

**REPORT ON PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON STATE DEVELOPMENT**

**INQUIRIES INTO ECONOMIC DEVELOPMENT IN ABORIGINAL  
COMMUNITIES  
AND  
REGIONAL PLANNING PROCESSES IN NEW SOUTH WALES**

**At Narooma on Thursday, 26 May 2016**

**CORRECTED PROOF**

**The Committee met at 10:45**

**PRESENT**

The Hon. G. Pearce(Chair)  
The Hon. R. Colless  
The Hon. P Green  
The Hon. N. Maclaren-Jones  
The Hon. E.Wong

**The CHAIR:** Welcome everybody, particularly our student friends. It is great to see you here. I have to go through some formal procedure before we get started, so excuse me while I do that. The Deputy Chair of the Committee, Mr Veitch, wishes me to convey his apology for having to leave prior to the hearing and for being unable to be present. Today, this hearing of the Standing Committee on State Development will be taking evidence in respect of two inquiries the Committee is currently undertaking: one into regional planning processes and the other into economic development in Aboriginal communities. At the outset I acknowledge the Yuin people, who are the traditional owners and custodians of this land. On behalf of all of us, I pay respect to elders past and present and extend that respect to other Aboriginals present.

Today is the fourth hearing of both inquiries. The Committee has held hearings for both inquiries in Sydney, Dubbo and Tamworth. Further regional hearings for the regional planning processes inquiry will be announced in the coming months. In relation to the inquiry into regional planning processes the Committee is seeking ideas that will stimulate regional development and reduce the time and complexity involved in the planning approval process. The Committee also is interested in maintaining community expectations regarding the environment and the economic aspirations of local businesses. In respect of the inquiry into economic development in Aboriginal communities, the Committee is keen to investigate how economic development can provide jobs, resources, opportunity and education for Aboriginal communities in New South Wales.

Today's hearing will see the Committee take evidence from witnesses that include the New South Wales Aboriginal Fishing Rights Group—thank you, gentlemen—and the Eurobodalla Shire Council and the Shoalhaven City Council. Before we commence I will make some brief comments about the inquiry and the procedure for today's hearing. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing, so I urge witnesses to be careful about any comments you may make to the media or to others after you complete your evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcasting of proceedings are available from the secretariat.

There may be some questions that witnesses could answer only if they have more time or with certain documents in hand. In those circumstances you can ask to take the questions on notice. Normally we would want the answers to be received by the Committee within 21 days. If you have any messages, they should be delivered to Committee members through Committee staff. Of course, as in all modern things, could you please turn your mobile phones onto silent if you have them, or turn them off. We welcome our first witnesses—four gentlemen from the Aboriginals Fishing Rights Group.

**ROBERT CHEWYING, NSW Aboriginal Fishing Rights Group, sworn and examined**

**DANNY CHAPMAN, NSW Aboriginal Fishing Rights Group, sworn and examined**

**JOHN BRIERLY, NSW Aboriginal Fishing Rights Group, affirmed and examined**

**WALLY STEWART, NSW Aboriginal Fishing Rights Group, sworn and examined**

**Mr CHEWYING:** I run a small business in Nowra dealing with disabilities, Indigenous and long-term unemployed as well as aged people. We work at a profit and receive no funding at all. We have never actually received any funding for our business.

**Mr CHAPMAN:** I am a member of the fishing group. I am also the representative from this area on the Aboriginal Fishing Advisory Council of which I am the Chair. The council advises the Minister directly on cultural fishing and regulations that probably need to be enacted—fairly soon, we hope. I am also the elected representative to the New South Wales Aboriginal Land Council for this area.

**Mr BRIERLY:** I have been a commercial fisherman since I was 12 years old with my father. He learnt me everything that I know and I have never been funded by any government department at all in my whole lifetime since I had my bank account at 12 years old with my father. Everything that I have done in my fishing industry is wholly and solely done by myself and the Brierly family. I am actually an elder of my family and I always look after family first as much as I can.

**Mr STEWART:** I am a traditional owner of the area. I come from the first Aboriginal family to actually live in the town. My parents bought a house here in 1958 before Aboriginal people were actually allowed to live in the community. We still have the same house today. I run a business called Dreamtime Funerals. It services Aboriginal people up and down the South Coast and I am not here to talk about that today. I am also a member of the Aboriginal Fishing Rights Group. I am here to talk about some of the issues that are happening with our community on the South Coast.

**The CHAIR:** You have been through the hard bit, and now we wish to hear from you. If any of you would like to make a bit of an opening statement, I am happy to have that. Wally, you seem to have your hand up. Go for it.

**Mr STEWART:** Firstly I want to thank the Committee for giving us the opportunity. Before we start, I would like to welcome you here to our beautiful Yuin country. We would like to acknowledge our elders, past and present, and hopefully they will give us the strength today to pass the message to you guys. We are here today to talk about some of the impacts the Government has had on cultural fishing and our commercial fishing industry. We have got two guys from the commercial industry who are also part of the cultural fishing group.

**The CHAIR:** Do any other witnesses wish to make a comment to start with? If not, we will begin questions.

**The Hon. PAUL GREEN:** Thank you, Chair. I would like to start with you, John Brierly. You said that you have been in the fishing industry for a long time and this inquiry is about building capacity in Aboriginal communities that will enhance economic development. Could you give us a snapshot of how the fishing industry has changed and maybe some of the hurdles that affect economic development at the moment?

**Mr BRIERLY:** I will start by talking about my grandfather. I will give you a guideline right up until today on our situation. My great-great grandfather was a whaler at Eden. You can read about it. The books and all the histories—on whales and the dolphins and everything there—are in the museum at Eden. That came from my grandfather. He was a fisherman—a culture fisherman—who did not have to have a licence for any industry whatsoever. He ranged from Eden right up to Moruya and even past Moruya. He fished, and all our knowledge was there.

My grandfather was approached under the 1932 Act by the fisheries department—that was when the fisheries produced the Act—to acquire a licence. At the time they did not have to have a licence. The fisheries department offered to give him a licence, which they took for the first year. The next year it cost a shilling—that is what it was in those days—to acquire a licence. That is how we got into the department and acquiring licences.

This is way I see it, from my knowledge of working under the 1932 Act, and the 1994 Act and the new fisheries provisions. The 1932 Act was the most magnificent piece of security for fishing policy that I have ever seen. It had property rights and a whole lot of other things in it. In that Act there was not one thing that was not covered. Before the 1994 Act was brought in the European people wanted change to manage the industry and

they wanted to have a say. That is when the things started changing to the situation we have today. This is the way I see it. Those people wanted to manage their own industry.

The first one that came out was the abalone industry. They wanted to manage it. The management of that industry was the start of the downfall of us—the Aboriginals. If I remember correctly, in the tuna fishing days—under the 1932 Act—there were probably 2,000 or 3,000 Aboriginal people who had fishing licences. They had their own businesses and everything. When the changes started coming there was paperwork and everything. Aboriginal people of that time did not have education.

Remember, I said that my father had me working when I was 12 years old—away from school. Today, I have trouble; I cannot read and write. I am illiterate, even until today. That is why the original people who had the licences had trouble. When it came to bookwork and everything there was a very smart race of people squeezing out the Aboriginal people because they could see the mighty dollar there, at that time. It was the dollar that squeezed us out.

Exactly the same thing happened with the abalone industry. They brought the abalone provisions in first. It was squeezed out by management. It got down to a certain few people. The lobster industry was the next one. I think that regulation came in under the 1994 Act. That was wholly and solely designed to get the numbers out. Aboriginal people had all the criteria. We had been fishing for lobsters and everything since we were 12 years old. Andrew Knight and his family did exactly the same. This is what I am saying to you: I make that clear. History shows virtually the same as what I am saying. We operated on a seasonal basis of ocean haul, lobsters and abalone. That was the main work in the estuarine areas. The thing that I am getting to is that we were pushed out of our industry by the mighty dollar and the greed and the knowledge of what would happen in the future. I have seen it.

When we lost the lobster industry we had the criteria—we had them for years. There was a natural disaster from the sea that wiped out all the weed beds here and the quantity of lobster that they put on us was not there in the three-year period. We lost that. Prior to that I can tell you that we were amongst the most productive fishermen on the South Coast in the lobster industry.

**The Hon. PAUL GREEN:** Because of time, I would like to bring you forward to 2016. What are your challenges now that threaten further success of Aboriginal people being employed in the fishing industry?

**Mr BRIERLY:** The threat now is from all the new regulations coming through. The main ones so far are the criteria that they want to push onto us. The shares that we have acquired they want to cut down and change it to days of work. In the hauling industry I think they are saying that we can work roughly 16 days per year. In prawning it is about 16 days per year that we can work.

**The Hon. RICK COLLESS:** Does that apply to all fishing licences?

**Mr BRIERLY:** That applies to all fishing licences. This is what they want to do to us. We are required, if we want to stay in the fishing industry, to spend thousands and thousands of dollars to buy other fishermen out. It is like the big fish eating the smaller fish. The big fish is the only one that will survive in this area. As the original owners of this area, we feel that we will not have a chance. We have shares and everything in the fisheries. The share mechanism is not going to let you go to the bank and borrow money because the shares are worth nothing. We are saying, "Why should we be doing that business if we already own it?"

We are saying that we own the resources. We still own this country, and if anything is going to happen, because there are only a minor number of us, it is the government's responsibility to make sure that we Aboriginal people stay viable in this country. It should not be taken away from us. We have been viable in the past. Andrew Knight and I have been viable in the industry. At the moment, they are making the jump to the future impossible for us.

**The Hon. PAUL GREEN:** Can I just clarify. You are virtually saying to us that this has been part of your heritage—the legacy of your families—and that there should be a cultural exemption for what you are doing.

**Mr BRIERLY:** Yes. I spoke the Minister responsible for fisheries before the mullet season and I said that we, the original people, should have our own fishery. We could manage it and we could sustain it so that if anything happened we would be responsible for it. We, as custodians of this country, looked after this resource for 50,000 years. The Aboriginal Fishing Rights Group believes we can manage our industry far better than anybody else can. It is for us Aboriginal people of this area.

**The Hon. ERNEST WONG:** Did you say it would be sustainable for a particular Aboriginal fishery that would come under a special Act or does it have to be exempt as a cultural fishery? How would that work within the legal framework?

**Mr Brierly:** I have thought about it and talked with Fisheries. We can work inside with Fisheries because they have the scientists and everything on hand. They have a lot of knowledge of the resources out there. We, as Aboriginal people, have the knowledge of land and how to look after our species in the areas that we occupy. We can see the problems of any stock deterioration. We pick up before anybody whether there is a new weed in the area or pollution that has come to the area. For example, I just came back from a meeting in Tasmania with people from around the world. People came from the Top End, Arnhem Land and places there, and they have a marine park up there. They monitor the marine park and they have put Aboriginal traditional owners in the operation to look up their area. Within two years they have seen the benefit of putting Aboriginal people in charge of that area.

**The Hon. ERNEST WONG:** Are you suggesting a self-funded or government-funded fishery corporation? How would that enhance the employment opportunities of the Aboriginal community and sustain the market value of a fishery?

**Mr Stewart:** That is what we are trying to say. They were culture fishermen and got dragged into the commercial industry by regulations. The fishing practices they still use today are one of the most environmentally friendly fishing practices left in the world. They target species and get very little by-catch. The net-maker practice has been handed down from father to father. They still row the boat but for our fishing communities, every time Fisheries put a regulation on it, it severing our cultural way. If Fisheries come to the table and talk to us and start working with our communities, there is an opportunity for our people to build an economic base for all fishing because we are Yuin people. There is 21,000 years of evidence that our people lived off the estuaries and the ocean and 80 per cent of our food sources come from the estuaries and the ocean.

Our people still fish and gather today. We have been prosecuted for that because of regulations that have come in under Fisheries. Since 2009, when they passed 21AA of the Fisheries Management Act on culture fishing, we still have 500 engagements between Aboriginal people and Fisheries. Out of that, 253 have been prosecuted for that—we are talking about people sent to jail and the massive impact that has on our people is endless. There is a law under the Native Title Act, section 211, that gives us a right to fish. But NSW Fisheries ignore this fact and keep prosecuting our people and putting us in jail. We have a massive problem on the south coast where every time Fisheries put a regulation on us, they are destroying us. It has this massive impact and it makes it harder to pass on our culture because our mob is too scared to go out and take our kids out. It was a culture practice to go out and fish. Now our children do not get to learn the proper practices that we used to teach our people to fish.

The economics is that there are poor families. On the south coast we have a high Aboriginal unemployment rate. Our people rely on fishing to supplement that income, but they are too scared that if they go out they will get caught because Fisheries are pounding them. There is a constant chain reaction on our communities. When they cannot go out because they are being prosecuted our men and kids do not get the supplement on the table. Our men are overweight with heart disease and diabetes because they cannot get the food supplement and they do not get enough exercise. There are also social issues with the sharing. We all went out and it was a family culture thing that we do. There is the psychological thing with the fear of being caught and chronic stress from that. We have had people sent to jail and coming out with mental health issues. Their families fell apart while they were in jail and the impact keeps going. Health is affected as physical activity is reduced. Fishing is an exercise but they are too scared to go out. All these regulations put on us have had this massive impact on our whole community.

What we are saying is we never gave up these resources and we want to be part of this industry. We were not given the opportunity to be part of the industry and it is clear that Fisheries only looks after the people who pay into the industry; they do not really look after the resources. We have been looking after the resources forever. They police us and make us out to be the criminals. There are two Aboriginal commercial fishermen left of on the south coast and the way the regulations are driving them there will be no Aboriginal commercial fishermen left. With our culture fishermen, because of the massive impacts, the department has to pick that up. They end up in the health system and the prison system. We are saying, "Let's work together and build a commercial culture fishing industry for the south coast if you are really sincere about closing the gap." That is all our people down here know; they know fishing and that is their life. They would gladly give up their dole tomorrow just to be able to fish. They do not want to earn a lot of money; they only want to earn a living.

**Mr Brierly:** Coming back to whether we can sustain our own industry in fisheries, at the moment with only three fishing original people families left on the south coast, to run a fishery is impossible. But to run an Aboriginal fishery on this coast and let us manage an industry, I say: Yes, we can do it. We can do it because the resources are ours and there should not be any restrictions put onto us if we do take on this role. We can do it. If it has got to be self-funded yes we can do it, but the thing of it is to start it, to go, we do need the resources and we do need capital to do it, because at the moment over the years all our fishery has been taken away from us—

the lobster one, all the big-dollar ones that are there, the lobsters, the abalone, everything that becomes a value, that has become a nation value from overseas has been taken away by the man with the mighty dollar that deserts the company. You have a look out here now—a company of a super trawler out here, exactly the same as what we are saying.

**The Hon. NATASHA MACLAREN-JONES:** We are limited with time. I just wanted to know a little bit from the commercial fishing point of view—and possibly also I note Mr Chewying mentioned you were in aged care and also you were in the funeral industry—what opportunities there are for apprenticeships and training, possibly linked in with schools for young people in the area, Aboriginal young people predominantly.

**Mr BRIERLY:** I will talk just on the history.

**The Hon. NATASHA MACLAREN-JONES:** And also, with that, the hurdles.

**Mr BRIERLY:** Wally can talk on this one and Robert can talk on his one there, because we are all family and we know our business. My business is the fishing industry. Yes, there is a lot of room there for a trainee course.

**The Hon. NATASHA MACLAREN-JONES:** Does it exist at the moment in any of the areas?

**Mr BRIERLY:** No. There is no way under the regulations of the 1934 Act there is any room in there for a young bloke that I can train in any way. I cannot even take my grandson on the boat. By regulation that we have in the Fisheries at the moment, the Fisheries' law enforcers, when they see that, they love us because they are right even before they come to us. They have even got cameras up there to take our photo and it comes in the mail that we must come and talk to them. So there is no room in there for any such thing. The thing of it is that if I was to pass away now there is no room there where my young grandson, if I leave the licences to him, there is no way that he would even get the knowledge that I know.

**The Hon. NATASHA MACLAREN-JONES:** Is that the same with aged care, Mr Chewying?

**Mr CHEWYING:** From my perspective, I spent 25 years in a small business in Nowra. Over that time I got extremely frustrated with the way employment regimes work, so I went out on my own and I developed my own methodology towards trying to employ people. I came across a hell of a lot of obstacles when it came to employment, when it came to employing people with disabilities and also people who are elderly. From my perspective, the system seems to work opposite when you move into the welfare world. What has happened is that it works against itself in a crazy sort of way. People are actually asked to go and do TAFE courses.

I know guys who are with me and they have got amputee certificates but they are no good to them. They go there, they sit down, they go through the throes of it, they get ticked off and they go back out onto the street. If I go to an employment agency the first thing they will say to me is, "How long do you want to employ them for?" I know in my mind straightaway that these guys cannot be employed for any length of time because straightaway they are generational unemployed, so you have to slowly coax them into learning how to be employed. A piece of paper is not going to do that. The only way that you can work with this sort of environment is to give these people a small amount of work and then slowly bring them on and put them in a physical environment, not in a paper world, because they are uneducated. They have physically got to do the work to participate.

That is one of the main reasons I went through all this process over the last 25 years. I realised that I have been into the disability industry, I have been into the Indigenous side of things, elderly, long-term unemployed, after all that work I have realised that the system that has been put in place is broken, it is totally broken. From that I sort of went, well, what is broken? I went back to the heritage, and the feeling that I have is what is it Indigenous that makes Indigenous do what they do? My first thought was fish. People on the coast have an extreme desire to fish; they have got this as one with it and that is a connection. Simply because of that connection it gives a link to all its obtaining work and staying in it.

In any other sort of different criteria or different types of jobs which are put into play, Indigenous seem to not really want to get involved in too much—they might stay there for a short time, but then they will go, "Look, it's not for me". They need to get back on country, they need to get back into the water, they need to participate in water and learn how to physically do it and then get that self-esteem back so that they have this ability to produce an income but not just simply go out and earn money. One of the biggest issues we have had is this thing called money.

Chair: What sort of quantities of catch are we talking about?

**Mr STEWART:** The long-term goal for our communities is to build a model so it can employ people, like going round with the processing of salmon. The cannery closed down years ago in Eden; it was making a profit and that could be employment for our community. This year the mullet season, I think they probably turned over 200 tonne of mullet that went to Queensland to be processed. That could have been processed by our community if we put a business together for our community. The abalone industry takes 130 tonne of abalone. If we had 30 tonne of that we would be able to divide that up for our communities and they would make a living out of that—even with 500 kilos, the amount of money they get for it. Maybe 30 tonne of lobsters.

This is all hypothetical, but we can see a business there with our community and we can also see our young guys who are being prosecuted all the time and don't know nothing else but fishing. If they were ever given that opportunity you could see their whole life changing and their whole community changing. It's been instilled in us; like I said, we don't know nothing else, we are Yuin people, we live on the South Coast and we rely on the ocean. If you live in Dubbo you rely on your kangaroo. Down on the South Coast we have got a high unemployment rate. Marine Parks came along and then they took more waters away from us and our community thought that they were doing the right thing. When they done the consultation process they told them where their favourite spots was and they were all locked up into sanctuary zones, so it severed our people again.

Like I said, it's got a high impact and the thing is, with New South Wales the Fisheries are the only department that won't work with our community. So there's something wrong there—we know there's something wrong there when you've got National Parks, who work with Aboriginal people and employ over 300 people across the State, and you've got MOUs and hand-backs and co-managements and Indigenous land use agreements. We can't even get at the table with Fisheries; all they want to do is regulate us. They think the only way to regulate us to put a bag limit on it and that our mob will go and break it because it doesn't feed our family and then we end up in jail and, like I said, it has this chain reaction. But we know there are other ways to regulate our community as well and we know that if we are ever given an opportunity we can work together. The Government is supposed to be talking about closing the gap and working with our communities. We know that we can build a sustainable economic culture, a commercial fishing industry for our community.

**The Hon. RICK COLLESS:** Thank you, Chair. I would like to expand on that a little. How do you see that your proposed cultural fishing structure or organisation—whatever you want to call it—would fit in with the remainder of the fishing industry? I am just a bit confused as to how that might work. Certainly, I understand where you are coming from, but we need to have some idea of how we can recommend that might change.

**Mr CHAPMAN:** I sit on the Aboriginal Fishing Advisory Council, which advises Minister Blair. There are a couple of things that we can do about that, but first of all, Chair, I am conscious of the time. Can I make a formal submission to you?

**The CHAIR:** Yes. Please do. We would love you to.

**The Hon. NATASHA MACLAREN-JONES:** That would be very good.

**Mr CHAPMAN:** The first thing I want to raise is when Fisheries decided to go into share management with fisheries and go into the structural adjustment scheme that they are in at the moment. They have not taken into account the cultural side of it for our fishing. Unless the Government takes into account that side of it, then I am afraid our Aboriginal enterprise side of it will all disappear very soon. They are trying to create a businessman out of a fisherman. As John said, he is a fisherman.

**The Hon. RICK COLLESS:** They are fishermen, not businessmen.

**Mr CHAPMAN:** Without that cultural thinking around that, I am afraid that will disappear.

**The Hon. RICK COLLESS:** Did your organisation provide some recommendations through that process to the Minister's office?

**Mr CHAPMAN:** We have been talking with Fisheries for a fair while. At the moment the Government has set up what they call a committee that will step their way through the structural adjustment thing. They call it a SARC committee—the Structural Adjustment Review Committee. I have got John and Andrew in the door with them and basically they are saying, "Well, look you know, there is no one government policy here for us to give consideration to a cultural side of it." Without that—the Government spending a bit of time on that—I am afraid it will disappear.

**The Hon. PAUL GREEN:** Can I ask this: Do you feel like you are being heard?

**Mr BRIERLY:** Hurt or heard?

**The Hon. PAUL GREEN:** Heard—listened to.

**Mr BRIERLY:** No. There is no way we feel—or, the responses coming back from the department is that there is no ear that is listening to what we are saying.

**Mr CHAPMAN:** There is one. Fisheries is only given a bit of leeway on what they call a cultural catch. When these guys catch fish, we all go down and raid the nets. They have given a bit of leeway there. They have said, "Well, look you know, you identify an amount of fish that you have given away, or that we have taken away, and we'll take that off your management arrangement"; but that is the only concession that they have given. The other thing that I want to raise with the Committee, which might have a big impact on our communities all around New South Wales is that the Government, in its last amendments to the Fisheries Management Act, created an Aboriginal Fishing Trust. At the moment we are in discussions with Minister Blair about how that is going to be utilised. One of the failings of the Government, in my opinion, in creating the trust is that it has not attached a funding source to it.

**Mr STEWART:** We do not know where it is going to come from.

**Mr CHAPMAN:** We are about to advise the Minister that if the Government wants to get into this area—and I think they do—then they must attach a sustainable source of funds that will enable the buying of enterprises and to get back into cultural fishing and those kinds of things. The ball at the moment is probably in the Government's court. We will be giving some advice to the Minister in June. I think the Minister is coming back to us with an options paper on how all that stuff is going to be done; but, again, if we get into them kinds of businesses and all these other bits and pieces, if the Government does not take into account the cultural aspect of it, they will fail as well.

**Mr STEWART:** Personally, I think it does make sense if we are given the opportunity to be in partnership with Fisheries, or whatever it may be, and for our communities to build an enterprise that employs Aboriginal people and changes people's lives. If you weigh up in dollars how much does that cost and weigh the impact that that has had on them and how much that has cost, I guarantee the money they put into the business would be less than having to keep picking up the bill all the time.

Talking as an Aboriginal funeral director, I bury people and there are some great examples out there around fisheries. A good example is five brothers, okay? They used to all dive. Most of them have been caught, prosecuted and heavily fined. They are too scared to go back to the water. There is only one of them who still goes out. He sneaks out there to go and get a feed for his family. He is the only one who is fit. He is 60 years old. The others are overweight with diabetes and heart disease. I buried one last year. That is the impact that it has had on our community. I think that is a good example. Someone has to pick it up.

**Mr CHAPMAN:** But it also has an impact on Government as well.

**The Hon. PAUL GREEN:** That is right.

**Mr CHAPMAN:** When you take into account the amount of money that the Government spends on compliance officers—you know, chasing Koori people around the rocks to get them—and then you think about the court costs, you think about the jail time and the downtime for the families and all those other things, it is a massive impact on not only the Aboriginal people; it is also a massive impact on State coffers and budgets and all those other things.

**Mr STEWART:** We are talking 500 engagements just in six years with Aboriginal people on the South Coast.

**Mr BRIERLY:** Can I get back to your question?

**The CHAIR:** Let me apologise first to the council witnesses who are here. We started a bit late because we had some technical problems. We will continue for another few moments, if you are okay with that. John, if you would like to proceed.

**Mr BRIERLY:** I want to get back to the question you asked a minute ago about: Can you really sustain an industry? Yes. If we could govern with the Fisheries department, get our water back, get our lobsters back, and create our own markets on that overseas on the highly priced fish or crustaceans, or whatever you would like to call it, yes, there is an element out there that we can be very sustainable. But the thing of it is that since the 1994 Act, we as commercial fishermen in this area have lost 90 per cent of our water, closed to marine parks and recreation havens—areas that were supposed to be opened up to us when the marine parks and everything that came into the process.

**Mr STEWART:** The weekend closures.

**Mr BRIERLY:** That was never ever opened back up to us. That was closed. It was a section 8 closure and everything and with the last one I said, "Why hasn't it been opened up?", and they said that it has been made

a regulation and it is not section 8 now. That is another lie that the Government has told us. All avenues that were supposed to be done for us in ways, they went out of their way to really upset our fishery and to make us unviable. If you went to Fisheries and asked them, "What is the management today?", they should answer truthfully, and that is to make our industry unviable because that is the way of managing the fishing industry. I was told that not by one inspector but by a few inspectors. So, yes, we can make it viable but we want our water back. We can do that if they sit down and negotiate with us in a truthful manner. We do not want any more lies. The negotiation has to be truthful on both sides. We are telling the truth but we are not getting the truth from the government departments.

**The Hon. PAUL GREEN:** Mr Chewying, you mentioned something earlier that I thought was really interesting. You said that the culture is that land and water is not seen differently. Can you educate us about that view?

**Mr CHEWYING:** With the Indigenous people the connection is a one-connection. When you segregate it is an offence. It is like the land and the sea are all one to us. So I found it quite difficult when Mr Green said, "We are interested in this plot of land at the back here somewhere." I was trying to work out what he meant by that because to me there was a connection to the land and the sea but he identified it as the land. With any Indigenous person you find that they associate the land and the sea as one. There is a very deep connection, and it is a connection which is very hard to explain.

Paul put it as "spiritual". We put it as spiritual because that is the only word in the dictionary that explains what we are trying to say here today—just going out and getting in the water and enjoying the feeling of being in the water and understanding what is going on under the water. It is through all of the connections which, I suppose, God gives us. Whether it is the birds, the sea or the wind, there are indicators that we pick up on that get us to a point where we catch a fish. It is one of those things that we cannot define. It is very hard to explain that to everybody. That is one of the plights that we are trying, desperately, to show everybody. It is not about money; it is about being disconnected, and it hurts—it really hurts.

**The CHAIR:** That might be a really good insight to conclude on. Thank you, all.

**The Hon. ERNEST WONG:** I would like to put this question on notice. I am not expecting an answer today but, if possible, your group could probably answer via submission. I think cultural fishing and commercial fishing has been mentioned a lot of times. I want to know the difference between the impact of these two and their relationship. How could we incorporate those two in ways that would be viable or sustainable for the Aboriginal community, particularly with regards to a partnership with the Government? How will we see a model that would be able to help—for us to bring it back to the parliament so that we could alert the Government to take the right action?

**The CHAIR:** You can take question on notice. The secretariat will be in contact with you and have a bit more of a chat.

**Mr CHAPMAN:** I am happy to deal with that in my submission.

**Mr STEWART:** I would like to answer Natasha's question with regard to the funeral service. It will only take one minute. I run an Aboriginal funeral service. I service up and down the south coast. Most of the problem is that Aboriginal people cannot afford to be buried. Down on the south coast here, people in our community live below the poverty line. By the time they pay their bills they do not have enough money to join a funeral fund or things like that. So when they pass away we have this problem, up and down the coast, where the cemetery fees are killing us. "Killing us" is probably the wrong term!

We have this problem where people cannot afford to be buried. I am lobbying councils now, to start looking at waiving that fee because funeral services down here are now charging an amount of \$10,000 for our people to be buried. Our argument is: why do Aboriginal people have to pay to be buried in their own land? There have been people in Nowra who have been in the morgues for up two months because the funeral services will not touch them until they come up with the money. Being a culture person I think that this is not good. This is only because of money. We need to start thinking about waiving these fees for our communities, when the people live below the poverty line.

**The CHAIR:** Thank you. That is a good point, and it is a problem that we have on the north coast, as well. I thank each of you. I know that it is a little bit daunting to go through the process in the way we have to do it. Thank you for coming in. The secretariat will be in contact with Mr Chapman and Mr Brierley.

**Mr BRIERLY:** I know it is a very short time to get across the right information.

**The CHAIR:** I think we got your message pretty well.

**Mr BRIERLY:** If you really want to know the truth about it, get in contact with me and maybe we could sit down. Then you really will get the truth about what exactly has been happening. We are sitting here and we know we have a time limit, and it is not enough.

**(The witnesses withdrew.)**

**JEFF MORGAN, Divisional Manager, Strategic Services, Eurobodalla Shire Council, sworn and examined**

**SARAH COOPER, Business Assistance Manager, Eurobodalla Shire Council, sworn and examined**

**The CHAIR:** Welcome. Would either of you like to make a short opening statement?

**Mr MORGAN:** You have received the submission from council on regional planning. Since the submission there have been two significant developments in relation to the topics of your inquiry. The first is that Eurobodalla Shire Council adopted the rural land strategy after quite a number of years of work. The second was the release of the draft South East and Tablelands Regional Plan by the Department of Planning and Environment. If the opportunity arises I would like to talk about some issues that have arisen out of those two matters.

**The CHAIR:** We will come back to you after Ms Cooper has made her statement.

**Ms COOPER:** You might have done this at the beginning, but I would like to acknowledge that we are meeting on Yuin country and pay my respects to the elders, past and present. I would also like to acknowledge that Lea Sutherland is here. She is the director of the preschool—the Little Yuin Aboriginal Day Care Centre—which will be mentioning today. I managed a two-year social and economic development program at Wallaga Lake. I employed an officer but we worked closely together. It was a two-year program and I managed to extend it to 2½ years. Out of that came a document that is referred to and we have given a little synopsis—*Wallaga Dreaming*. I have a copy for all of you.

In my capacity on the council I work in business development and economic development across the whole shire but a lot of what has been communicated in the inquiry relates very strongly to our largest community, which is Wallaga Lake. That is quite a distinct community. I am not saying that what is in this document represents every Aboriginal person in our region. I suppose what I want to say is that it is a concentrated version.

**The CHAIR:** We will go back to Mr Morgan's prepared statement.

**Mr Morgan:** Council has recently adopted the rural land strategy whose origins probably go back about seven years. It has been a lengthy and significant project and it has finally been adopted. There are a few things coming from that strategy that are relevant to this inquiry that I will touch on, specifically those related to your terms of reference. Under the Environmental Planning and Assessment regulations there are ministerial directions for preparing a local environmental plan. One of the directions is in relation to rural lands. It is that you should not increase the density of development through subdivisions and dwellings. The idea is that it is important to protect agricultural lands. The direction states that it is okay to be inconsistent with the direction if you have done a study, which we have. But the salient point is that you should not increase density within the rural lands.

What the strategy has shown in Eurobodalla is that the farming and agriculture are happening at the moment on a smaller scale than has been in the past, but it is very successful. If you look at Australian Bureau of Statistics stats within the shire, you will find that it contributes between \$10 and \$15 million. There has been a farmers market in Moruya that has done an economic impact study that says that the value of the market alone, both in revenue and flow-on effects, is over \$3 million. The statistics on agriculture in the shire are well understated. On the concept that the future of farming in this area is small-scale, I have met with people who farm only one or two acres and produce enough cash crops to provide for one person and some that provide for a family.

Our strategy has identified that if we do provide some small amounts of additional job opportunities and subdivision that facilitate small-scale farming, often the small-scale farming is supplemented by off-farm, part-time income. It shows that the legislation and regulation at this point not to increase density in these areas is not facilitating what is happening today. In that respect the directions may be a little old-fashioned or out of date. They are not suited to Eurobodalla. I do not know about other locations up and down the coast, but I suspect that they are similar. We have all seen a big move towards organic food and knowing where your food comes from—growing locally, eating locally. That is a big part of our economy at the moment.

The second thing that has come out of the rural land strategy and that is relevant to your inquiry is access to water for small-scale farming. Small-scale farming on two to five acres does not need a lot of water. What has been put to our community and to council is that the water regulations governing access to water from rivers and farm dams—the percentage of land you can use to capture water—is still Murray-Darling Basin-centric. We may need to look at water regulations and how they apply in coastal areas to facilitate the economic

growth that the small-scale farming opportunities can provide. That has come out of our strategy and it is something that we want to discuss with State Government. I request that within the context of your inquiry you look at tailoring water regulations for east of the Divide and whether they should be different to the west.

Another matter I would like to comment on since our submission is the draft South East & Tablelands Regional Plan, which has recently been released by the Department of the Environment. Our submission commented that council attended a workshop in September 2015 on the preparation of the plan and we were disappointed to learn that it appears the new regional plan will not be a comprehensive, whole-of-government, whole-of-sector plan and will be limited to a strategy for planners only. In particular, there was an apparent lack of discussion for the identification of strategic local, regional and State-level infrastructure and that is a missed opportunity. We have just received the plan and would probably have to say that our initial thought has come true. It seems to be a missed opportunity. I will go through a few key comments on the plan and what we feel it is lacking in terms of the terms of reference for this inquiry.

The plan talks about the relationship between this region and the Australian Capital Territory [ACT]. A big part of the plan in the south-eastern tablelands is sustainable and managed growth opportunities arising from the ACT and how the ACT interacts with local government in the region. There is no discussion on how Eurobodalla can benefit from proximity links to the ACT. There is no discussion of tourism collaborations, opportunities for remote working using technology through the National Broadband Network [NBN] and health and education collaborations with the ACT. All sorts of research shows that there are three key building blocks of economic growth: health, education and a shared local vision. It is disappointing that the regional plan does not talk about health and education collaborations in terms of the ACT interacting with local governments within the region.

The regional plan identifies that the New South Wales Government will improve tourism-related transport services, branding awareness and travel options, seasonal transport options, and there is no specific action on or mention of Moruya Airport. The strategy also talks about developing a marine-based tourism strategy for the south coast. There is mention of the Eden wharf and harbour but no mention of Batemans Bay and the opportunities it may bring for economic growth within the region. The plan identifies the growing regional strategic assets to support economic growth across the region, but it only identifies two strategic assets within this region—being, the port of Eden and Canberra Airport. Nothing is identified in Eurobodalla, such as Moruya Airport. I note also that Merimbula Airport is also not identified as a strategic asset, yet the Turnbull Government has recently announced funding upgrades for that airport so it clearly is a regional asset. There is no mention of the ski fields. I would have thought that they are a significant regional asset, even though they are outside Eurobodalla.

Linking back to our rural land strategy, there is no discussion on infrastructure investment within the National Parks estate, in terms of a driver of economic growth. We feel that ecotourism is a strong direction that we can take. If there is investment in the National Parks estate from a tourism perspective—that could be private sector investment, leasing-out opportunities and the like—those sorts of investments can be catalytic in having flow-on effects. For example, if there are cabins in a park that attract tourists there are flow-on effects in small surrounding villages.

Our overall impression of the draft plan is that many of the actions are generic and routine. There are only two regional strategic assets identified in the whole of the region. Identified opportunities resulting from closer collaboration with ACT are very limited. There is no mention of the Princes Highway as an important infrastructure link. This draft regional plan is an example of the failure to capitalise on what regional planning can deliver, particularly from an economic growth perspective.

**The CHAIR:** Thank you for your interesting observations.

**The Hon. ERNEST WONG:** It has been suggested that community and individual healing programs are needed to improve the physical, emotional and psychological wellbeing of local Aboriginal people affected by intergenerational trauma and addiction. Could you elaborate on the trauma and tell us about the programs you have found to be successful? How could the programs contribute to improving the willingness of young Aboriginal community members to move into jobs?

**Ms Cooper:** That is a complex question. I have worked with many members of the Wallaga community and that is what I will base my answer on. It is a good way to learn about what can work for the 70 to 80 people living at Wallaga. We had funding from the Department of Health and Ageing and the Department of Industry and Investment. One of the projects was to do an audit of everyone on the community and their needs in terms of health, education and employment.

**Ms COOPER:** We found that the health issues were quite dominant and prevented a lot of somewhat the education but certainly the employment side of things. So we did a comprehensive audit of the community and their needs, and then the idea was to help with any education and training to be able to develop some businesses, a community-type enterprise, to try and reduce the reliance on government funding in terms of pensions and welfare payments. How we came to this conclusion that there needed to be a lot more healing done, without going into details that I do not want to expose or degrade anyone—that is not the right word—but I want to paint a picture that a community—and this is the same, I have studied it a little bit in Canada, I am from Canada originally—with the First Nation people, particularly at Wallaga they are a community that is not remote but remote in terms of a lot of people do not have drivers' licences, like there is no easy way to get off the community for work or otherwise; they are a remote, distinct community where families have got generations and generations of gripes in some cases.

So we have an issue with a distinct division between families that go back many, many years; we have an issue with intergenerational trauma. Where does it begin? It could begin even before the stolen generation and other major traumas that have happened in history, but we can definitely see that it gets passed on between grandparents, to parent, to adult, to children. I know there are a lot of programs—Bridging the Gap and Breaking the Cycle—but it does not take long to see how it can affect every aspect of their life.

The first thing we did, and one of the images here—I do not know what you were given but I have got handouts for everyone—is noticing that we were not well engaged. You need to properly engage with the community and you cannot just walk in in a suit, in your organisation car, and rock up and go, "Okay, let's start working on a program". We were very lucky to have a chap called Terry Hill, who was our first person to work in this space who understood and had grandparents that had grown up as Yuin people in the community; so he had some respect even before being known. But he was able to think like the community and get engagement from the community.

We do not necessarily understand as government or local government some of the key aspects: one is time is different to how we see it. So with a two-year program, once that program finishes we might have gained momentum but you lose the two years you have just invested in it. So time is an issue in many, many different ways and I think some of the gentlemen here before were trying to explain a little bit of the cultural aspects. Cultural awareness: to actually turn up—and I have seen it many, many times, especially with maybe job agencies—turn up at the community and wait the four hours and then leave and no-one has actually come. It even happens with the doctors, although I think the doctors have got a better chance of having clients. That was like: This is not how you do it.

So one thing we did was we published a weekly or fortnightly newsletter that went into every home anecdotally and the community would pin the newsletter up because it was information for them to them about them and not necessarily shared outside, although some of the departments—it was said, I think by the Department of Aboriginal Affairs, as one of the benchmarks or something that could be copied in other communities. It was just a very simple way we communicated with the community. How to engage with them, how to teach, how to motivate and how to govern are some of the key areas that we focused on, and the one thing we found is the community was quite neglected in terms of neatness, cleanliness and rubbish and all that. We funded the PPE Gear and we had a bit of a plan which they very much had a part to play. I think we got about 30 of the adult community and young adults and up to the elders joining in and cleaning up the community. Someone said, "I'm 27 years old. I have never, ever seen anything like this in the community—even families working together"

That is a little bit a part of healing, I think, to get a bit of pride and it helped a lot in getting people working together, getting people having a good look at the community. I know it is all leading towards how can we get jobs and businesses started, but this was very important to be done, and that was done within a couple of months of starting the program. Then we did some healing camps. We used the Red Dust Healing, I organised an Aboriginal women's camp we had down at Merimbula; we had about 27 women and it was the most difficult weekend of my life but one of the most rewarding, and some of the elders who were in their late seventies saying this is the most amazing thing they have done in their life just shows that that is what is needed.

To explain what the hurts are and what the challenges are, which all lead to addictions and addictions lead to unproductive communities, a lot of domestic violence, a lot of violence between not just men and women but amongst competing families, and it is no different to other communities around the world who have got issues like the First Nation people, and you see it in New Zealand too. The main thing about what we have written in here is before you can say, okay, how can we improve the economic development of Aboriginal communities, you have to look at what is preventing them from progressing. We need more funded programs, and there are some really good ones that work. We saw some amazing outcomes out of the ones we did, but with

the program stopping after two years—I continued sort of in my own hours and weekends supporting women's groups, but, again, it needs more full-time support.

**The Hon. ERNEST WONG:** Just quickly I would like to say that no matter how much of those business models or economic development plans we are putting in, we have still got a long way before it would fill in the gap, the cultural gap, before we are able to implement those models for them.

**Ms COOPER:** Again, I think it takes perseverance, it takes continuity, it takes time, it takes cultural understanding, and I mentioned before the Yuin preschool. We need to start not with the adults that are already affected—although we absolutely have to work with the adults, but we need to start younger. Lea Sutherland's two-year-old Aboriginal children and other children that are from disadvantaged areas come through the preschool. Visiting that preschool, which is on the community, so you are actually travelling through a village, it is quite confronting sometimes to get to the preschool, but once you are there it is an oasis of absolute love and understanding. What Lea does at the preschool and her staff is unbelievable. They will get up to 17, 18 children—some days it is less, depending on what is happening with the families. They provide a bus, they provide breakfast. From that they can identify which children need help—and a lot of them need help at that age.

So to have the programs linking in and providing psychologists, speech therapists, behavioural experts, we need to start with that generation to know that then we have got kids ready for preschool and that they are. It is proven that after a couple of years at a preschool for these Aboriginal children they are really confident and socially ready to go to school. At the school level, we have got a cute photo here, it is also in the program of the study centre that has been funded through the Elm Grove Trust; a little bit of government money helped out of my program because we identified that economic development starts when you are at primary school and secondary school. So these kids, up to about 35, meet twice a week at the hall on Wallaga with some mentors, with a healthy snack and some games to play, whether it be educational games or whatever.

They sit there and do their homework together. They are excited about going to school the next day to present their homework to their teachers. The principal of one of the main primary schools said that the attendance and the results at school have dramatically increased. I think it was pegged against the State as one of the highest attendance for Aboriginal communities linked directly to the study centre. So, again, that is now working just with donations from community and business, but if you just look at this distinct community you can see where some of the funding of projects can definitely work. It starts at that young stage because those kids then will be ploughing through their primary school, which is still quite nurturing, and be more ready for high school.

Then at high school we need to have the traineeships and apprenticeships that are culturally significant to keep them engaged and wanting to do things. It was discussed before—and I think Jeff Morgan mentioned it too—that for the national fishing resource management we are working on includes a big aquaculture hatchery for not just oysters but shellfish at the moment, which is very exciting, in Eurobodalla. The first people you think of—this would be a great project to get some of the young Aboriginal people in and doing some training, et cetera. You know, ecotourism, general tourism with some of the successes of the dance troupes that have come out of here supporting the artists—we have some very well published artists that are in the area—show there are a lot of successes; it is not all doom and gloom.

But I think the Government has just got to keep working at it and not have big gaps between programs because I saw some great stuff happening at Wallaga under our program. We got every community member down that could speak—down to the three and four-year-olds up to the eldest who was about 82—to put their views in the Wallaga Dreaming document. This is the community plan for Wallaga, what they see, and this is pretty important because you have got perhaps about 75 respondents saying what they want. A lot of it is quite surprising such as some of the biggest culprits wanting a dry community—it is very hard to have; how do you do it? I do not know—but, you know, they recognise some of the weaknesses and the addictions and the fact that they need more counselling. The women very strongly said that every child needs counselling. They need to work with psychologists so that they can have a better life than the parents had themselves.

I was saying to someone here that they know what it takes. We just need to put that into modified programs to match. The women especially are very wise. They absolutely know what it takes to get that community and others. Bodalla is quite similar but this is different because they are very isolated in a village. It is the same in Canada where the reservations create addictions, depression, unemployment and all of that, and abuse. How do you deal with that? I think, ideally, being in the wider community works better, but this is very important land to them. Yes, I do not know.

**The CHAIR:** That is a pretty good summary.

**The Hon. PAUL GREEN:** Yesterday we heard some comments. It is okay if you are in that particular group, the Wallaga group, but if you are outside you virtually do not qualify for some of those opportunities. How do you respond to that?

**Ms COOPER:** Well, that is true. I mean, I have seen it. After we did the clean-up at Wallaga, which is ongoing—but if you go there now you would think that I had been lying and we never did it; it is an ongoing issue—after that we did an audit or a survey of all the services, government services, that were servicing this community of 70-odd people. We had 32 programs across 29 organisations. I think I can share all that information with you. That was pretty amazing and that was across health, education and training, so all the jobs services providers, all the health providers—and sometimes they might just have like a fortnightly or one-day visit by a dentist or something—but we had a look at all the different services. There was no coordination. Some actually came for the same reasons on different days. Very little had a lot of effect apart from, like I said, some of the health ones—you know, diabetes and the GP, who is always busy. Some of the other programs did not quite understand how to engage with the community.

If your client or the Aboriginal person—certainly, if there has been any death in the family or a trauma—forgets the appointments, do not begrudge them not turning up. It is part of it. People have got to understand that and not give up on people, or if they forget. You know, I used to pick up kids to take them to football, and sometimes the parents totally forgot. Well, just persevere. Keep trying and it will become regular. We got a lot of really good results, but at the moment there is no-one in that community working on any of these programs. There are still the services—health, et cetera—but there is very urgent need to resume social and economic development programs.

**The Hon. PAUL GREEN:** Mr Morgan, I want to come to the rural land strategy. How did you arrive at that particular document? Was there a board or a community group?

**Mr MORGAN:** Yes, by a lengthy process. We had a rural lands steering committee that was established several years ago. They were the key reference group made up of a range of community members, who primarily are from the agricultural sector, and council staff and State Government agencies' staff supported that.

**The Hon. PAUL GREEN:** One of the issues I have received representations on is the fact that there were quite a lot of recommendations in that final paper that were not embraced by council, particularly relating to E2 zonings and the sterilisation that that particular zone can make across the council. Do you wish to make some comments about that?

**Mr MORGAN:** Yes. I do not think it is entirely accurate, what you have said. Council has endorsed the strategy in full. The strategy was as endorsed.

**The Hon. PAUL GREEN:** All the recommendations?

**Mr MORGAN:** Yes, the recommendations within the strategy. In relation to environmental zoning, there is a clear message from the community and the rural lands steering committee that they did not want to see additional E2 zoning and additional E3 zoning. There is no additional E2 and E3 zoning proposed to come in.

**The Hon. PAUL GREEN:** What zones are they over? Are there any residential or rural areas?

**Mr MORGAN:** The history of it is that the council prepared a local environmental plan [LEP] in 2012 and proposed that a range of lands be zoned E3. That did not proceed so that the land that was proposed to be E3 was called deferred land. That was essentially the land that is the subject to this strategy. It was formerly rural 1A so it was sort of a rural and environmental constraints zone and we had to work out what zone we wanted to apply now. What the strategy has done is that the majority of that land or all of that land is going to either rural zone, rural smallholdings, or environmental living, which is an E4. The E4 is quite different to E3 in that it gives an automatic dwelling entitlement zone, subject to consent. The key is zones of concern were the E2 and E3 and we are not applying the E2 or E3 zone.

**The Hon. PAUL GREEN:** Coming to small lot rural farming, something that we have addressed throughout the inquiry is the fact that times have changed and that small lot rural farming is an opportunity. I am glad you put it on the record about that—that we need to get away from that hundred-acre sort of mindset that exists, although that might be appropriate. I note that one of the recommendations from the housing inquiry was about increasing density in rural lots. Could you help us to understand how you increase density without trading in the true spirit of those farming or rural lands?

**Mr MORGAN:** What we have done is very much look at the landscape approach to identifying areas that are suited for some additional developments. We have looked that one of the traditional areas of good quality agriculture and looked at the pattern of development. Where we have good quality agriculture and large

holdings, our view is to maintain that asset. It could be argued that that is penalising those landowners from the ability to get more subdivisional opportunities, but we have essentially endeavoured to maintain those. Where there are subdivision patterns where it is more fragmented—not in single ownerships but it is already fragmented—our view is that those are the locations where there can be some additional development opportunities that will facilitate that small-scale farming. That is a broad summary of how we have approached it.

**The Hon. PAUL GREEN:** I note that the landowners' opportunities to make money on their land has changed as well in different situations. If you sterilize it—I am not saying that you have but other councils have sterilized land with E2 and with maps and layers and stuff like that—it is very hard to make a buck. Given the housing pressures would you not think that it would be reasonable to be able to put extra dwellings in rural areas, because there are people who want to move into those areas?

**Mr MORGAN:** Certainly our council thinks so. I think so. It is a balance in finding appropriate areas. The other pressure working against small-scale farming in the Eurobodalla—and it is possibly occurring in other LGAs—is the fact that the land value has increased significantly. That makes it quite difficult. I was talking about a farmer with one or two acres who could make enough money for one person, but that person could not have a mortgage. He or she could not be paying \$300, \$400 or \$500 a week off a mortgage; they would have to be debt free for one or two acres to be able to provide for a family.

**The Hon. RICK COLLESS:** I would like to follow on from that because it is an area that interests me as well. What sort of crops are you talking about for these small farms?

**Mr MORGAN:** They are typically mixed vegetables—horticulture, mainly.

**The Hon. RICK COLLESS:** Do they grow blueberries down here?

**Mr MORGAN:** No, but given the price of blueberries at the supermarket, it is something I would put in my veggie patch at home.

**The Hon. RICK COLLESS:** Your comments about water and so on apply to the north coast. It is exactly the same issue, but it surrounds the blueberry industry up there.

**Ms COOPER:** I think there is a blueberry farm in the Shoalhaven, and strawberries.

**Mr MORGAN:** It is very much mixed farming. It is not only horticulture. If you look at these small two- to five-acre properties that are making money for their families you see that they have a range of vegetables, fruits, chickens and maybe a little bit of beef. The logical next step to what is happening down here is the value-adding. The Whale Motor Inn over the road are very big on nights where they use local produce. They are selling things like Wagonga Inlet salt. That value-adding can really generate more income.

**Ms COOPER:** Not very many people have Foxtel here but the show River Cottage Australia—I do not know whether you have seen it—picked this region for a reason. Over 32 episodes they exposed a lot of these small farmers, fishermen, breeders and growers. It has been a success in highlighting the industry.

**Mr MORGAN:** I would like to add to my response to Mr Green's question earlier. The rural land strategy has moved into a planning proposal which we are talking to agencies about now. I think the notion of some additional development and some additional subdivision in rural areas is challenging to some of the ministerial directions and is challenging the way the department views these things. Zoning land as rural small holdings rather than E2 and E3 is challenging the way the department thinks. So we are really looking forward to departmental support to get the planning proposal through in the manner in which the council, staff and the community—as one team with respect to this proposal—has been putting forward.

**The Hon. RICK COLLESS:** It is a land-use conflict issue, pretty much, isn't it? It is the environment versus agriculture, versus small holdings, versus larger holdings. It is a big issue in other parts of the State where you have agriculture versus mining and coal-seam gas and all those sorts of things.

**Mr MORGAN:** The conflict between the rural and environmental zoning is not really a conflict because we do not think that we need to have environmental zones to provide adequate environmental protection. You have rural landowners and farmers who are protecting their land. They know that if they do not protect their lands they will lose their livelihoods. So they are the number one protectors of the environment. Secondly, there are numerous State Government pieces of legislation. There is the Native Vegetation Conservation Act and the Threatened Species Conservation Act, which are going through reforms at the moment. Those pieces of legislation are in place; you do not necessarily need environmental zones or even an overlay within a Local Environmental Plan [LEP] so ensure that protection, because it is already there. The overlays and the identification is more about having the section 149 certificate when you purchase a property so

that you know about these constraints. It has taken a long time, and I understand there have been deputations to various members, but we think we have got to a point where we have heard the community, and we have translated that into a strategy.

**The Hon. RICK COLLESS:** Do you think there needs to be a different approach to zonings—I use that term broadly—and in the way that those zones are decided? Do you think perhaps we should consider "fit-for-purpose land" as opposed to zoning for industrial areas just because they happen to be closer to the town centre, or something along those lines?

**Mr MORGAN:** I do not think the use of zones is the biggest problem. As part of the planning proposal we are doing now we have looked at the concept of open versus closed zones. We are shifting—not only in our rural zones but in some of our urban zones—to open zones. So that you understand that I should say that there are three categories in a zone. There is development you can do without consent, development with consent, and prohibited development. A closed zone specifies what you can do with consent and what you can do without consent, and everything else is prohibited. So if you have not thought of a particular thing that you should be able to do with consent, it is automatically prohibited. So we are flipping that to open zones. It specifies what you can do without consent and what is prohibited. Everything else you can submit a development applicant [DA] for, and it will have a merits-based assessment.

**The Hon. PAUL GREEN:** I want to come back to the E2 issue and the mapping and the overlays. With respect to the Rural Lands Strategy I have a comment from page 32 of the agenda of the Eurobodalla Shire Council meeting for 23 January. It says:

It is acknowledged that through the above mentioned resolution, the Council has an adopted position that the Rural Lands Strategy recommends that environmental overlays not be included in the LEP. Notwithstanding this Council position, the consultant and Council staff are unable to support the recommendation.

**Mr MORGAN:** Something has happened since. The council resolution was that the overlay not be in the LEP. The council resolution is that the native vegetation controls are in a code of council and they are referenced through a development control plan. So the position is that the overlay is not in the LEP. That was a council resolution.

**The Hon. PAUL GREEN:** That makes sense with respect to sterilizing the opportunities that you have on your lands. It is good to hear, if that is so.

**Mr MORGAN:** As I said, staff, the council and, I believe, the community are on the same page. We have a united front now in going to the State government to implement these actions—no conditional E2 zones, no E3 zones and no overlay in the LEP.

**The CHAIR:** We will finish in a moment or two because we have limited time.

**The Hon. NATASHA MACLAREN-JONES:** I have a question in relation to women. You talked about the women's camp. This is something that you might want to take on notice. You talked about the important role of women. To be blunt, a lot of the witnesses we have had from the Aboriginal community have been men. Obviously, women play a vital role in development of communities. I would like to know a little bit more about whether women's participation in economic development is working. Are there recommendations that you would put to this committee that more needs to be done to invest in women, particularly young girls in these communities?

**Ms COOPER:** Definitely more needs to be done—in funding programs but also to get mentors. There are some programs at the local high school that engage with Aboriginal girls—they apply to non-Aboriginal girls too—building up their esteem. I have to mention that Marlene from Wallaga has made national news in the papers, TV and radio, et cetera. She suffered a terrible domestic abuse incident, when she was left for dead. Now she is a spokesperson. It is really good for every member of the community—boys, girls, men and women—to see one of their own going out there and turning something that was very tragic and totally disfiguring into rebuilding and having support from every media channel in Australia. There was a lot of support.

I not talking about this because I am a woman—I have worked with the men too. A lot of the men that I worked with have ended up in and out of jail. There were issues because there was not continuity in programs. This is a real problem. The women seem to be able to follow programs. We had about 28 women in the Ngaardi women's group. That was set up after the camp that we had at Merimbula. They became productive. They started a textile business. We did a big event at Umbarra, which is the closed cultural centre near Wallaga about a year ago, during the River of Art festival.

We had a lot of help from friends from the non-Aboriginal community, but that produced over \$3,000 worth of income for the artists. The women made food that they sold. The men were equally involved,

but the women ran the event. There was a bit of empowerment and some training that we did. We set up websites. I had identified information technology [IT] training for all in the community and we gave IT training. A lot of community members do not have drivers licences and getting them would give them freedom and the ability to go to meetings and job interviews.

I could give several hundreds of pages of recommendations but I emphasise that we should not give up but keep the programs going. I assume doing programs through councils is the way to go, rather than directly through land councils. We work closely with the land council management and board to make sure programs work with them, not against them. There will be outcomes but programs cannot be limited by time and must be culturally significant. Some men have gone on to do traineeships with National Parks, so let us support them.

**The CHAIR:** That might be a good spot to conclude the hearing.

**Ms Cooper:** You know we could be here all day.

**The CHAIR:** We will conclude this discussion after the Hon. Paul Green puts his questions to Mr Morgan on notice. Ms Cooper, will you table your report?

**Ms Cooper:** Yes, I have copies of *Wallaga Dreaming* for all committee members. I was asked for a copy by the Department of Health, which shows agencies are paying attention to this document. It is written in the language of the people; we did not dress it up.

**The CHAIR:** Can it be made a public document?

**Ms Cooper:** Yes.

**The Hon. PAUL GREEN:** I ask the following questions on notice: First, instead of developing a stand-alone regional planning Act, should a regional development SEPP be established that applies to the development of rural activities and rural industries? Second, inquiry participants stated that there is often a lack of coordination between the local council or Department of Planning and the various other government agencies that are involved in a particular planning application. The Committee has received a recommendation that a one-stop shop be created for the benefit of planning applicants to improve this process. What is your view on this proposal and how would it work in practice? Third, it has been stated to the Committee that fixed development consent levies under section 94A of the Environmental Planning and Assessment Act are a disincentive to regional development and are typically applied by councils at the maximum rate. Should the Act be amended to provide councils with flexibility to waive charges, particularly where the applicant is investing in a project that will help stimulate local economic activity?

Fourth, is the current threshold required to trigger the preparation of an environmental impact statement too low? How can the balance be improved to ensure that the environmental impact of a proposal is adequately assessed while not unnecessarily delaying the application process? Fifth, it has been put to the Committee that the State Environmental Assessment Requirements are often generic and require the applicant to spend time and management on matters that have no bearing on their project. Is this your experience with the requirements? If so, how could this process be improved?

**(The witnesses withdrew)**

**GREG PULLEN, Economic Development Manager, Shoalhaven City Council sworn and examined**

**The CHAIR:** Would you like to make an opening statement?

**Mr PULLEN:** Yes, I would. I have been the Economic Development Manager with Shoalhaven City Council for over 30 years. Prior to that, I worked in industrial/economic development in the Orana, Far Western, Riverina, Central West and in Wollongong since 1978, stimulating economic development in a variety of ways including business advisory services, development of industrial land, sourcing government funding for industry, preparing applications and facilitating development applications through council—all being part of those roles.

In Shoalhaven, the earliest industrial land developments commenced back in the 1970s and were developed in partnership with the New South Wales Government through the Department of Decentralisation in its various forms. I would like to thank the Committee for allowing me the opportunity to contribute to this public hearing. There are a number of issues in both inquiries that I would like to reiterate. The issues are outlined more fully within the separate submissions made by my office to the inquiries into regional planning processes and into the economic development of Aboriginal communities.

In regards to regional planning processes, I would like to stress that the main outcome should always be the generation of economic activity in regional areas, balanced with the protection of valuable environmental and agricultural lands, while enhancing the social fabric of regional areas. From my experience as an economic development practitioner, I would like to state that the biggest hurdle to significant economic activity is investor insecurity brought about by uncertainty in the planning process. It is not just a matter of getting the zoning right, as many developments can be brought to a halt through a number of factors, not the least of which are environmental hurdles.

Let me first differentiate between an investor and a developer. An investor wants and needs a region to grow; he wants to enhance his own investment and, in turn, share the wealth and capital growth with others, being the local community as well. A developer is more interested in the here and now—this block, this opportunity. To grow a region you need to nurture investors. We need a planning system where the investor is able to trade risk for progressive certainty of approval. Too often, these hurdles are only brought to light in the later stages of the planning process. Council supported the principles of the planning reform package in that it attempted to address this issue and put a lot of those considerations and community consultations upfront.

It would be much better if a region established what its own priorities were for economic development upfront but in generalised forms: We want a population of X people requiring 35 per cent X jobs requiring an economic diversity that is suited to our region and we agree to it, and the ability to be flexible within some general parameters. These issues would be established upfront. Upfront identification of issues also enables a developer and an investor to gauge whether the concept development would be able to proceed in principle with finer details working themselves out later in the process. I propose that community consultation happens at the beginning of the planning process in more the setting of the scene rather than when a developer or an investor actually comes and wants to place the proposal forward.

Another issue that occurs in regional planning processes is the lack of balance between economic and environmental outcomes. Regional areas such as the Shoalhaven are surrounded by natural areas and our environment does need to be protected. However, the issue is that environmental assessments look only at the land parcel on which the development is proposed and do not take into account the surrounding areas. There is currently a development before the JRPP that would be an economic driver for Shoalhaven, generating hundreds of jobs, but is at risk because a number of Leafless Tongue Orchids have been found on the site. This orchid is listed as a vulnerable species; it is also quite elusive—only appearing above ground between November and February, and it does not flower every year.

Its range extends from Orbost in Victoria to the Gibraltar Range National Park in Queensland. Due to the elusive nature of the species, it is difficult to determine the environmental impact of this development as the only area being minutely examined is the 50 hectares under consideration, not the hundreds of square kilometres adjoining. We feel that the orchid is not prolific but it is out there. How many of these orchids are out there? Are they vulnerable or are they just really hard to find? The creation of regional plans is a positive move towards long-term strategic outcomes. However, these plans need to be coupled with infrastructure delivery plans and financing strategies to achieve the goals set out in the plans. When we started a regional planning process for the Illawarra we started out with consultation about developing an Illawarra region growth and infrastructure plan. This is the document we now have, and the word "Shoalhaven" has been included in there—that is really semantics and regional definition. Growth and infrastructure have disappeared. That is what the region was looking for; we were looking for guidelines of how we were going to develop the region.

Regional plans should include the greater use of precinct planning. Precinct planning will drive economic growth through creating surety for investors. Coupled with the use of legislation around the Growth Centres (Development Corporations) Act, landowners would be able to pool their land and attract strategic investments—investments that suit the location and social character and provide linkages with existing and future growth areas. In regional areas, State government is a significant landowner. State Government needs to recognise this and understand that their involvement is critical for economic development in regional areas. State government struggles, as does council, to maintain its assets. Leveraging, with investors, to create income streams for government is key to regional support for jobs and economic growth. Council, in its submission on regional planning, suggests a development corporation approach. The substance of this case was presented to the Minister's task force on development corporations in late 2015. The four Illawarra-Shoalhaven councils were committed to this pathway.

The way in which we in the Shoalhaven try to stimulate regional economic development is that we identify industrial sectors to stimulate and precincts are made available to developers. That is how we can make a difference and create jobs in the regional area. The Shoalhaven has five or six such strategies on the go at the moment. We have a defence strategy, by which we have now created well over 1,000 to 1,500 jobs; we have an aquatic biotechnology strategy whereby we are working with industry to develop green jobs and jobs created from harvesting from the sea or growing algae and so on; we have a digital economy sector strategy, which is working on how we can leverage off the National Broadband Network [NBN] and its fastest speeds; we have an agribusiness strategy, which looks at our agricultural lands and how we can enhance sectors of the agriculture and aquaculture industries to capitalise on that; we have a medical education sector strategy whereby we are looking at combining with the university and the health department and so on to develop career paths for doctors from being students right through to being academics at the end of their career.

That is the approach we are taking. We are finding it works. We are very aggro in this. We are tending to be out there and leading with some of these things. I do not know of other areas that are doing such things. We are then setting up the zones to accommodate those types of industries and away we go. Our most recent one, for which we have not yet developed our strategy, is the automotive racing industry and technologies. In regard to the Aboriginal economic development question, the council made a submission and made five or six recommendations. I am happy to talk about those, especially recommendation No. 3 and recommendation No. 6.

**The CHAIR:** Thank you. Just before we go to questions, on behalf of the Committee I welcome our legal student visitors and hope you enjoyed your time here. I will give you one bit of advice and that is that you are better off with a career in the law than going into politics. You will make a lot more money and you will not be splattered in the media. I hope you enjoy yourselves today and I hope you all enjoyed your examination this morning and that you all do well in it.

**The Hon. PAUL GREEN:** Mr Pullen, I know you have had some great experience in terms of lessons learnt in joint ventures with the Aboriginal community and trying to move projects along. Can you enlighten us about some of those?

**Mr PULLEN:** Righto. In the submission that we made, I do believe that there are mainstream business assistance programs offered by State and Federal governments. I think they are equally suited to the Aboriginal business community, of which there are some. Some wish to identify and some do not wish to identify as Aboriginal business people. One area that we have struggled with in council and with which we have had some success is with a lot of our fringe areas on the edges of urban areas and mostly Crown land. We are relying on that land for industrial expansion and residential expansion, utility expansion, and the like. When the legislation changed in the eighties to allow Aboriginal communities to claim those lands, we did not have a problem with that. However, the problem is that our communities are growing, especially along the coast here and Shoalhaven is to the north of here, and we are hampered by the ability to move into those areas. That requires negotiation. Some is easier to have than others.

One specific example that I have was the industrial estate to develop the defence sector growth, which was on an Aboriginal land claim. We actually supported the Aboriginal land claim. We enabled the Aboriginal land claim to be gazetted. We did the survey and property identification work. We then also had a contract with the Aboriginal land council to buy a sub-parcel of their claim to develop as an industrial estate. We worked in tandem on that one. Sometimes it works smoothly; sometimes it does not work so smoothly. We worked with the New South Wales Aboriginal Land Council in that case and we, as a result, got a very successful outcome with an industrial estate with about 10 industries employing about 1,000 people.

**The Hon. PAUL GREEN:** In terms of developing more housing for Aboriginal communities, have you had any time in that area? What are ways that we can maybe quicken those pathways to get outcomes where they have got land claims and got an asset, but they are capital-poor?

**Mr PULLEN:** Yes. It waxes and wanes a little bit. The Aboriginal land council has administration and it has boards and it is very much similar to a local government authority, although it probably does not have the support staff and that is the key. They do not have the support staff. They do not really understand all of the issues. I have gone into some of the land councils and tried to assist them to open up the lands and develop their lands for residential purposes and industrial purposes. Usually what happens then is I have local people get involved—council staff and some private developers. They usually then say, "Oh, we don't trust the local council. We're going to go and get a private developer to help us." They come in. They bring in consultants. They do the work. When the money runs out from the government grants they have secured to pay that consultant, the project just stops and goes nowhere.

The council is then frustrated a little bit because what was happening was going forward and we have lost all that momentum and so on. What I have proposed in the paper is that the Aboriginal land councils need skilling. The Shoalhaven City Council actually has some cadetships for Aboriginal people where we put them through university. That worked. We struggled to get the students to come forward and apply for those scholarships, but for skilling and the joint venturing—the land councils are inexperienced with joint venturing; they do not understand it primarily—what I have suggested in the paper is that the Government needs to establish a joint venture type of template where they can implement that and work through a set of steps to cement a joint-venture.

Councils are quite often a good partner for this joint-venture. We are looking at developing or leapfrogging those developments and they own the parcel, which is holding up other developments. We are only too happy to get involved in those developments as a project management partner more so than an equity partner to make those developments happen. I think the other councils in some of the other evidence that you have heard replicate that as well. I think there is an opportunity there for joint venturing, especially with local government. I am suggesting that that is a model that someone may want to take forward.

**The Hon. PAUL GREEN:** One of the major things that we have seen on the South Coast is the vulnerability of environmental issues and development applications. You talk about reducing the risk. Are you suggesting that maybe the State could do the work-up and then on-sell for the opportunity of regional jobs?

**Mr PULLEN:** That is a leading question!

**The Hon. PAUL GREEN:** It is a very good question.

**Mr PULLEN:** In his former role as Mayor of Shoalhaven City Council—

**The Hon. PAUL GREEN:** I should declare that I was formerly Mayor of the Shoalhaven.

**The Hon. RICK COLLESS:** He was your boss.

**Mr PULLEN:** Yes, he was my boss at one stage. We made overtures to the Government and Ministers at the time—three to five years ago. We said to Government, "You really have to do regional planning thoroughly. You have to work out priorities and what the regions want. Then you start to do delivery plans and get down to zonings and precinct plans and so on." There has to be a structure; this is the way of mitigating the risk to an investor. There was a proposal presented to the New South Wales Government. It will not come cheaply because the information at the front end is not available. We were proposing a consortium to pull that together, for \$2 million—the councils would pay some, the proponent would pay some and the Government would pay some—but to date we still do not have a reply.

**The Hon. PAUL GREEN:** I would like to say one thing about that. You are not only talking about land; you are talking about aquatic areas as well, with respect to the Government doing the work-up.

**Mr PULLEN:** Yes. Some of it is high risk. An investor—as opposed to a developer—wants to know that he has some support within the Government structure and within the planning structure to support what he is doing, moving forward. He will pay for that but he wants reassurances. In some of the submissions by other councils—Moree, Tamworth and whatever—they talked about a go-to person. We are suggesting—we have developed our thinking around this—a development corporation type of model.

**The Hon. ERNEST WONG:** It was interesting that you mentioned the difference between a developer and an investor. Would you elaborate a bit with regard to how you identify an investor, particularly within the planning instrument. Are you suggesting that we should identify them as two different kinds of clients within the planning instrument? You said that we have to nurture them. What do you think would be the right procedure to nurture them? What kind of incentive do you think the Government would be able to provide?

**Mr PULLEN:** I will give you an example of the difference between an investor and a developer. The example I use—it is probably a bad example at this moment!—is Woolworths. I regard Woolworths as an

investor. Woolworths has a strategy for developing umpteen stores. In the case of Masters they added so many stores. That was a bad decision, but let us pull back from that. A developer is a person who comes to Woolworths and makes an agreement in, say, Batemans Bay, Nowra or Blacktown, to develop a square meterage on a sight for Woolworths. Woolworths is looking at the bigger picture and has megamillions. Woolworths wants the region to grow; that is the key to this whole thing.

The next part of the question is: Should the planning process accommodate that? Yes. Mr Green explained about the marine industry. Let us look at marine infrastructure. I am not talking about cruise ships; I am talking about a marine tourism industry that goes up and down the coast based on boats of up to 50 metres and would call into nooks and crannies and do that sort of work. That requires a whole heap of coordinated approvals. Those approvals need to be across the south coast—three local government areas with multiple sites, multiple ownerships and multiple zones. How do you encapsulate that and give confidence to a group of investors from Europe that that is what they want to do that and that they can get that approval, rather than to have to secure 32 individual approvals? That is the difference.

I was called by Andrew Robb, the Federal Minister responsible for investment, to advise him about why Australia was not capitalising on the global financial crisis [GFC]. The GFC could have been a boon for Australia if we had worked it properly. The issue is that the planning scheme is not conducive to people coming in and investing big dollops of money—I am talking about \$300 million, \$400 million or \$500 million; I am not talking about \$1 million or \$2 million—in Australia. That is why a lot of the money is going into agriculture, where you do not need approval—whether you grow wheat or canola it does not matter; you do not need planning approval to change your growing regime—and built property. Built property is there because someone else has already taken the risk of building it and getting the approvals.

If you tailor your planning schemes—I will take the example of the northern Illawarra—and you are quite comfortable with the coal extraction of the mining industry, and you are happy with the transport terminal at the port and with a steelworks and heavy industry, if a big cement works wants to tap into the port that industry will be fairly confident that, with the regional profile and what the area wants to achieve, it will be approved. With no disrespect to Bega Valley, if I want to develop a cement works in the Bega Valley, where they want to keep green agricultural facilities, I would look at the plan of what they want to do in that region and see that, no, it does not fit and I would look somewhere else.

**The Hon. ERNEST WONG:** You are suggesting a whole new category of a kind of investor-developer in the planning schemes. Is that right?

**Mr PULLEN:** Yes.

**The Hon. ERNEST WONG:** I do not see that that would be easily incorporated into what we have right now.

**Mr PULLEN:** Yes.

**The Hon. ERNEST WONG:** In your submission you mentioned cutting red tape. Would you be able to give us a picture of the kinds of red tape and how that can be addressed? You were talking about 85 per cent of developments that need to be processed more quickly.

**Mr PULLEN:** We are proposing, for the four Illawarra-Shoalhaven councils—it was also in the Shoalhaven City Council's submission to the development cooperation task force—what needs to happen. You establish a development corporation for a region. That development corporation identifies some precincts that are keen to develop in one of these strategies. A precinct would be 50 hectares to 200 or 300 hectares. That would be the sort of size. Then we would do the planning and LEP analysis and set the context so that anything that wants to fit into a strategy such as this can be fitted within that precinct. Inside that precinct there may be other uses. You develop that so that you can then go to the investment industry and say, "We have 300 hectares." The Government, as a landowner, needs to be involved, because Government and councils and Aboriginal corporations in a lot of these precincts are substantial landowners.

In fact they may own 90 per cent. Rather than sell off the land they would put it as equity into the project. The investor would come in and you would develop a whole range of activities within that precinct. There would be an income stream to Government as an equity partner. That would be the model. It can be self-funding. There has to be some seed capital at the front but once it is working and is self-funding you could introduce a second precinct somewhere else in the region, and so on. That would provide an income stream to maintain some of the Government and council assets which are struggling at the moment to be funded. I understand the reasons behind that.

**The Hon. ERNEST WONG:** That is a very challenging new concept for planning. Has all that you have mentioned been officially submitted or communicated to the Department? What has been the response?

**Mr Pullen:** It does work. It is working around the world now—

**The Hon. ERNEST WONG:** I am not saying I do not agree with that.

**Mr Pullen:** —mainly in Europe, Africa and South America, not so much in Asia. That was submitted by way of a hearing with a ministerial task force on development corporations in the latter half of last year. I have probably explained that to five or six Ministers of the State Government and one of the Federal Government. As a concept, council is committed to it. The Hon. Paul Green was involved in the early stages of making those submissions to government along those lines, when he was mayor of Shoalhaven. We made submissions and that inquiry reported to Minister Stokes. We have not heard anything out of that process yet, but we are keen to go.

**The Hon. RICK COLLESS:** I go back to your comments regarding zoning/precinct. What process do you go through to determine where precincts are and their usage? What are the parameters for that decision?

**Mr Pullen:** I am not a planner; I am an economist. First rule: My knowledge of terminology like LEPs and DCPs is not good as a planner's would be. You have to do that at the regional level. You must determine what your region wants and how it wants to see itself in 10, 15 or 50 years. In the Illawarra-Shoalhaven the scenario at Bulli is definitely not the same scenario as at Ulladulla. They have different urban structures, industrial structures and so on. That is where subregional plans come in and how you service those and provide the necessary infrastructure needs additional plans. An infrastructure plan that goes with it has to be developed. Once you get down to HMAS Albatross, a military base near Nowra, council is trying to protect the community against noise from the base. It employs 2,500 to 3,000 people. We would say in and around that precinct we would allow certain other types of industry to capitalise on the noise and other industrial activities. That is how you would grow that precinct.

**The Hon. RICK COLLESS:** Once you have that precinct sorted, do you believe there should be some sort of accelerated approval process for developments in that area that fits with that precinct?

**Mr Pullen:** Yes.

**The Hon. RICK COLLESS:** Should that be done by exempt compliance-type development?

**Mr Pullen:** My simplistic way of explaining that is that you allow the range of industries you are looking to attract into that area. The community has already proved it is willing to tolerate that interference, so you decide on the scope of the area. You then have to accommodate the nimby resistance and once you have worked through that you then identify your industry partners and investment partners. They know that their industrial activity is pre-approved, which allows them to get down to the detailed issues. That is done at a regional planning level, not by council. The council gets involved towards the end of that process to look at whether building structures are adequate and those sorts of things.

**The Hon. RICK COLLESS:** At that stage the development would be deemed to be approved?

**Mr Pullen:** Yes. I am dealing with a developer at the moment investing in excess of \$100 million in that precinct. It is an American investor, so it is going through contamination and other sureties before signing on the dotted line to buy a property. Those things are eliminated at the front end and lets investors do due diligence requirements after that. There was still a JRPP and it was achieved in six months.

**The Hon. RICK COLLESS:** In your submission you talk about your submission to the new planning system for New South Wales and the prospect of a new contemporary planning Act. Does New South Wales need a completely new planning Act? Given your comment that you are an economist not a planner, it might be difficult for you to answer that.

**Mr Pullen:** I am going to preface my answer again. You do not throw the baby out with all the bathwater. There are some aspects of the Act that are well researched. However, in dealing with planning bureaucrats at all levels I have found it frustrating that they fully understand the environmental issues and the social issues but they do not have a clue about the economic issues. They have no idea about time frames. They do not understand that you are doing some studies as a proponent from a business and you feel they are not necessary. There should be some rationalisation of agreeing upfront what work studies need to be done. I believe this decision should not be because it can be done under the legislation but because some bureaucrat has determined on advice that it needs to be done. It should not be determined on a whim because the bureaucrat has every right to ask for it. It is more a philosophical position than a recasting of the whole legislation, but how you embrace that change and the ability to be proactive in understanding the economics is challenging. I do not

really have an answer to that, but economic planning needs to be elevated in the assessment process under the assessment guidelines, because basically it is not at the moment.

**The Hon. RICK COLLESS:** If we look at social, economic and environmental factors, which is the biggest piece of the pie at the moment?

**Mr Pullen:** They should all be equal.

**The Hon. RICK COLLESS:** I agree with that, but which one is the biggest piece of the pie at the moment? Is that piece of the pie constraining regional development?

**Mr Pullen:** I think I have already said that: environmental. Environmental would be the major sector. Social is a minor part. On the economics, they do do it but not from the benefits point of view. Currently we have a shopping centre development and from my perspective as an economist there are no extra dollars to be spent, because that would mean spending would be spread thinner. However, that is the debate and people get involved in that because of jobs and job security. At the end of the day, there will probably be a net slight increase in jobs as a result. That is what you are looking at. If you are looking at regional economic development, you are looking at game changers like aquatic biotechnology, which no-one else in New South Wales is doing. You should pick on a niche like that where you can specialise because of special geography, physical attributes or technical expertise.

I will give you an example: Jervis Bay. NSW Fisheries was looking at aquacultural leases in Jervis Bay. I have been working on the project since 1992. For years we were looking for proponents. Proponents would get so far and then planning would get too hard because there were no good guidelines. I convinced NSW Fisheries in about 1996 that they had to run the DA. They did that; it took a few years—it was even complicated for them to get a DA approval—and they got a DA approval 18 months ago. We have now got a proponent, we are now looking at putting long lines in the water in the next six months and, as a result, 30 to 50 jobs out of it. If that had been left to the private sector we would be still talking about it. Government have a role in enabling economic development.

**The Hon. PAUL GREEN:** Just to finish off, I would like to know how you strategically think like this with the capex issue, in terms of regional jobs and growth and how planning plays a part in that.

**Mr PULLEN:** You flew in, so you did not drive down, but some of you drive down the South Coast—I know two of you do. One of my KPIs at council is to drive capital investment into the Shoalhaven by the State and Federal governments. The way in which we measure that is the capital injection—and, let us face it, on the Princes Highway \$1 billion is being spent by RMS on road projects over a period of eight years—that has an economic benefit to the Shoalhaven. I monitor that and I have to keep growing that. Where the question is coming from is I do not believe that the Government fully understands the impact of those investment decisions and those capital investment decisions. When they do major projects like that, that injects jobs into the local economy.

I will give you the example of the road between Gerringong and Bomaderry—as I said, \$1.2 billion over eight years. If I had gone into any council in Australia and said, "I want to establish an industry that will employ 650 people and will bring \$1 billion worth of turnover into your economy over eight years", they would be all over me like a rash; they would be offering me free land, factories and whatever. You go in and you say, "I'm going to build a road", people understand that the road is going to bring transport improvements and so on and so forth. The 650 jobs for eight years—that is a big economic input. One of the problems you have as a result—there are consequences—is there are no properties to rent between Nowra and Shellharbour because all the workers that have come from all over the place, and some of them have gravitated in, they are living four to a house and the contractors have hired houses rather than motel rooms and they are all occupied, they are all taken up by these people. You cannot find houses to rent in Nowra and Bomaderry. That then causes another problem in local communities which have not got rental accommodation and so on. No-one has asked me a question about Aboriginal issues, so I am going to give you an answer about Aboriginal development.

**The Hon. PAUL GREEN:** I did ask a question at the beginning about Aborigines.

**Mr PULLEN:** Yes, but I have not got to point six in my submission.

**CHAIR:** If you would like to answer it that would be excellent, and we will conclude on this answer.

**Mr PULLEN:** Where I see a way in which the Government and councils can help the Aboriginal communities is that they are major landowners; Crown land that used to be is transitioning across to Aboriginal land councils. They do not know how to develop it, how to capitalise out of it; they have got this philosophical problem they have to prove an association with a piece of land to get the land allocated to them, then when they want to develop and on-sell it that is the other side of the coin, and they struggle with that philosophically.

Where I am coming from is, if you have a joint venture agreement worked up, local government can get into bed in a joint venture agreement with a land council. We can then develop a project, develop their community housing projects and land for sale to the general community; everybody makes a profit out of it and they end up with their needs and their 10 houses and so on, they end up with some capital for the next project to roll on and off they go. I believe that that is a way in which you can enable the land councils and the local communities. Whether that money has to be interest-free or low interest that is up to government, but I do believe that there is a practical solution that can work. I have been involved in those sorts of projects but they die at the end because the Aboriginal land councils really do not have the wherewithal to move it forward.

**CHAIR:** Thank you. That will conclude the hearing for today. Thank you for coming all this way..

**(The witness withdrew)**

**(The Committee adjourned at 1.45pm)**