

The Chairperson
The Senate Finance and Public Administration References Committee
P.O. Box 6100
Parliament House
CANBERRA ACT 2600

NATIVE VEGETATION AND ASSOCIATED LAWS - DIMINUTION OF LAND ASSET VALUE AND PRODUCTIVITY -
COMPENSATION - J A AND C M McCONAGHY

Dear Sir/Madam,

We wish to bring to the notice of the Committee some of the deleterious effects the laws in question have had on our land in relation to its value and productivity.

Following are some background details relative to this case:

- . we are now 76 years of age;
- . we are a registered partnership with an ABN;
- . we are accredited primary producers with the ATO since 1970;
- . I was granted a resettlement loan by the Commonwealth Department of Primary Industry to undertake an agricultural business after resigning commission in the Australian Military Forces in 1976;
- . area of property is 68 ha;
- . date of purchase May 1976;
- . Eurobodalla Shire Council (ESC) rating classification in 1976 - Zone 1a. Agricultural;
- . ESC revised LEP classification in 1987 to Zone 1c. Rural Residential (without reference to us);
- . location of property - 12 km south of Moruya and east of the Princes Highway.

In early 2007 we finally decided to explore the possibility of "the mere realization of an asset" by a farmer to take advantage of the 1987 Zone 1c. classification - unchanged to this day.

We now refer the Committee to Annex 'A' to this submission which is a report by our consultant development specialist dated 15 March 2007. The page 2 Figure 1 proposed lot layout was offered to the CMA in sheer desperation to at least get something after the unexpected Council rejection of the preliminary subdivision layout of 31 lots (See para.2 of Annex 'A'). Nearly three years later, ESC (although initially favouring the new layout) gradually reduced the 10 ha average lots to 8 - for various seemingly specious environmental reasons.

On 3 Aug 09 ESC finally made a determination and approved our application. Had the application been made before the Native Vegetation legislation, the approval would have been for thirty 2 ha lots and one 16 ha residue farmhouse lot. The end result has an approved subdivision of eight 2 ha + average lots, one 31.5 ha lot (especially created to keep vegetation and wildlife sacrosanct) and one house residue lot of 20.1 ha.

Not only have the ESC and the CMA made the whole process difficult to say the least, but superimposed on the approval from Council, is a CMA created Property Vegetation Plan (excessively restrictive) which must be implemented before any commencement to subdivide can take place. There are seventeen special restrictions on titles of every lot (88B instruments) imposed by ESC. In the main, these are so onerous on any prospective owners of the eight lots that it would be very difficult to sell them, e.g., any domestic pets belonging to a lot owner must be imprisoned when not under control on a leash! Specifically, the productivity of the land is seriously affected by a restriction which forbids the grazing of animals on the 31.5 ha lot.

We have decided that for the time being, we will not proceed with any of the subdivision because we can see no way that doing so would achieve a worthwhile "realization of our asset" - in fact, instead of reaping the rewards of our "land superannuation fund", we could engender a loss!

Monetary compensation to the market value of the fifteen 2 ha lots forgone to create a 31.5 ha wildlife sanctuary, would go a long way to counter the travesty of justice currently being imposed.

Yours faithfully,

(J A and C M McConaghy)

1 March, 2010