoalhaven City Council to be replaced by a new and younger majority clearly mandated by a community wanting more engagement and respect from their councillors.

The fact that it was a swing to the Christian Right rang warning bells for some but at the very least we expected more respect for the community, for the environment and for Council's own policies and processes as well as State Government regulations.

In their maiden speeches all new councillors stressed the importance of community and environment, claiming to understand the importance of our natural heritage and the need to protect it.

It was therefore disappointing to see Council quickly revert to its old tricks and through the intervention of Clrs Ward & Watson (representing the old firm) try to fast track an extension of Shoalhaven Heads Golf Course despite both Council's staff and the Department of Environment and Climate Change (DECC) insisting that the proposal was unacceptable to the environment in its present form.

Previous councils in the Shoalhaven have a damnable record in this regard.

In the life of the last one of which I was a member a subdivision at Narrawallee was approved by the majority of councillors who took it out of the hands of staff despite both staff and the then Department of Environment and Conservation (DEC) recommending that a Species Impact Statement (SIS) be prepared to address the issue of the threatened Powerful Owls which would lose their habitat if the subdivision went ahead as proposed.

Despite none but Greens councillor Rebecca Rudd having the qualifications and experience necessary to make such a decision, the majority decided that the SIS was not required and approved the development against staff and departmental recommendations.

The fact that it is an offence to destroy threatened species habitat without government approval was a risk that Council was prepared to take, knowing that DEC did not have the resources to pursue every case brought before them, and they got away with it.

In my opinion both Council and the Department failed in their duty of care, the habitat was lost and nothing happened to bring Council or the developer to account.

Now we have a similar situation at Shoalhaven Heads arising

but this time we have a Council elected on the back of the defeat of the old pro-developers-and-their-money Council, a Council that is under a departmental microscope and which will be held to account big time if illegal environmental destruction happens on their watch.

Both Council staff and DECC have advised that if the proposal is not significantly redesigned then a Species Impact Statement will be required to address the loss of habitat for an Ecologically Endangered Community (EEC) that lives on the site.

The Bangalay Sand Forest here is an extension of the EEC of which Seven Mile Beach National Park consists of and that was the subject of a protracted recent battle between Cleary Bros. and the environmental movement in the case of the extension of the sand quarry at Gerroa - a case that resulted in serious concessions to environmental integrity having to be made by the developer.

Ecologically Endangered Communities are not declared on a whim - they are important legal classifications put in place to protect vegetation types and their communities of which precious little are left.

For councillors to pull this application in (thereby taking approval out of the hands of qualified staff), seemingly on behalf of the developer not wanting to go to the expense of either redesigning the proposal or commissioning an SIS in order to protect threatened species, is an absolute disgrace.

All development proposals should be assessed and approved or not by Council's highly qualified and trained staff.

The elected Council has no idea of what they are doing when they take over the approval process.

They are not educated or trained in golf course design or environmental management and they should leave these matters to those who are.

In this case the professionals have made the call that a significant impact on the EEC is likely from the development and that it is unacceptable to approve it the way it stands.

Why then would councillors wish to call this one in if not to override staff advice and approve it despite the environmental concerns, just like at Narrawallee?

They're not going to get away with it this time but I find it most disappointing that the new Council appears to have learnt nothing from the mistakes of the past.

Only Clrs. Findley, Young & Fergusson had the principles to vote against the intervention.

The sad thing is that not only do none of the new councillors have the knowledge or expertise to determine this application (against staff advice don't forget) but none of them appear to

understand that this is precisely the sort of behaviour that the old Council was kicked out for.

As part of their Promoting Better Practice Program, the Department of Local Government conducted a thorough review of Shoalhaven City Council last year and among its recommendations were those telling councillors to keep out of decision-making where staff have delegated authority and to stop interfering with processes where policies and legislation are perfectly adequate to allow staff to make those decisions.

The whole document makes for very interesting reading and is on Council's website - have a look - a lot of it addresses what we Greens were complaining about all along.

Undermining staff through reactionary politics and micro-management, not adhering to and constantly challenging policy on behalf of developers, refusing to accept staff recommendations without explanation and political interference generally were all cited as having to stop - and yet we see very early on in the life of this Council that nothing has changed, all of the above being represented by the current action by councillors with regard to the Shoalhaven Heads Golf Club.

They do themselves, the golf club and the environment no favours but just make us distrust our elected representatives all over again.

Whether the golf club or certain councillors like it or

not the applicant will have to prepare an SIS; Council staff say so, DECC says so and the Minister for Lands says so, but it is only due to intensive lobbying by the Green community and searching legal questions from our councillor, Amanda Findley, that the matter has been kept out of councillors' hands for approval without one.

Council can be assured that if they do not adhere to the legislation this time there are those in the community who will take Council to court over this.

It shouldn't be up to us to have to constantly hold Council to account - although we will.

We expect our elected reps to protect our precious environment - just like they said they would! ■

Council grants fee deferral to golf club

CLR Amanda Findley has slammed the decision of Shoalhaven City Council to defer the application fees for the Mollymook Golf Club's \$77 million extension proposal.

The fees that could be charged to the club are \$48,000 of which the club have paid half and seek to have refunded to them \$12,000. The club's proposal is large and complex and stands to give the club a substantial commercial interest beyond a mere community organization.

It is also Clr Findley's opinion, that should the masterplan be approved, it will substantially increase the value of the club's land.

Council will have invested many hours of staff time for a quarter of the due fee to improve the bottom line for the club's asset values.

There is no binding contract that Mollymook Golf Club need to proceed with a development should it receive approval, this land could then be on-sold with a masterplan to any investor.

The club in recent weeks (The Times) said that it did not have the finances to continue with any redevelopment of its land.

So this proposal seems to be a long way off in the future should it be approved.

Some councillors argued that the deferral will help facilitate

the development.

"Why should Council defer revenue now to facilitate the application?" Clr. Findley asked.

"These funds could be put towards community infrastructure now, that doesn't get any cheaper the longer we put off work, and in my opinion this smells very similar to corporate welfare.

The community should be outraged that we should defer such fees to the detriment of an already tight budget period.

We don't do this for the average home builder so why should we give concessions to what will be a 'big business'." ■

Bike riding is lots of fun. Shoalhaven BUG on Bherwerre Beach during a recent ride. There are regular rides on Sundays, Mondays, Thursdays and Saturday mornings. Some are easy and others more challenging. All welcome and enjoy a healthy and friendly social outing. Telephone Judi for more information 4421 5214

