Sir

I write in reference to the draft Palerang Local Environment Plan (the Draft LEP) and related matters.

Palerang Council’s dismal performance in the preparation and administration of the Draft has been the subject of much recent comment and correspondence. What has not been clear until a few days ago is the fact that another State Government Agency is attempting to subvert and exploit Council’s gullibility and poor decision making to its own ends.

Under Freedom of Information legislation, we have recently obtained a copy of a document prepared by the Braidwood office of the Catchment Management Authority (CMA) for submission to Palerang Council concerning the draft LEP.

It would be hard indeed to imagine a more damning and destructive document. We are sure that when the contents and intent of this submission become more widely known, many ratepayers will be writing to the Minister to demand the immediate dismissal of the author and others involved in its preparation.

The Braidwood CMA submission requests Council to include much more freehold land under the most restrictive of the proposed new environmental zonings and suggest ways in which Council can add further restrictive controls. It identifies more than 150 additional properties which the CMA believes should be included in more stringent environmental control zones.

Not content with the powers it legitimately wields through legislation such as the Native Vegetation Act (NVA), the Braidwood CMA’s submission on the draft LEP proposes to subvert and erode the rights landholders currently have under the Native Vegetation and other Acts by conspiring with Council to add additional layers of control over the top of the NVA.

If CMA’s recommendations and exhortations are adopted by Council, a landholder who for example wishes to clear regrowth (a right granted by the NVA) will in future first need to submit a Development Application (DA) to Council. Many other routine agricultural management activities which impact native vegetation would also be affected by this recommendation. What is not mentioned in the Braidwood CMA recommendation is that many if not all such DAs would most likely require Environmental Impact Statements and other supporting documentation in addition to DA fees and delays.
What the NVA intended to convey as a right to landholders then becomes unworkable, impossibly expensive or denied by Council. If successful, this erosion of landholders’ rights will have been achieved by the Braidwood CMA without any public debate, consultation, review or discussion.

It appears that the normal democratic process for the proposal, debate and implementation of legislation is inadequate and too inconvenient for the needs of the Braidwood CMA, so it feels justified in seeking to conspire with Palerang to sidestep the whole process to achieve its own agenda.

This illustrates exactly the problem and risks of layered and overlapping legislation raised in the recent newspaper article entitled “PLEP a Black Farce”. What that article did not anticipate was the unprecedented level of duplicity, deception and betrayal evident in the CMA submission to Council.

What makes this Braidwood CMA submission to Palerang even more distasteful and hypocritical is the recent appeal by the submission’s author for support in retaining Braidwood as part of the Southern Rivers Catchment. Her appeal for support was based largely on the statement: “Not every Landcare network in NSW has the kind of support and advocacy that is given by the Southern Rivers CMA”.

We must agree: The Braidwood CMA’s submission on the Palerang LEP demonstrates a degree of gobsmacking duplicity and betrayal that would have even Machiavelli rotating in his grave.

The clear message to landholders here is that despite the fact that submitting a glowing testimonial in praise of the Braidwood CMA office to the Local Land Services review undoubtedly won “One lucky participant .... a $50 gift voucher for the Reidsdale Cheese Factory”, the deceptively smiling face of the Braidwood CMA conceals a determination to use any means possible to impose ever increasing controls in pursuit of their ideologica vision of environmental protection.

This is bad luck to those whose rights have been trampled and businesses damaged or crippled. You are merely one facet of the collateral damage, another facet is the destruction of whatever trust and good will may have been created between the CMA and local farmers in the Braidwood region.

The revelations in the Braidwood CMA’s submission on the Palerang LEP also severely (perhaps fatally) compromises CMA’s bid to become the pivotal member of the recently announced amalgamation of the CMA, LHPA and
Extension Services of the DPI into Local Land Services. What landholder could ever trust a rural service agency headed by such as the Braidwood CMA?

In one final act of spite, the Braidwood CMA’s submission to Palerang released under the Freedom Of Information legislation, attempted to conceal the identity of the more than 150 additional properties CMA recommended Council to zone as environmental protection. This is especially galling in the light of the Consultation mantra chanted by CMA whenever it suits its Agenda.

However, despite this attempt to avoid transparent, ethical administrative practices, we have been able to obtain details of the properties recommended by CMA for inclusion in E3 and similar zones. In the following list, the properties are identified by the number allotted by the Valuer General. If you look up your recent valuation and identify your number, the list will show you if your property has been targeted by the CMA.

If you are affected in this way, you might wish to contact Ms Hazell (4842 2594) at the Braidwood CMA office to verify the information and ask why she thinks the existing legislative controls on your property do not meet her personal ideological requirements. It might also move you to write to the responsible Minister (Katrina Hodgkinson, Minister for Primary Industry, email 'burrinjuck@parliament.nsw.gov.au') to ask why the Department believes it needs to transact its business in such a despicably devious and hypocritical manner.

We call upon the Minister for Primary Production to confirm the Department’s position on the CMA submission to Palerang Council. If the Department supports this submission, then landholders will know clearly and with confidence where they stand. If as we suspect, the actions of the Braidwood CMA are not truly representative of the Ministers administration, the Department MUST withdraw the submission, apologise to Palerang landholders and discipline the authors of this truly abysmal example of public maladministration.

CMA Braidwood’s Recommendations for Additional E zone listings in Palerang LEP

Recommend a Split Zone (Overlay Environmental Zones on areas of native vegetation):

469387, 3057007, 3055593, 3093170, 469421, 3146821, 3065726, 3397266, 3278757, 470026 3193536, 2843981, 469555, 3261208, 469629, 3278759,
469102, 469574, 468135, 3164776, 469628, 469569, 468006, 469624, 469109, 3004938, 2856334, 470027, 470068, 467756, 470189, 2864682, 3204739, 469454, 469528, 2913996, 467903, 2968128, 470006, 468145, 470191, 2926486, 467922, 468040, 3203902, 469633, 3411348, 3266935, 3246276, 467731, 3260597, 3193243, 3459233, 3210683, 3519857, 3493823, 468134, 3534525, 3411349, 3340384, 3284590, 3561129, 470116, 469596, 3554916, 2944197, 467902.

This property contains Contiguous Vegetation which should be zoned Environmental:

468944, 26017, 968189, 3107817, 3107818, 2907553, 469707, 468266, 468038, 469882, 469885, 2856331, 2901653, 467940, 3261206, 3261207, 3261209, 469564, 469891, 469400, 469888, 468149, 469568, 467933, 467864, 467935, 2901655, 469573, 467909, 468043, 2912761, 467892, 3001540, 467988, 469566, 470080, 468932, 469884, 469842, 468039, 467939, 469463, 467868, 470025, 2936942, 470079, 469883, 469455, 467978, 2898806, 468033, 469892, 468032, 481633, 468261, 470294, 469889, 468044, 469880, 469881, 469890, 469894, 3418479, 3433946, 3434103, 3446313, 3445899, 3441596, 3208901, 3535303, 3453110, 3559105, 468865, 3544807, 469581, 3532983, 3553327.

Other explanation:

469693 Box Gum Woodland EEC
468027 Increase the E3 on this split zone to incorporate the native vegetation
469956 HCV Vegetation, Tableland Basalt Forest EEC
468941 HCV Vegetation
468961 HCV Vegetation
3550772 HCV Vegetation

Note: This table may be incomplete or contain transcription errors. It may also not list the full reasons for zoning. Please contact Ms Hazell at the Braidwood CMA office (4842 2594) to confirm both your valuation number and the reason(s) CMA has given for its inclusion in the CMA submission to Palerang Council.

Ends