

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

Ordinary Meeting of Council on 25 February 2025

Please refer to the minutes of the [Council Meeting](#) for outcomes of the agenda items.

Name	Subject/Comments	Presentation Provided
Warren Buchan	PSR25/003 – Planning Proposal 23 – Amendment of Zone Boundary to Permit Brou Waste Management Facility	Attached
Owen Cartledge	FCS25/005 – Quarterly Budget Review	Not provided
Anthony Fielding	FCS25/016 Proposed Road Closure and Sale – part Denise Drive, Lilli Pilli	Attached
Andrew Gillespie	FCS25/016 Proposed Road Closure and Sale – part Denise Drive, Lilli Pilli	Not provided

To Eurobodalla Shire Council

My name is Warren Buchan and we own the Ru1 primary production property Lot 14 directly north of the proposed expanded Brou WMF

I have a few questions for council and thank you in advance for your time and consideration.

1/ In regards to my access off Brou Lake Rd to my cattle yards situated on the boundary of my property in the s/west corner. Once Council expands will these cattle yards still be accessible from Brou lake rd .? also access to that area when the valley was in flood. The cattle yards have been in use for over the past 40 yrs.

2/In regards to my access rd in the South east corner CPT 3010/8 and CPT3010/6 will this road still be accessible from Brou Lake rd.?

When my D/A was approved in 2018 part of the approval process was that these 2 roads were to be flood and fire escape routes ? Once this was established as a fire escape route my DA was approved.!

3/ Since 2020 the proposed expansion of Brou WMF now falls within the Coastal Environment Zone. Which comes with high Government regularity controls ?

4/ As you are already aware, the Headwaters of the watercourse in Brou valley already run thru the Brou WMF flowing into Lot 14 s farm dam situated approx 200 mtrs north of the Brou Tip s northern boundary . This dam on Brou Farm is actually test point 10 for checking any tip pollution..

The tip water then passes thru the next dam 200 mtrs further downstream! From this farm dam the water then passes into a large 25 acre wetland sanctuary. Once again on our property, then finally flowing into Whittaker's crk Batemans Bay Marine Park Sanctuary Zone.

Once again comes with high government regulatory controls.!

5/ With this in mind and a new tip cell expansion , Will the leachate , stormwater, and settlement ponds need to be expanded. I know for a fact that these have been an issue previously.? At this present time after rainfall the trucks are used to transport leachate to the Councils Sewerage treatment plants, and also atomiser pumps are pumping regularly to atmosphere to remove the high volume of leachate and stormwater run off?!

6/ Points of interest that Councillors should be made aware of. 1/ the environmental Zone between Brou Tip and Lot 14 Brou Farm has had approximately 12 endangered eucalyptus trees die over the past 12 months? Council may have to attend to this tree die off.!

2/ On another serious note is that after a recent heavy rain event. Jan15 2025 100 mm of rain fell over a 8 hr period.!! My cattle were in the paddock and dam downstream and adjacent the tip when flooding occurred in the Brou Valley . Over the 6 days after the flood event 6 pregnant angus cows in calf died.

All relevant authorities and veterinary were notified. A Biosecurity plan was enacted .!

Brou Farm is presently under NSW Dept Primary Industries Quarantine! This means the 2 paddocks and Dams adjacent Brou WMF are in Biosecurity Shutdown.!! No cattle sales or movements in or out of Brou Farm!

Thanking You Warren Buchan Lot 14. 5733 Princes Highway Bodalla.
Farm Dam EPA identification point 10



24 February 2025

General Manager
Vulcan Street
Moruya NSW 2537

Re: Proposed Road Closure and Sale – part Denise Drive, Lilli Pilli

Dear General Manager,

I represent the owner of 48 Denise Drive, Lilli Pilli, regarding Council's proposed sale of the adjoining unformed road reserve. My client has significant concerns that this proposed sale, if not carefully managed, may negatively affect their property's privacy, security, access, and environmental amenity. Consequently, my client formally expresses interest in purchasing this land privately, rather than through an open market sale.

The road reserve currently provides an essential natural buffer directly adjoining my client's property, ensuring privacy, security, and residential amenity. Selling the land to a third party for development purposes would likely lead to vegetation removal and increased activity, significantly impacting the current level of residential comfort enjoyed by my client.

Importantly, this land is heavily vegetated and serves as part of a critical wildlife corridor identified by Council, including a designated 404m² wildlife corridor and natural drainage area along the western boundary. If sold for development, vegetation clearing, construction of fences, and infrastructure modifications could fragment this corridor, disrupt native animal movements, reduce biodiversity, and compromise natural drainage, increasing soil erosion and stormwater runoff.

My client has no intention of intensively developing the land and is primarily committed to its preservation. However, they may wish to undertake minor improvements in the future, such as landscaping enhancements or small-scale ancillary structures, such as a garage and covered walkway to improve accessibility due to the steep slope. Any such works would be thoughtfully designed and located to ensure minimal environmental disturbance, fully respecting the site's ecological value, wildlife corridor function, and natural drainage patterns. My client is committed to collaborating closely with Council to ensure these improvements align fully with community

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expectations and local environmental objectives.

Under the Local Government Act 1993 and Roads Act 1993, Council has discretion regarding the method of land disposal once a road is formally closed and classified as operational land. While Council typically prefers public sales to ensure transparency, there is no legal obligation mandating an open market sale. Private sales, through direct negotiations, are permissible and have precedent across NSW councils, particularly where they support community and environmental objectives.

A private sale to my client is justified and beneficial because it:

- Maintains the land's primary benefit as a natural buffer, screening, and functional extension of their property.
- Prevents fragmentation and potential conflicts that could arise from third-party ownership.
- Preserves the existing residential character and environmental attributes, preventing inappropriate development or ecological harm.
- Remains financially beneficial to Council, as my client commits to purchasing the land at fair market value and covering all associated legal, valuation, and administrative costs. Additionally, a direct private sale to my client would offer cost savings to Council, as it would eliminate real estate commission fees, reduce survey fees, and remove any requirement for Council to service or otherwise prepare the land for public sale.

We respectfully request Council to exercise its discretion and consider a direct sale to my client as the most practical, environmentally responsible, and community-aligned outcome.

We would welcome the opportunity to meet with Council representatives to discuss this matter further and explore mutually beneficial arrangements.

Thank you for your time and consideration. My client looks forward to working collaboratively with Council to reach a solution that is mutually beneficial. Please do not hesitate to contact me at hugh@westernsydneyplanning.com.au or 0403 270 108 to arrange a discussion.

Kind regards,

Hugh Halliwell

Hugh Halliwell
Principal



Questions

1. Given Council's justification for an open-market sale based primarily on lot size, can Council clarify why existing use, ongoing maintenance, and demonstrated commitment to environmental preservation by my client have not been considered as stronger reasons to justify a direct sale instead?
2. What ecological or environmental advice has Council received to support the proposed 404sqm wildlife corridor at only four metres wide, and would Council consider expanding this corridor or implementing additional conservation measures, particularly given my client's willingness to manage and preserve this area?