

**Conjola Community Association Inc.**

**General Meeting (following the AGM)**

**Monday 15 April 2019, Lake Conjola Community Hall**

**Management Committee**

President:- R Kerves	Vice President:- D Treloar
Secretary:- E Caswell	Treasurer:- F Shanahan
Community Liaison:- K Bird	Public Officer:- M Brungs
Infrastructure Co-ord:- D Treloar	Environmental Co-ord:-C Ashford
Grants Co-ord:- M Albiez	Technology Co-ord:- B Hackett

The meeting opened at **8:05pm.**

**Present:** - Cnclr Patricia White, Robyn Kerves, Dirk Treloar, Mike Brungs, Fran Shanahan, Cecilia Brungs, Helen Chaplin, Geoff Chaplin, Dawn Churchill, Jenny Dale, Jill Evans, Peter Evans, Linda Fennel, Stephen Fennell, D Gratzner, Keith Henry, Mark Horn, Carol Hodgetts, Jim Keelan, Rita Keelan, Allen Rutledge, Dennis Simpson, Lynne Simpson, Chris Turner, Vicki Weir, Bill Hackett,

**Apologies:** - Mark Albiez, Col Ashford, Kristen Bird, David Bird, Elaine Caswell, Jim Dale, Marian Devitt, David Dodd, Diana Dodd, Sandra Dodimead, Ken Dodimead, Mandy Ferretti, Ian Graham, Colleen Graham, Liz Gray, Amanda Hackett, Laurie Hays, Yvonne Hays, Allison Hopkins, Jan Hudson, Peter Hudson, Andrew Jessop, Ray Jones, Judith Jones, Tony Jones, Jan Lawrence, Terry Lawrence, Ronda Lyons, Graham Lyons, Linda Renie, David Renie, Jarrod Simpson, Leeann Simpson, Alison Simpson, Craig Stratton, Jo Stratton, Liane Thompson, Stazi

The president of the Association, Robyn Kerves welcomed and thanked everyone for their attendance, with special thanks to Councillor White.

**1. Minutes of previous meeting :-**

Accepted B Hackett, 2<sup>nd</sup> D Simpson

**2. Treasurer's Report:-**

Balance at 21 Jan 2019		\$2,652.14
Incoming Water Testing Donations	<u>\$6,537.90</u>	
SUBTOTAL Incoming		\$6,537.90
Expenses Water Testing - GETEX	<u>\$4,994.00</u>	
SUBTOTAL Outgoing		\$4,994.00
Balance at 31 Mar 2019		<u>\$4,196.04</u>

### **3. Removal of Trees that are dying due to the high-water level - Motion proposed by a Rutledge**

#### **Motion**

The following motion proposed by A Rutledge was unanimously passed:-

*That the Shoalhaven City Council takes responsibility for the safe removal of dead and dying trees and vegetation caused by the direct and indirect impacts on the local ecosystems as the result of the abnormal and extended high water level in the Lake Conjola system. Such trees, or parts of them, that fall into the lake are to be removed promptly to avoid them becoming a safety hazard to the public and before they become an animal habitat thereby restricting their removal. All such work is to be at council's expense regardless of whether the trees and vegetation are on council owned, council managed or private land.*

#### **Background**

Failure to open Lake Conjola to the sea after the significant rain event over the catchment in December 2018 caused by an Intermittent East Coast Low has resulted in the lake remaining at an unnatural high-water level for almost five months.

This has resulted in trees near the lake dying. In the main, these trees are on council owned or managed land but some are also on private land. According to section 5.1 of the Shoalhaven Development Control Plan 2014, these trees are classified as Declared Trees or other Vegetation – Part 3 of the Vegetation SEPP and require a permit granted by the Shoalhaven City Council in order to have them removed. According to section 5.2.3 Exemptions: “Trees and vegetation that Council or the Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals” are exempt from section 5.1.

The various policies are confusing and unclear in regards to who is responsible for the removal of dead or dying trees caused by the current high-water levels in the lake system, including who foots the bill. The following two examples demonstrate the confusion.

A homeowner whose land backs onto the canal had cause to remove a dead Casuarina tree (a declared tree). The tree had died because its roots were underwater resulting from low-level floodwater that inundates her land. It is not council or council managed land. She was told that she had to have council approval to remove the dead tree and so she sought and was granted approval to do so. However, the approval was given subject to the tree being removed by a qualified tree contractor approved by the Shoalhaven City Council and that it is to be at the owner's expense. She was also informed that it could not be removed if it falls into the water because it will be regarded as an animal habitat. It would appear as though the approving authority was misinterpreting section 5.2.3 above in regards to animal habits and he or she incorrectly applied paragraph 4.13 of the Shoalhaven City Council – Tree Management Policy – Public Land; which states:

#### ***4.13 Trees in Canal Estates***

Council will consider applications for tree removals within the Canal Estates allowing adjoining property owners to manage the vegetation on the drainage canals adjacent to their property using appropriately qualified and insured tree contractors at their expense.

In the second example, another homeowner who also owns the land down to the water's edge of the canal, asked the Shoalhaven City Council to remove a declared tree (Casuarina) from the canal after it had fallen in as the result of bank erosion of her land. She was informed that it was the responsibility of Fisheries NSW. Fisheries NSW informed her that it was a Council issue. Nothing was done.

It should be noted that, in both of the above examples, the people concerned own the land down to the canal; there is no council easement. There are properties on the Lake Conjola canal system that do not have a Council easement. The ratepayers involved own the land down to the water's edge.

The Shoalhaven City Council has failed to take appropriate steps to ease the pressure on the lake system by opening it to the sea and minimising interference to the local ecological community in accordance with its Management Policy Objectives detailed in the Lake Conjola Interim Entrance Management Policy August 2013. Accordingly, the Shoalhaven City Council is liable and should be responsible for the safe removal of dead and dying trees on council owned, council managed and private land caused by the high-water levels in the Lake Conjola system at its expense.

#### **4. Coastal Management Plan Scoping Study**

##### Motion

The following motions, proposed by B Hackett, were unanimously passed:-

- 1. That the General Manager seek feedback from Council staff as to why the Lake Conjola CMP Scoping Study has been changed without community consultation from a stand-alone Study to a Study which will cover all estuaries and the open coast within the Shoalhaven LGA*
- 2. That Council reverse the decision by Council staff to include Conjola in an "All Estuaries / Open Coast" Scoping Study and revert to the original decision from the 15 March Workshop for the Lake Conjola CMP (inc Scoping Study) to be stand-alone.*

##### Background

On 5 Apr 2019 CCA received advice from the Council Manager Environmental Services (ES) that the Scoping Study for Lake Conjola CMP has been expanded to include all estuaries and the Open Coast within the SCC LGA.

The CCA is concerned that this increase in scope will significantly delay the development of the CMP for Conjola.

This decision has been made without consultation with CCA and is not what was agreed at the 6 Feb 2019 Workshop to kick-off a review of the Lake Conjola Interim Entrance Management Policy 2013. The Workshop attendees unanimously endorsed a suggestion by

the Council Manager ES for a standalone Study for Lake Conjola - attendees at the Workshop included the State Member Hon Shelley Hancock, the Mayor, Deputy Mayor, Councillors, Council Staff, representatives from OEH, Fisheries, Crown Lands, Shoalhaven Water, and the Conjola Community.

#### **5. Public Enquiry into the management of Lake Conjola**

Councillor White informed the meeting that she has called for a Public Enquiry into the management of Lake Conjola.

#### **6. Water Testing Results by GETEX**

D Treloar briefed the meeting on the results of water testing from Getex (see attached summary). With the exception of results for Dissolved Oxygen and Enterococci, the results are consistent with Council results. In summary –

- Amber Alert for Enterococci at 2 sample points - exceed healthy primary contact recreational levels at 2 sample points,
- Unhealthy marine environment - Dissolved Oxygen is below a healthy marine environment requirement for all sample points and Total Phosphorus and Chlorophyll A both exceed the healthy level,

The detailed report from GETEX is available on the Conjola Community website on the Latest News page – <https://www.lakeconjola.org/nb-latest-news.html>

#### **7. Septic Tanks**

Council have initiated a detailed inspection of all septic tanks. At a 15 Mar meeting with CCB committee, Council indicated that 7000 septic systems have been inspected and only a couple of minor issues have been identified

#### **8. Update from Council regarding several Projects**

- Gravel Shoulder Sealing Request – North-Western end of LC Entrance Rd – to be completed by May 2019
- Guardrail request – 38 Lake Conjola Entrance Rd, Yatte Yattah – Traffic Unit will complete inspection and assess guardrail / safety barrier warrant within the next few weeks
- Reconfiguration and sealing of boat ramp car park (near boardwalk) – Construction is currently programmed for completion prior to October long weekend 2019

#### **9. Toxic Material at Conjola Waster Deport**

Residents are very concerned that toxic material that was dumped at the Deport prior to it becoming a controlled waste facility, is leaching into the soil, the adjacent creek, and Pattimores Lagoon. The meeting was informed that only run-off water is being tested by Council. Meeting agreed that a thorough and comprehensive analysis of the site should be conducted – ie test surface water, ground water, soil, and the immediate drainage areas

The issue was raised at the 15 Mar CCB Committee meeting with Council

Council Waste Services Mgr, David Hojem, has informed the community that Council will be mailing all the residents of Lake Conjola to seek information from them regarding their knowledge of toxic waste being deposited, and also reviewing historical records in Council archives and will report back to Council.

#### **10. Support from Councillor White**

The community is extremely grateful for the unwavering support given by Councillor White to the Lake Conjola community over the past 12 months and the leadership she has shown to address the issues associated with the current situation with the Lake.

**The meeting closed at 9-30pm**

**Next meeting:- 15 July 2019**

**(Future Meeting Dates – 15 Jul 2019, 21 Oct 2019, 20 Jan 2020, 20 Apr 2020)**

## 1. GETEX LABORATORY ANALYSIS REPORT - Water Samples from Lake Conjola

Date Samples Taken: 12 Mar 2019

Sample Point	Location Description	GETEX RESULTS						
		Faecal Coliforms (cfu/100ml)	Enterococci (cfu/100ml)	Total Nitrogen (mg/L)	Total Phosphorous (Mg/L)	Chlorophyll a (mg/m3)	Dissolved Oxygen (%)	Dissolved Oxygen (mg/L)
E-54	Fisherman's Paradise Boatramp	<10	30	0.7	<0.05	5	49.5	4.15
E-748	Pattimores Lagoon - off Conley Avenue	<10	50	3.3	0.1	20	37.1	3.11
E-47	Cottee Close, Conjola Pk Drain	<10	40	0.6	<0.05	2	61	5.2
E-40	Opposite Cabin 43 - Deepwater Resort	<10	<10	0.5	<0.05	1	76.4	6.4
E-39	Boat Ramp adjacent Boardwalk	<10	<10	0.5	<0.05	3	79.1	6.71
				0.5	<0.05			
				0.5	0.01			
	Adopted Std (Recreation Contact / Aquatic Systems)	150	35	0.3	0.03	4	80-110	6.7-9.2 (calc)

### SUMMARY NOTES

Faecal Coliform Level -	All sites are within Recreational Contact level (eg swimming) of 150 bacteria cfu/100 ml
Enterococci Level-	E748 Pattimores & E47 Conjola Park exceed healthy Recreational Primary Contact limit
Total Nitrogen Level -	All sample points exceed Aquatic Ecosystems level, Pattimores by over 1000%
Total Phosphorous Level -	E748 Pattimores exceeds Aquatic Ecosystems level by 300%
Chlorophyll a Level -	E748 Fisherman's Paradise significantly higher than Aquatic Ecosystem level, E54 Fisherman's P & E39 Boardwalk Boatramp just under/over Aquatic Ecosystem level
Dissolved Oxygen Level -	Apart from Boardwalk Boatramp, all points are below healthy Aquatic Ecosystem level
<b><u>GETEX Results v Council Results</u></b>	<p>Council take samples from 4 of the 5 sample points listed. They do not sample from E47, but do sample from nearby E479 which is further out into the bay off Conjola Park. Council took samples on 13 Mar 19, the day after GETEX, and according to Aquadata the results for all chemicals are similar to GETEX's (inc. the high levels of Nitrogen and Phosphorous). However, according to Aquadata, Council have not tested for Dissolved Oxygen since 2013 so we are unable to do a comparison with GETEX DO results.</p> <p>NB: According to BOM rainfall data, only 0.5mm of rain was recorded in Conjola in the 2 weeks prior to 12 Mar 2019.</p>

**GETEX v COUNCIL RESULTS –**

Sample Point	GETEX RESULTS							COUNCIL RESULTS				
	Faecal Coliforms (cfu/100ml)	Enterococci (cfu/100ml)	Total Nitrogen (mg/L)	Total Phosphorous (Mg/L)	Chlorophyll a (mg/m3)	Dissolved Oxygen (%)	Dissolved Oxygen (mg/L)	Faecal Coliforms	Enterococci	Total Nitrogen (mg/L)	Total Phosphorous (Mg/L)	Chlorophyll a (mg/m3)
E-54	<10	30	0.7	<0.05	5	49.5	4.15	<1	1	0.591	0.043	7
E-748	<10	50	3.3	0.1	20	37.1	3.11	36	10	2.68	0.07	?
E-47	<10	40	0.6	<0.05	2	61	5.2	<1 (E479)	<1 (E479)	0.392 (E479)	0.013(E479)	2 (E479)
E-40	<10	<10	0.5	<0.05	1	76.4	6.4	6	<1	0.46	0.02	<1
E-39	<10	<10	0.5	<0.05	3	79.1	6.71	2	<1	0.47	0.025	<1
			0.5	<0.05								
			0.5	0.01								
Minimum Standard	150	35	0.3	0.03	4	80-110	6.7-9.2 (calc)	150	35	0.3	0.03	4

## **2. Contact Details for Council and relevant NSW Government Agencies**

NB: All agencies can be contacted online from the respective websites

Shoalhaven City Council                      Email - [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)  
P.O. Box 42 Nowra NSW 2541  
Ph: 4429 3111 (Nowra) or 4422 1816 (Ulladulla)

Dept of Planning and Environment      Email – Refer to web site for registering a complaint  
<https://www.planning.nsw.gov.au/Contact-Us>  
GPO Box 39, Sydney NSW 2001.

Dept of Primary Industries (Fisheries) Email - [information-advisory@dpi.nsw.gov.au](mailto:information-advisory@dpi.nsw.gov.au)  
Locked Bag 1, Nelson Bay NSW 2315  
Ph: 1300 550 474

NSW Dept of Roads and Maritime        Email – [SouthernProjects@rms.nsw.gov.au](mailto:SouthernProjects@rms.nsw.gov.au)  
PO Box 477 Wollongong NSW 2520  
Ph: 13 17 82