



Coastwatchers

Eurobodalla's voice for nature

23 September 2019

The Hon. Rob Stokes MP

Minister for Planning and Public Spaces

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Eurobodalla Rural Lands Planning Proposal (ERLPP) Abrogates NSW Planning and Bushfire Protection Laws, Creating Public Risk and Liability Issues

Dear Minister Stokes

I am writing regarding the draft Rural, R5 and E4 zones Development Control Plan (DCP) for Eurobodalla Shire Council.

The Coastwatchers Association Incorporated objected to this draft DCP which has been prepared by Council to supposedly facilitate sign-off on the Eurobodalla Rural Lands Planning Proposal that has been with your and the planning department since December last year.

The Planning Proposal, which seeks to amend the Eurobodalla Local Environment Plan (LEP), was highly controversial. It was strongly opposed by 6 government agencies and large

sections of the community and it is not clear whether their concerns have been addressed in the amended LEP.

Council asked the community to comment on the draft DCP without the benefit of seeing the final amended Eurobodalla LEP, despite Council itself acknowledging that the draft DCP needs to be read in conjunction with the Eurobodalla LEP.

The draft DCP attempts to address the concerns of the Rural Fire Service about the increased bushfire risk that will result from the additional dwellings and land uses that the Planning Proposal allows in remote forested country by recommending additional bushfire protection measures on a site-by-site basis and identifying those sites where adequate bushfire protection cannot be achieved. This approach is entirely unsatisfactory because it is ad hoc and the outcomes are uncertain and unenforceable. Other south coast councils have chosen to deal with bushfire risk at a strategic level within their LEPs, not through a site-by-site development assessment process.

Despite strong opposition from the Office of Environment, Council is proposing to remove the Biodiversity Clause from the Eurobodalla LEP and place it in the draft DCP. In addition, the Terrestrial Biodiversity Map in the Eurobodalla LEP will be replaced with a simplified draft Native Vegetation Map, which will also be placed in the draft DCP. This is a significant watering down of the protections afforded to important biodiversity values in the Eurobodalla and is at odds with the planning approach of all other Councils in our region.

The draft DCP fails to address a whole range of other government agency and community concerns with the Planning Proposal, such as the land use conflict and fragmentation/alienation of productive agricultural land which will result from the huge increase in allowable land uses on rural lands and smaller minimum lot sizes (Department of Primary Industries – Agriculture). This will lead to a surge in vegetation clearing associated with development and have downstream impacts on water quality (Department of Primary Industries - Water). Deteriorating water quality will devastate Eurobodalla's important oyster industry and adversely impact on recreational and commercial fishing (Department of Primary Industries - Fisheries), as well as our tourism industry, which all rely on the pristine rivers and lakes associated with the Eurobodalla's 'Nature Coast'. This will be made even worse because the Planning Proposal allows grazing in sensitive riparian lands many of which the government and the community have worked hard to restore and protect (SE Local Land Services).

The concerns raised by the government agencies and the community about the Eurobodalla Rural Lands Planning Proposal are too important to be dealt with by a draft DCP, which is a

guidance document only that can be varied or ignored by Council. Coastwatchers therefore requests that the draft DCP be put on hold to await the finalisation of the Eurobodalla Rural Lands Planning Proposal and gazettal of the amended Eurobodalla Local Environment Plan, which clearly and unambiguously spells out Council's statutory planning obligations.

Yours sincerely

Joslyn van der Moolen
The Secretary

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