



Your reference: E13.7173
Our reference: DOC15_478118
Contact: Mike Saxon (02) 6229 7092


Mr Jeff Morgan
Divisional Manager Strategic Services
Eurobodalla Shire Council
PO Box 99 Moruya NSW 2537

Dear Mr Morgan

Draft Eurobodalla Rural Lands Strategy

Thank you for providing an opportunity for the Office of Environment and Heritage (OEH) to make a submission on the draft Eurobodalla Rural Lands Strategy.

Regretfully, I advise that there are key components of the strategy that OEH does not support. I have described our concerns below.

OEH acknowledges the substantial work that has gone into the preparation of the strategy, background discussion papers and mapping. It is a large body of research investigating the issues facing rural lands in the Eurobodalla local government area. 

We have been working cooperatively with Council over a number of years to improve the environmental baseline data to assist in making informed planning decisions. OEH has particularly appreciated the opportunity to participate directly in the Review of High Conservation Value Mapping section of the project. OEH will continue to commit staff time and resources to continually improve the underlying data if Council requires further development of the information layers.

We are of the opinion that the substantial amount of site plot data available verifying the presence of high environment value lands at various locations in the Shire, places Council in a very good position to make informed strategic planning decisions. It is therefore disappointing that the strategy has not utilised the data to identify such lands and propose zonings that will protect their values.

The decision to not do so, especially for the currently zoned environment land, is considered inconsistent with the Section 117 Ministerial Direction 2.1 Environmental Protection Zones which states that a proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and that a proposal must not reduce the environmental protection standards that apply to the land.

Proposed zones changes to land currently zoned Environmental

OEH objects to the proposed changes of land currently zoned Environmental to zone RU1. These include lands such as the Coastal Land Protection 7(f1) and 7(f2) zones, a small section 7(a) Environmental Protection Wetlands, also an area included as environmental offsets under the Broulee Biocertification Agreement. The Coastal Protection lands have been zoned that way since the 1970s and are some of the first environmental zones applied in Australia.

RECOMMENDATION: That these lands be assigned a zone that protects their high environmental values as described on attached **Figures 1-13**.

Proposed changes to the zoning of Public land reserves

There is insufficient justification for the proposed change to the zoning of Council bushland reserves from zone 6(a) public open space and for the existing crown land reserves to be RU1.

RECOMMENDATION: That these lands be assigned a zone that protects their environmental values as described on attached **Figures 14-32**

Deferred Matters from Eurobodalla LEP 2012

OEH notes that the strategy recommends applying primarily Rural zones RU1 with small area of RU4 to all Deferred E3 Environment Management lands from Eurobodalla LEP 2012.

OEH analysis of the environmental values of the lands based on site-specific data is attached as **Appendix One**. On the whole, these lands are highly constrained ranging from the steeper and contiguously forested lands in the hinterland of the Shire, to a number of sensitive environments of the coastal strip of woodland and forested land near waterways and estuaries. The high fire risk of these areas also has implications for biodiversity with the need large clearance areas for asset protection to allow future development.

RECOMMENDATION: That the zoning of the deferred lands be applied having adequate regard to the Section 117 Ministerial Direction 2.1 and that the Appendix 1 be used to identify the specific attributes of the land. OEH has recommended an appropriate zoning for each parcel in Appendix 1.

OEH has particular concerns about the following lands:

- The two large Crown land parcels at South Durras and Malabar Lagoon should be zoned E2 due to their very high conservation values as demonstrated by detailed studies by Kevin Mills and Associates and Eurobodalla Shire Council. See **Figures 33 & 34**.
- Sub-division of the deferred lot at George Bass Drive, Mossy Point has previously been refused. The whole lot has been validated as Bangalay Sand Forest ECC by flora and fauna reports by Kevin Mills and Associates. This has also been validated by Council Staff in 2006. Eco Logical Pty also mapped the land as ECC in 2014. This lot should be zoned E2. See **Figure 35**.
- Moruya Heads Lands referred to in the South Coast Sensitive Urban Lands Review in Appendix 2 of the South Coast Regional Strategy 2007. The land was proposed as E3 to meet the recommendations of the Inquiry and similar zone needs to be applied to be consistent. See **Figure 36**.

Lands currently zoned Rural are majority of the Deferred E3 Environment Management lands are generally highly constrained made up of the steeper and contiguously forested lands in the hinterland of the Shire, to vegetated patches of the more fragmented and cleared coastal strip often near waterways and estuaries. These are shown on **Figures 37-200**.

Environmental Attributes mapped are:

- Protected steep land over 18% slope and NSW Land Capability mapping Class 7 & 8 unsuitable for residential types uses
- Habitat corridors of State and Regional Significance, Land in sensitive Coastal Lakes and Estuaries Catchments, Drinking water catchment all which have actions to be protect in the South Coast Regional strategy
- Validated HCV land in accordance with the criteria in the South Coast Regional Conservation Strategy

RECOMMENDATION: In the hinterland areas of the Shire OEH would not object to Rural zoning being applied to deferred lands. However, there are a number of deferred parcels in coastal areas that have validated HCV that should be protected by environmental zoning. These are shown on **Figures 37-200**.

Changes in recommended Rural lot size

It is noted that *Mapping Volume 3* includes a proposed a reduction in minimum lots sizes on sliding scale mainly between 40 to 500 hectares. It is stated that potentially *this could generate up to additional 100 dwelling opportunities across the general rural area* (Page 49).

OEH does not have an in principle objection to the creation of an additional 100 lots across the whole LGA. However it is not clear whether there has been adequate consideration of the environmental impact of such an action. Many of the indicative areas for such sub-division are located with largely intact bushland areas which are unsuitable for increased development.

The OEH Coasts and Flood Team also notes that additional lots may be created on potentially flood prone land for which there does not appear to be reliable flood information. Council will need to obtain reliable flood information to inform the decision making process. It will be also be necessary to demonstrate compliance with the 117 direction for flood prone land. This will need to include consideration of public safety that will require reliable flood information for each and every parcel under consideration.

RECOMMENDATION: That the environmental attributes of the lots being considered for changes in Rural lot size be analysed and subdivision potential not increased in intact bushland areas.

RECOMMENDATION: That additional lots not be created on flood prone land.

Natural Resource Sensitive – Biodiversity maps

OEH supports the use of the Natural Resource Sensitivity – Biodiversity maps in the current format which define the areas to which the clause applies including: i) Extant native vegetation ii) Endangered Ecological Communities, and iii) Bio-corridors. As discussed at the committee meetings, it is essential that the community be fully aware of the environmental attributes of the land early in the planning stages.

The gazettal of the *Terrestrial Biodiversity Map in 2012* was strongly supported by OEH and little has changed to alter that view. The comments provided at time and considered still to apply are:

The mapped information regarding the extent of Endangered Ecological Communities was seen as of high quality. Its detail and accuracy will be very helpful to both landholders and Council officers for the purpose of developing and assessing Statements of Environmental Effects that accompany Development Applications.

OEH considered it important for the draft LEP to also include a map layer showing important wildlife and bio-corridors. The corridor map included as part of the Natural Resource Sensitive – Biodiversity maps is at a regional scale and OEH understands that it has been generated from a range of sources including the Greater glider determination mapping, NPWS fauna key habitats and habitat linkages in the Eurobodalla LGA, Fauna habitat linkages in 1C lands, the ESC Biodiversity Project (2006) and from regional scale corridors mapping completed included in Southern Rivers Catchment Management Authority CAP and brought together in OEH document Regional Habitat Corridor for South Coast of NSW 2014.

Land use Table Recommended Changes

OEH strongly objects to the proposal to allow 'extensive agriculture' without consent in E2 zones. E2 zones are very restricted in their extent in the Shire and are predominantly coastal wetlands (mostly protected under SEPP 14). Extensive agriculture in coastal wetlands would lead to irreparable damage.

In closing, I reiterate our concern that the strategy is, on the whole, inconsistent with the Section 117 Ministerial Direction 2.1 regarding Environmental Protection Zones. If you would like further information or clarification on the issues raised in this submission please contact me on 6229 7188.

Yours sincerely



27/11/2015

MICHAEL SAXON
Regional Manger South East Region
Regional Operations

Attachments 1 Environmental attribute mapping and recommendations for DM for E3 lands.