



Eurobodalla Shire Council  
Email: rural.lands.strategy@eurocoast.nsw.gov.au

9 December 2015

Dear Sir/Madam

**Re: Draft Eurobodalla Shire Council Rural Strategy**

Local Land Services was established by the NSW State Government to provide quality customer-focused services to landholders and the community. We work with land managers and the community to improve primary production within healthy landscapes and assist rural and regional communities to be profitable and sustainable into the future.

South East Local Land Services welcomes the opportunity to provide comment on the Draft Eurobodalla Rural Lands Strategy as an important planning document for rural land in the Eurobodalla Shire.

Local Land Services appreciates the challenge of protecting agricultural land while providing a range of smaller ownerships to meet the demand of part-time farming, hobby farming and rural residential living. **In addition to these demands there is also a need to protect natural resources and the large tourism industry which are important considerations for land use planning in the Eurobodalla.**

The Draft South East Local Strategic Plan

The Draft South East Local Strategic Plan aligns with the statewide vision, goals and strategies for Local Land Services and prioritises service delivery on a regional basis, reflecting regional and local priorities. Public exhibition of this Plan has just closed and we thank Eurobodalla Shire Council for making the time to comment on the draft document. The exhibited draft lists two goals which are directly relevant to the Rural Lands Strategy and South East Local Land Services encourages Council to consider these goals within the Strategy.

Goal 2 is for “Biosecure, profitable, productive and sustainable primary industries”. Outcomes to achieve **this goal include regional agricultural values protected**; shared responsibility for biosecurity threats and natural resources that support primary production; no establishment of new pest, plant or animal diseases incursions that threaten market access and improved resilience to natural disasters and seasonable variability.

Goal 3 is for “**Healthy, diverse, connected natural environments**”. Outcomes to achieve **this goal include healthy productive soils, used within their capabilities, clean water, healthy aquatic and terrestrial ecosystems, a biodiverse landscape, priority landscape corridors under active management and landscape amenity and aesthetics maintained.**

## Protection of Agricultural lands

The draft South East Local Strategic Plan lists grazing (sheep and beef), grazing (dairy), aquaculture and new and emerging industries as priorities in Eurobodalla Shire under Goal 2 – “Biosecure, productive and sustainable primary industries”. Taking into consideration the impact of subdivision on the sustainability and viability of these industries is recommended in the context of the Rural Strategy.. Biosecurity impacts of the Strategy, particularly in relation to subdivision, should be addressed in more detail with reference made to the NSW Biosecurity Strategy 2013-2021. Potential impacts to consider include risks of pest and disease incursions due to increasing interaction of urban communities with agricultural production areas.

## Subdivision and Lot sizes

South East Local Land Services notes that within the Strategy holdings above 100 ha with a significant proportion of quality agricultural lands will be constrained from further subdivision but that a small increase in supply of small lot farms be accommodated by selecting varying lot sizing across the fragmented areas of the Shire; and extending the use of RU4 and E4 zones for subdivision purposes.

South East Local Land Services currently administers the *Native Vegetation Act 2003* (NV Act) and the Strategy notes that broad scale clearing of native vegetation requires approval at the state level. However, clearing for subdivision (including application of clearing allowances under the NV Act), particularly on small land parcels less than 100 ha, can result in large amounts of clearing. Clearing for dwellings, effluent management, asset protection zones, fence lines and roads does not generally require approval from Local Land Services. The cumulative impacts of this clearing, particularly in areas of intact native vegetation should be carefully considered in the Strategy. A visual example of cumulative impacts is provided in Annexure 1. South East LLS appreciates that there will be constraints on the number of additional lots created based on issues such as access, terrain and bushfire hazard, however, recommend that planning for subdivisions minimises the impact on intact native vegetation.

## Use of overlays

Eurobodalla Council has resolved not to utilise E3 zoning in its LEP and to limit the use of E2 zonings to wetlands and important coastal environments. The Strategy discusses the benefits of this approach; however its limitations are not acknowledged or addressed. The use of E zonings provides landholders with realistic expectations for development and specifically protects areas of low land capability and high biodiversity or natural value. The Strategy proposes a modified Native Vegetation overlay and a Wetlands overlay to be retained in the Eurobodalla LEP. The adoption of accurate overlays is essential in identifying areas warranting thorough assessment given that E zones are not to be used extensively. South East Local Land Services considers that the combined use of appropriate land zoning and overlays provides landholders with optimal levels of certainty, flexibility and realistic expectations for development.

Currently the Eurobodalla LEP includes a Terrestrial Biodiversity overlay which identifies Endangered Ecological Communities (EECs). South East Local Land Services notes that the Strategy proposes to replace this overlay with a Native Vegetation overlay which does not identify EECs. Without reference to EECs in the overlay, proponents may not be aware of the need to consider impacts on these values through their development proposal. This places considerable onus on Council to ensure potential impacts on these high conservation value areas are adequately identified through the development

**assessment process.** Additionally, threatened grassy ecosystems (e.g. Themeda Grasslands of Coastal Headlands and Illawarra Lowland Grassy Woodland) may not be identified on the Native Vegetation Overlay and therefore, potentially missed during the development assessment process.

The Strategy proposes that Council does not identify a Bio-corridors overlay in the LEP for “flexibility needs in relation to major projects and re-zonings”. South East LLS recommends that Council identify risks to biodiversity associated with the removal of this layer. For example, how much extra land occurs in the bio-corridors overlay compared to the native vegetation overlay? What are the implications for grassy ecosystems? What are the implications for revegetation and rehabilitation currently required through development approval to maintain connectivity of native vegetation across the Shire?

South East LLS also suggests that for ease of interpretation that all overlays should be interactive and easily accessed online with location of properties possible via searches based on street addresses and Lot and DPs.

### Additional Permissible Uses

On page 34, the Strategy proposes that E2 will be limited to use in high sensitivity wetlands. On page 54 the Strategy indicates that small-scale, extensive agriculture is common now in E2 and recommends this use be permissible without consent. South East Local Land Services is currently investing in the protection of wetlands in the Eurobodalla with a significant proportion of this investment assisting landholders to exclude stock from wetland areas. While existing use rights are acknowledged, it is recommended that an assessment of the potential impacts of new extensive agriculture developments be addressed in order to justify this use being permissible without consent.

### Recommendations

1. The South East Local Land Services Local Strategic Plan and the NSW Biosecurity Strategy 2013-2021 should be considered in the Eurobodalla Rural Lands Strategy.
2. The value of agricultural lands is considered within the Strategy, particularly within the context of viability and sustainability of agricultural industries within the Eurobodalla.
3. Subdivision and changes to lot sizes should be considered in relation to the cumulative impacts of clearing intact native vegetation.
4. In the absence of utilising E zones, possible adoption of the Native Vegetation overlay with consideration given to ensuring EECs, including but not limited to grassy ecosystems, are adequately assessed in development applications and implications of removing the bio-corridors layer is adequately addressed.
5. All overlays should be available online and easily searched using street address and Lot and DP's.
6. Potential impacts of allowing new extensive agriculture uses to be permissible without consent in E2 zones (particularly wetland areas) should be addressed.

If you have further enquiries, please contact Donna Hazell (Team Leader) on 4842 2594 or email [Donna.Hazell@lls.nsw.gov.au](mailto:Donna.Hazell@lls.nsw.gov.au).

Yours sincerely



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South East LLS

**Annexure 1. Example of cumulative clearing associated with subdivision in intact native vegetation on the south coast.**

Figure 1 – coastal subdivision, Eurobodalla Shire - 1999



Figure 2- coastal subdivision, Eurobodalla Shire - 2005



Figure 3 – coastal subdivision, Eurobodalla Shire – 2015

