

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of five minutes** to put their case.

Ordinary Meeting of Council on 14 August 2018

Name	Subject/Comments
Public Access – 9.30am	
Deirdre Meek	Kyla Park Heritage Grazing
John Ramsey	Logging of Corunna Forest
Noel Plumb	Community Consultation - Rural Lands Strategy
Fitzroy Boulting	Proposed amendments to LEP 2012
Sandy Wilder	Democracy
Public Forum – 10.00am	
Reina Hill	NOM18/010 Rural Lands Strategy
Debbie Bowman	NOM18/010 Rural Lands Strategy
Tony Odowd	NOM18/010 Rural Lands Strategy
Noel Plumb	NOM18/010 Rural Lands Strategy
Mylene Boulting	NOM18/010 Rural Lands Strategy
Christopher Jones	NOM18/010 Rural Lands Strategy
David Grice	NOM18/010 Rural Lands Strategy
Suzanne Gray	NOM18/010 Rural Lands Strategy
Gayle Brown Eurobodalla Hockey Club	CAR18/029 Gundry Oval District Sports Park Landscape Masterplan
Doug Williams	CAR18/029 Gundry Oval District Sports Park Landscape Masterplan



Coastwatchers

Eurobodalla's voice for nature

**PRESENTATION TO COUNCIL
TUESDAY 14 AUGUST 2018
NOM18/010 RURAL LANDS STRATEGY**

Good morning Councillors.

My name is Reina Hill and I am speaking on behalf of The Coastwatchers Association, in support of Councillor Mayne's Motion.

That, in the first instance that council defer voting on the Draft Rural Lands Strategy, and that Councillors and Council staff meet with the relevant NSW Government Departments that are objecting to the Strategy, to try and satisfy their objections.

Our Association is appalled that Council has dismissed significant objections to the proposals by State agencies including the Rural Fire Service, the South East Local Land Services, the Department of Environment and Heritage, Department of Primary Industries - Water & Fisheries. Many of Council's changes are inconsistent with both advice from the agencies and Directions from the Minister for Planning.

Despite detailed advice provided by these agencies, in particular the Office of Environment and Heritage and the Rural Fire Service, Council appears oblivious to the environmental consequences of ignoring it.

So many regional and local studies have also been undertaken, identifying and detailing management objectives for areas of significant environmental values and hazards, but these too seem to have been disregarded.

One such study, *Rural Opportunities and Constraints* prepared by RMCG, Consultants for Business, Communities and Environment, includes a detailed assessment prepared by the Office of Environment and Heritage, which lists environmental assets on rural lands in the Eurobodalla and summarises the number of threatened and endangered fauna and flora species.

It also lists the area of coastal wetlands protected under SEPP 14, coastal lakes listed

as Important Coastal Lakes, and wetlands included in the Directory of Important Wetlands. Verification of these areas of high conservation value were mapped and verified by OEH to improve accuracy at a local scale. There is an accompanying table which is a regional summary of the key threats to areas of high conservation value.

In their 2016 submission to the Rural lands Strategy OEH suggested changes, none of which were adopted. These same objections are retained in their submission to the current RLS Planning Proposal. Among other comments and objections, they are requesting a full review of all the zoning and lot sizes proposed and limit their objections to those areas with known threatened species habitat, complete vegetation cover, and the presence of endangered ecological communities, using Council's latest mapping.

As stated in their accompanying letter to Council, This mapping forms the basis of many of their objections, as any impact on the Swift Parrot is likely to result in a serious and irreversible impact (SAIL) . Any development subject to a SAIL is required under the Biodiversity Conservation Act 2016 to reject that development and could result in additional costs to landholders due to mandatory biodiversity assessment and offsetting.

Coastwatchers has a high regard for the expert advice provided by OEH. In particular, that the objectives of the environmental zones are never permitted to be undermined by the addition of incompatible land uses. We strongly oppose grazing in E2 zones, as we believe it would seriously compromise the integrity of important wetlands, rivers and lakes.

OEH registered their concern about the high fire risk of many areas, that also has implications for biodiversity, as the need for asset protection would require large areas to be cleared for that purpose.

This was also raised by the Rural Fire Service in their letter to Council in December 2015 and stated, *The Draft Rural Lands Strategy seeks an increase in subdivision potential, some of which the RFS are of the opinion are highly constrained and may be identified as isolated rural locations. Constraints are steep slopes, heavily timbered land, have limited access (one way in and one way out) and areas of high conservation values, which should not be subject to increased densities without first undertaking a thorough investigation of the likely impacts, including matters of bushfire protection.*

As council is aware, providing a suitable suite of bushfire protection measures for development usually includes the creation of asset protection zones and access roads, which in vegetated areas may require a significant amount of vegetation modification works...

Why is Council disregarding such important advice from these agencies? And why are they showing so little regard for the environmental concerns expressed by so many residents and local environmental groups?

This current impasse needs to be resolved to ensure the Shire's rural lands are protected from inappropriate subdivision and development that would irreversibly change the environmental, economic and social landscape of this shire.

For the reasons stated above Coastwatchers strongly urges Councillors to support Councillor Mayne's Motion to defer voting on the Draft Rural Lands Strategy until discussions with the OEH and other NSW Government departments can take place and their objections are satisfied.

Thank you.

Reina Hill
Vice President
The Coastwatchers Association Inc.

Nature Coast Alliance – protecting our landscape and heritage

Briefing Note on Eurobodalla Shire Council's Rural Land Planning Proposal (August 2018)

Please share with your group members, family and friends

Save Our Nature Coast – Council's plans undermine nature, the community, and our major industries - nature based tourism and recreation and the oyster industry – in the end there are no jobs in a ruined landscape.

Eurobodalla Shire Council is proposing very significant planning changes under their new Planning Proposal. They plan to remove existing environmental protection from approximately 38,000 hectares of forested rural land with high value wildlife habitat. They propose to rezone it as rural RU1 Primary Production with an 'Open Uses Table' instead of E3 Environmental Management.

They propose to open very high conservation value land zoned as E2 Environmental Conservation, some 4,500 ha, to grazing - by cattle, sheep, goats etc. This includes most of our wetlands, marshes, riparian areas, rare and endangered ecological communities, old growth forests and habitat for endangered wildlife.

This Proposal is based on the Rural Lands Strategy that has been grinding its way through Council for nearly six years. We believe the RLS was heavily influenced by a small group of unrepresentative rural landowners and developers throughout. Council has officially closed the Proposal exhibition, but our legal advice says that it must consider all submissions while it is reasonably possible. As Council is unlikely to determine the proposal for some time **we urge individuals and groups to continue to make submissions right now!**

We have prepared this briefing note to assist understanding of this very lengthy and complex Proposal. There are more than 650 pages of maps and documents involved, with another 1000 pages of supporting documents.

Much of the land to be rezoned as rural is assessed as High Conservation Value by the NSW Office of Environment & Heritage and includes large areas of native forest crucial for wildlife habitat; forests that also ensure a clean water supply to wetlands, marshes, the creeks and rivers which then also provide clean water for towns, farmers and the oyster industry.

The forests are the front line against climate change, storing huge amounts of carbon and also moderating extreme weather. They provide the crucial wildlife and climate change corridors to maintain biodiversity and habitat for native species in the face of accelerating climate change and grossly ineffective State Government land clearing laws. They are the core of our stunning Nature Coast landscape.

Often adjoining lakes, rivers, wetlands and National Parks, these areas are too special and valuable to be opened for extensive agriculture (with virtually any other use possible with Council consent) without any environmental protection by Council and subdivided with the inevitable progressive clearing and fragmentation that will result. Many of these lands also are known to contain items of significant Aboriginal Cultural heritage.

Highly credible and expert State Agencies have roundly rejected most of the Council's rural plan, first in 2015/16 and again in 2018 – agencies such as the Rural Fire Service, Local Lands Service, the Office of Environment and Heritage and Department of Primary Industry – Water and Fisheries and Agriculture. Essentially, Council has ignored them.

If we don't stop the Council's plans our environment, our wildlife, the stunning landscape, our sustainable tourism and oyster industries and long-term future of our beautiful Nature Coast will be destroyed in just a decade or two.

IT IS NOT TOO LATE

We arranged with Council that you can still read or download the documents and maps from: -

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/rural-lands-strategy/planning-proposal>

Hard copies are again available to read at Council's offices and the three libraries. Council has also agreed to provide a reasonable amount of free photocopying, including A3 colour maps, to groups and people on request.

Please write a submission as soon as possible to:

General Manager Eurobodalla Shire Council Email: council@esc.nsw.gov.au or mail: PO Box 99, Moruya 2537

Your letter can be as brief as you want to make it – see our guide letter which you can just sign and send or email OR take up one or two of the talking points in our Brief – but please call for this Proposal to be dropped!

For more information (including copies of State Agency Submissions)

or to support the *Nature Coast Alliance* please contact naturecoastalliance@inet.net.au

Noel Plumb

SUGGESTED TALKING POINTS

Many of the statements and conclusions in this Brief are drawn from or supported by State Agency reports. Agencies are occasionally quoted directly but a lot of the material is a reasonable extract from their reports, with as much jargon and distracting technical and legal references as possible removed for clarity and plain English. Agencies drawn on include the Rural Fire Service, The Department of Primary Industries – Fisheries, the Office of Environment and Heritage and the South East Local Land Services.

All reports quoted or drawn from have been publicly released and are available from the *Nature Coast Alliance* on request to naturecoastalliance@iinet.net.au

The Shire has a major oyster industry. The notes in this Brief regarding that industry are also a warning that whatever is bad for the oyster industry is also bad for our tourism industry, our nature conservation and human health and wellbeing – the oyster is the “canary in the waterway” for the Nature Coast.

1. Damage to conservation values and the tourism industry

The largest employer by far in Eurobodalla Shire is nature based tourism and recreation. This industry depends on the beauty, natural values and stunning landscape of the Nature Coast.

Council’s own Tourism data show that the tourism and recreation industry for Eurobodalla generates nearly \$400 million a year of income and supports nearly 5000 jobs, more than 75% of those jobs are fulltime. A staggering 85% plus of the visitors come for holidays to enjoy quality time on the Nature Coast and 80% of all overnight visitors come from NSW (57%) and the ACT (23%).

The council must protect the natural resources that underpin this industry.

The estuaries, rivers, creeks and wetlands of the Eurobodalla Shire are all critical to the health of the waterways and support many water-based recreational and commercial interests (e.g. fishing, swimming, houseboat hire, canoeing, kayak tours, river tours), providing a very substantial range of social and economic benefits to the region.

The Council’s Proposal will lead to very significant additional clearing of bushland and forest which over time will have a highly negative impact on the health of all the waterways and the iconic landscape; thus, the key nature based tourism and recreation industry which includes a very economically important recreational fishing industry.

Clearing triggers sedimentation and pollution of our waterways and our drinking water from resultant developments and damaging land use. There are negative impacts on holiday makers and visitors experience of the Nature Coast, including very large recreational fishing and boating activity, that depends on clean, unpolluted, unsilted rivers and estuaries

The loss of much of our old and attractive forest cover will also clearly impact negatively on all the present eco-tourism operators – accommodation, tours, camping and backpacking located in rural areas – as well as the self organised walkers and clubs who come to camp and bushwalk in the Shire. This experience is already severely impacted by the intensive and very intrusive native logging in adjoining State Forests. The significant loss of good forest canopy and its wildlife on private and Crown land because of the new rural plan should be of great concern to the industry.

DPI Fisheries say that “Coastal Management Programs developed by local government across the state consistently identify water quality as one of the primary areas of concern for the community.”

The quality of water within estuaries is dependent on the catchment inputs. There is a clear link between the area of vegetated riparian land within the catchment and water quality. Where catchments are dominated by grazing, agriculture and development poor water quality damages aquatic habitats, fish stocks, aquaculture and tourism.

It takes lot of time and money to repair these impacts, if that is even possible.

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If it gets its rural planning right, the Council has an opportunity to avoid the historic mistakes of other Councils, and an opportunity to protect and improve water quality, aquatic habitat, aquaculture and tourism within the Eurobodalla Shire. It needs to drop the present Proposal and go back to the drawing board.

2. Rezoning proposals will severely reduce the Shire's biodiversity through the loss of wildlife.

The outcomes will affect some 38,000 hectares of largely forested land identified by experts and State Agencies such as the Office of Environment and Heritage as having High Conservation Values and will reduce their present environmental protection through existing Council zoning.

The E3 Environmental Management Zone proposed for these areas in 2012, together with related biodiversity maps and protective rules, has been completely removed from the 2012 Plan in the new Proposal. It has been replaced mostly with a wide open RU1 Rural zoning. This action will remove the last line of defence on the rural lands for old growth forests, mature forest with habitat hollows, wildlife in general including threatened gliders, large forest owls, rare forest parrots, and endangered ecological communities of plants and animals.

Many of our wetlands, marshes and riparian areas are zoned E2 Environmental Conservation but Council wants to allow grazing without consent in all of them. These precious wetlands with their special birds, frogs, insects, and plants should not be trampled and fouled by stock including cattle, horses, sheep, goats and even pigs.

E2 Zones also include some old growth forest and endangered ecological communities such as rare banksia sand forests where grazing would be highly destructive. The E2 zone covers some 4,500 hectares.

Council is essentially undermining the objectives of the environmental zones by the addition of incompatible land uses or substitution of zones that simply cannot provide any legal protection for wildlife or biodiversity.

Council has adopted none of the extensive recommendations of 2015/ 2016 by the Office of Environment and Heritage to conserve biodiversity and protect wildlife in Council's draft strategy to change the rural planning.

The Office has informed the Council recently that it retains its concerns expressed in 2015/6. For its 2018 submission it has focussed on known threatened species habitat, complete vegetation cover, the presence of endangered ecological communities (using the latest mapping provided by Council) and core areas of habitat for the extremely endangered Swift Parrot which migrates between Tasmania and the forests of New South Wales, including Eurobodalla.

Council still proposes to rezone significant areas with these values and remove the environmental protection offered by the E3 zone in the 2012 plan and earlier Council plans. Many habitat areas for the Swift Parrot are endangered by Council's new rural plans.

The Office also raises concern about the high fire risk of many of these areas once rezoned and developed. This has another significant impact on biodiversity and wildlife with the need for large clearing for asset protection areas for fire. The Rural Fire Service has raised the same concerns.

Council also proposes 'Extensive agriculture' such as cropping and pasture improvement in E4 zones that are supposed to be for rural based Environmental Living. This use right in Environmental Living is incompatible with the zone's purpose and will trigger many applications for tree clearing that otherwise would not be allowable.

The intensive clear-felling and industrial logging of the many adjoining State Forests means the remaining Council, Crown and private forested land assumes even more importance for biodiversity, climate mitigation, and carbon storage. Together with our wetlands, marshes, creeks and rivers etc. the forests deliver clean water supplies to towns, farms, the oyster industry and the nature based tourism industry.

3. Reduction in lot sizes, more subdivision and land clearing will destroy essential habitat for native species

The Proposal abolishes the minimum lot size of 1000 hectares for RU1 Primary Production and provides a range of different sizes at various locations in the Shire for RUI and RU4 (rural small holding) from 500 ha to 2 ha. Due to various complicated rules, at least another 500 dwellings could be built including many in remote and/or sensitive forest and bushland areas with inherently dangerous fire risks.

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With this sort of subdivision comes land clearing for dwellings, storage sheds, roads, fences, power and water lines and bushfire protection for all these facilities. If the Proposal is adopted the result will be more fragmentation of the Shire's environmentally and economically important bushlands, forests and wetlands, a loss of habitat and connecting corridors, and a greater impact on threatened species and ecosystems

Land clearing and intensive forestry are major contributors to climate change and endanger native wildlife. These actions also contribute significantly to sedimentation and pollution of our catchment dams, our water supply and vital fish and oyster habitat.

4. Additional land uses – almost anything goes

The Proposal wants to add many additional land uses for large lot Residential (R5) and (E4) Environmental Living zones. For rural primary production zones RU1 (larger lots) and RU4 (smaller lots) the Proposal wants 'open land use'.

That means you can apply to have any sort of development if it is not one of the few prohibited uses;

- Imagine large piggeries and chicken batteries with all the attendant stench, animal waste and carcasses
- Imagine a mega resort, a woodchip mill, a charcoal production plant or a wood fired power station devastating the amenity and environment of our landscape.
- Imagine fast food stores, service stations, bulk goods stores, major shopping centres that destroy retail areas of town centres stretching for kilometres outside our main towns and villages – a strip development nightmare.
- Imagine a huge state prison championed by a private developer and operator wedged into an area dependent on tourism

It seems none of these developments is a prohibited use; they will need Council approval, but this approach opens all these possibilities and many more. Residents face a never ending series of battles over inappropriate developments in rural areas, many of them very damaging to rural amenity, the tourism industry and nature conservation.

In tandem with these unwise measures Council wants to remove the terrestrial biodiversity overlay mapping and associated protective provisions for identified high conservation value land from the basic planning blueprint, LEP 2012. This means developers, landowners and new property buyers get little if any clear advice of the conservation values and potential restrictions over land at an early stage. This in turn guarantees endless planning and development conflicts emerging only at the individual property Development Application stage, usually with very poor legal outcomes for the protection of biodiversity and the landscape.

Potential widespread development fights that could be avoided will occur; for instance, over proposed destruction of endangered species habitat, including the critically endangered Swift Parrot, without these overlays.

Almost all the State agencies, including the RFS, SE LLS, OEH and DPI – F, which have made submissions to Council have strongly objected to the removal of the terrestrial overlay mapping.

If pursued hard enough by a developer, it only takes five Councillors to approve appalling and inappropriate development. Will Eurobodalla Council be strong enough when the door is wide open!

The South East Local Land Service (LLS) supports the stated priority goal of the rural strategy to "maximize the prospects for a vibrant commercial agriculture sector in the Eurobodalla".

However, LLS raises significant concerns that many aspects of the Proposal could adversely impact high value productive agricultural land and the environmental assets of the Shire – a direct contradiction of the claimed rationale for the long winded, very expensive and counterproductive strategy pursued by the Council.

The LLS considers the blanket use of RUI rural zoning with 'open land uses' encourages many uses which are not compatible with the protection and preservation of prime agricultural land.

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Whilst the LLS sees considerable possibilities for RU4 small lot (and lifestyle) farming in the Eurobodalla it acknowledges that further fragmentation of high quality agricultural land is a concern in the Eurobodalla.

Also, the LLS notes the impacts of smaller lot sizes on biodiversity and native vegetation through clearing on small land parcels can be significant.

Essentially, the LLS says that the Council has got it quite wrong if it really wants to protect the high value agricultural land as the basis for its strategy.

Council needs to go back to the drawing board and initiate a proper planning process. Council needs to take notice of the expert NSW agencies knowledge and various approved government mapping (and Council's own maps) of the high conservation value areas, wetlands, endangered species, swift parrot habitat etc., and the high value agricultural land. Then Council may be able to get the balance right and get agreement from the broad community.

5. Increased Fire Risk

The Rural Fire Service (RFS) is concerned about the impact of the Proposal. It will allow increased development in areas that are remote, have high risk from bushfire and inadequate road access. This will put the lives of fire-fighters at greater risk as well as the lives and property of residents. Proposed additional uses such as detached dual occupancies and tourist accommodation are to be allowed with consent. This could put large numbers of people in jeopardy

The RFS says all these matters should be thoroughly studied and addressed in the Proposal, not dismissed for later consideration at the individual Development Application stage. It's too late then, usually the only thing a Council can achieve is a poor compromise with a wealthy developer who is prepared to take extended Court proceedings. They also said that high conservation value map overlays should be kept in the Proposal and these areas should not be considered for clearing as part of Asset Protection Zones.

6. The effects of climate change have not been considered

Australia is already experiencing drier conditions, more heatwaves, and spikes in rainfall that can lead to more flash flooding. These circumstances are now confirmed by Australia's peak scientific bodies such as CSIRO www.climatechangeinaustralia.gov.au

Land clearing, especially for grazing more methane-emitting cattle, will increase greenhouse emissions.

Retaining intact native vegetation will mitigate the effects of climate change as vegetation provides carbon storage. The more the forest canopy is reduced, the dryer and more fire prone it becomes. The result with global warming accelerating temperatures and increasing extreme weather events is bigger and more intense bushfires and wildfires – a vicious circle.

7. Concerns about water supply and water quality

Current NSW Government proposals for new logging rules in State Forests will result in even more intensive logging and clear-felling and yet more extensive dense sapling regrowth. This has the effect of increasing sedimentation of streams and reducing water yield for 20 years or more as the forests start to regrow. These forests are a major part of Eurobodalla's catchments

The Proposal will add to these supply problems and run off from increased areas of grazed and cleared land will reduce the quality of the Shire's water supply.

The Department of Primary Industry – Water does not think Council has given enough consideration to provision of adequate water supplies as small rural subdivisions will place greater demands on water resources.

The Deua River is the main water catchment for the Shire, but this is not recognised by the objectives of Council's proposed rural RU1 zone or the additional land uses that could be approved there. These uses would require significant clearing of steep land for development. Previous rural zonings in LEP 1987, no longer available under new planning laws, gave special environmental protection to important catchment areas, steep land and

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high conservation value areas of forest. The solution is E2 and E3 zones without the attached incompatible land uses proposed by Council for RUI zones.

Increased rural dwellings in isolated forested locations inevitably means more sediment flowing into rivers creeks and wetlands from clearing for the dwelling, fire safety and road extensions; potentially, many, many kilometres of additional unsealed road as the new plans drop the requirement for sealed roads to such dwellings. Dirt roads can generate up to six times the sediment load of an undisturbed, vegetated area.

In the Eurobodalla the E2 zone has been applied to wetland and riparian lands. The impact of grazing on wetlands, riparian vegetation, soils and water quality is significant.

South East LLS says it “has invested millions of tax payer dollars in the Eurobodalla restoring wetland and riparian systems from the impacts of grazing and protecting these areas through exclusion of grazing.”

The NSW Marine Estate Management Authority recently undertook a risk assessment for the NSW marine estate, including estuaries and wetlands. This assessment found that in the South East, including in the Eurobodalla, that agricultural diffuse runoff and stock grazing of riparian vegetation provides the highest threat to estuarine environmental assets. These are the estuaries which support our oyster and tourism industries.

Riparian zones may be mapped but, in most cases, do not meet guidelines for vegetated buffers. Relying on education, even Landcare or other grants, to have landowners fence these areas is an inadequate response. Owners may change their minds about grazing or farming the areas if planning rules are weakened, financial returns are too good to ignore or there is a change of ownership.

The resulting faecal contamination, sediment and fertiliser pollution is of considerable concern to DPI Fisheries and oyster farmers for its potential impact on fishing stocks and the oyster industry. It also impacts on residents’ clean water supplies and may trigger expensive new purification needs including massively increased use of strong chemicals. As the Council’s estuary management studies and plans have noted there is little protection of estuarine wetlands despite their important role in estuarine health and productivity.

We need the irresponsible exemption for grazing in our E2 Environmental Conservation zones completely withdrawn. We need E3 Environmental Management zones reinstated by Council. We need both zones without added incompatible uses which undermine the conservation principles and effectiveness of the zones to ensure clean water for the oyster and fishing industries, farmers and towns and protect biodiversity – our wetlands, forests and wildlife

8. Threat to Oyster Industry

Eurobodalla Oyster cultivation is a world-class aquaculture industry and is renowned for having some of the most environmentally clean oyster growing estuaries in the world. To sustain the industry, the Council must ensure that the marine ecosystems stay healthy and productive. This can only happen if the land-based ecosystems are kept intact.

Fisheries DPI says “Aquatic habitats within the Eurobodalla Shire have high environmental value contributing to healthy and diverse populations of fish, in turn supporting valuable recreational and commercial fisheries and aquaculture industries. Key Fish Habitats are those marine, estuarine and freshwater habitats important for the preservation of fish communities and the ongoing productivity of recreational and commercial fishing and aquaculture industries within the Eurobodalla Shire.”

DPI Fisheries is concerned at the impact the rural plans may have on these habitats. A tide of inappropriate and damaging development as well as forest clearing may be triggered in rural areas.

The Eurobodalla Shire contains numerous Priority Oyster Aquaculture Areas in the Clyde, Moruya and Tuross estuaries and in Wagonga Inlet. There are 58 businesses operating 296 leases with a production area of over 370 hectares. The Eurobodalla oyster industry currently produces more than 900,000 dozen oysters annually, with a recorded turn over in NSW of more than \$9 million during the 2016/17 financial year. The industry also makes a significant contribution to local employment and the tourism sector.

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The water quality in the Clyde, Tuross and Wagonga production areas is currently of a high enough standard to allow oysters to be sold for human consumption directly from the water, without the need for depuration (holding the oysters in purified water for 36 hours). This is a key marketing advantage which is economically important to the success of the industry in the Shire. The NSW Government supports a strategy to increase the

number of direct harvest estuaries. DPI – F says downgrading of harvest area status will trigger a whole of Government review of the industry structure and government support. This may well deter investment and new jobs in this industry and the Shire in particular.

DPI Fisheries says “The objective of E2 [Environmental Conservation] land is, among other things, to protect, manage and restore areas of high ecological value; to prevent development that could destroy, damage or otherwise have an adverse effect on those values; and to protect and improve water quality. E2 zones include areas of sensitive coastal lakes, estuaries, wetlands, overland flow paths and riparian zones.”

Grazing of stock within environmentally sensitive areas frequently results in degradation of native riparian, wetland and aquatic vegetation, destabilisation of waterway banks, erosion and sedimentation and pollution of waterways with faecal matter.

Stock grazing of riparian and marine vegetation has also been identified as one of the major environmental threats/activities in NSW and has been designated as a high risk to riparian and marine vegetation in the Southern Region.

The management of stock within the riparian zone is identified as an issue of importance in the industry guidelines “*Healthy Estuaries for Healthy Oysters*”. A significant amount of work has been undertaken to assist landholders in protecting and restoring these habitats through fencing and revegetation. Faecal contamination from stock grazing adjacent to and upstream of oyster leases is an ongoing issue for the oyster industry. It results in prolonged harvest area closures and significant financial impacts on the industry.

DPI Fisheries and oyster farmers are concerned at increased housing density in rural areas as it is likely to result in increased residential stormwater runoff to oyster growing estuaries. Where new dwellings are not connected to a piped sewerage system there is a real potential for sewage to impact oyster growing areas.

DPI Fisheries says it “does not support the increased subdivision of rural land proposed in the Eurobodalla LEP, unless the areas subject to the proposed amendment are appropriately located to minimise water quality impact on downstream waters that support oyster aquaculture. Where an area subject to amendment is not connected to a reticulated sewage system and has the potential to impact on oyster growing area (where that land is within 10km of an oyster aquaculture lease, or 10km of a point where a stream enters an estuary that is within 10km of any oyster lease), the proposed amendment needs to consider the topography (slope), soil suitability and load for OSM. Proposed amendments to the *Eurobodalla LEP* also need to take into account potential cumulative water quality impacts that may occur as a result of the amendment”

They are concerned that there is land in the Shire which is heavily forested, steeply sloped and situated adjacent to waterways and which Council proposes to rezone as rural RU1 or rural living RU4 or E4. This will not provide adequate protection for riparian areas vital to the oyster and fishing industries and such land should have proper protective zoning, that is E3 Environmental Management or E2 Environmental Conservation.

DPI Fisheries says it “does not support the removal of the Environmental Management zoning (E3) from the Rural Land Strategy and associated Eurobodalla LEP”. In fact, Council’s Proposal conflicts with agreed regional plans to protect important environmental assets.

Our estuaries are also dependent on good catchment management that enables sea grasses, fish and wildlife such as waders and migratory birds to thrive. As fish nurseries, our lakes, mangroves and estuaries support the Shire’s valuable recreational fishing industry

The removal of the E3 Zone by Council and opening E2 Zones for grazing are direct threats to the health of our productive estuaries.

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9. Council is ignoring expert advice

The very experienced and respected planning consultant hired by Council more than five years ago and the State Government's own experts have opposed many of the elements in the Planning Proposal. The State Agencies' concerns were effectively ignored three years ago when the rural strategy was exhibited in draft form.

Recent statements by the Shire's Mayor suggest they will be dismissed again, despite agencies largely repeating their objections and warnings in their present submissions and in some cases escalating their objections.

These State Agencies, including the Rural Fire Service, the South East Local Land Services, the Department of Primary Industry – Fisheries and Water and the Office of Heritage and Environment, have pointed out that many of the proposed planning changes are inconsistent with both their advice and Directions from the Minister for Planning.

Many of the statements and conclusions in this brief are drawn from and supported by the Agency reports.

SO:

Why is Council ignoring expert advice?

Who has influenced Council?

Who really stands to benefit?

10. What do we want?

- We want Council to withdraw this Proposal and
- review it together with expert State agencies and a genuine community advisory panel that
- is truly representative of the broad community, including several people with wide nature conservation experience.

**Information and Statements opposing the Eurobodalla Rural Lands Planning Proposal
prepared by Nature Coast Community Working Group (August 2018)**

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How Will the Eurobodalla Shire Council's Rural Development Plans Affect You?

Make a submission to the Rural Land Planning Proposal now!

IF YOU WANT TO RESEARCH YOUR LOCALITY

Don't be overwhelmed by the size and complexity of the documents and maps you can just read parts of them (see below for access to documents etc).

To help with the jargon --

- RU1 is Primary Production (larger lots)
- RU3 is Forestry (largely NSW State Forests)
- RU4 is Primary Production small lots
- R5 is Large Lot Residential,
- E1 is National Park Estate,
- E2 is Environmental Conservation,
- E3 is Environmental Management (shown as DM – Deferred Matter)
- E4 is Environmental Living

B1, B2, B4, B5 are various Business zones and IN is for industrial zones. On the maps you will also see R2 and R3 Residential Zones which are not proposed to be changed.

You could just focus on some of the pages in Volume 1 and Volume 3. (all page numbers are as they appear in the document)

Vol 1 - Appendix 1, Pages 1-10 sets out all the rural land uses that are currently allowed with consent and many of the extra land uses that are proposed to be added. Many of the land uses listed in the tables can hardly be called primary production=farming!

Vol 1 - Appendix 2 pages 28-34 tries to justify having "open land use" tables and grazing in E2 Environmental Conservation zone (wetlands and other endangered ecosystems)

Vol 1 - Appendix 5 deals with how lots are proposed to be zoned, their lot sizes and how many new dwellings will be likely. The tables on pages 45-47 may help you locate your area. Some of the environmental, social and economic impacts are on pages 59-61.

Vol 1 - Appendix 7 pages 67-71 deals with removing the Terrestrial Biodiversity Map (overlays) and relevant Clause from the LEP thus weakening environmental protection

Vol 3 - has maps where you can look up your local area. There is an index to the maps then each one has an aerial photo of the vegetation, the affected areas outlined, and then a page that compares old zoning and lot sizes with what is being proposed. Just because land is proposed to be zoned Rural does not mean it will stay vegetated or be used for primary production such as grazing.

Council has officially closed the Proposal Exhibition, but we have legal advice that you can still make a submission that counts until Council finally approves the Proposal. We have arranged with Council that you can still read or download the documents and maps from: -

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/rural-lands-strategy/planning-proposal> .

Hard copies are again available to read at Council's offices and the three libraries. Council has also agreed to provide a reasonable amount of free photocopying, including A3 colour maps, to groups and people on request.

For more information (including copies of State Agency Submissions)

or to support the *Nature Coast Alliance* please contact naturecoastalliance@iinet.net.au

TUROSS HEAD PROGRESS ASSOCIATION ADDRESS TO COUNCIL
14 August 2018 meeting – Agenda item NOM18/10

My name is Marie (Mylène) Boulting.

I have been mandated by the Tuross Head Progress Association to speak today in support of the Notice of Motion 18/010 asking Council to defer voting on the Proposed Amendments to the ELEP 2012 driven by the Rural Land Strategy.

We have heard many technical expert contributions this morning: ours is to simply explain how THPA became concerned about the proposed amendments, and to present our concerns:

(1 – Objections)

At the THPA meeting early July, with the events at Tathra in mind, we organised a presentation by the RFS on bushfire preparation;

During this presentation, and after a series of questions from the floor, members were made aware of the objections of the RFS to the proposed LEP amendments, and how they would allow new dwellings to be built in bushland with poor access potentially putting people at risk

We were astonished to hear from an RFS representative that their letter of objection had apparently not been taken into account by Council.

Astonishment then turned to shock when further investigations revealed that objections from other State Agencies were similarly apparently dismissed by Council: OEH, Rural Land Services, DPI – Fisheries.

Residents of Tuross and Turlinjah, and all our seasonal visitors, want to ensure we preserve our coastal landscapes, the cleanliness of our rivers: we need experts to guide us to assess the risks and mitigate them.

We want to understand **WHY** when Council receives expert advice from NSW government authorities Council chooses not to listen.

We want to emphasize here that we do value the competence and dedication of the hard working Council planning staff, but we also believe that the State Authorities staff are just as competent and dedicated, and deserve to be heard.

(2 - E3)

We started looking more closely at the changes proposed for our area: we knew the zonings had changed from the previous 1987 LEP, and remembered that the Environmental zonings proposed in 2011 for our community land, the Heritage Grazing Lands, E3, had been deferred for further review.

We do not understand **why** this environmental protection has been totally removed from the LEP; we do understand that large rural land owners expressed strong opposition to this zoning for their rural land holdings, and we respect their opinion.

But **WHY** remove the zoning from other lands, such as our community lands. One size DOES NOT fit all here. A sweeping blanket change will inevitably lead to the wrong zoning applied to specific lands needing specific protection. Which is undoubtedly why our neighbouring Shires have retained the E3 zonings for some of their coastal lands.

(4- THPA Submission)

This led the THPA to present a Submission to Council, summarising our concerns. This one page submission requests Council to allow more time to answer our community's concerns: I quote

In consequence, we believe that the approval process of the Amended ELEP 2012 must be suspended and the Amendments appropriately redrafted to properly comply with the technical objections of all the above-mentioned authorities, and in more *balanced* fashion to inclusively reflect the wishes of all Shire residents

(5 – Petition)

The feelings of the wider Tuross community were becoming so obvious that we decided to give them a voice to formally request Council to suspend decision on the Proposed Amendments: We organised a Petition

Hundreds of Turossians have now signed this Petition, which was handed to Council earlier today. The Petition ends with this (I quote):

... we believe that the Amended LEP 2012 must be immediately withdrawn and appropriately redrafted to address the serious deficiencies identified, in particular:

- **To properly comply with the technical objections of all the above mentioned authorities**
- **To reflect in much more *balanced fashion* the wishes of all Shire residents**
- **Whilst ensuring that no existing rights or interests will be diminished by extending this process**

Madam Mayor, when visiting us at Tuross in the early stages of your mandate, you kindly gave us advice on how to present our community projects, and our reactions to Council's decisions. And you said the best way to be heard is to organise our own community surveys and petitions.

Here we are, Madam Mayor. We have followed your advice: Please LISTEN.

Christopher Jones ① of ②-

Nature Coast Alliance – protecting our landscape and heritage

Mayor and All Councillors
Eurobodalla Shire Council

Date: ...14...../.....08...../2018

Address re Rural Land Planning Proposal – Save OUR Nature Coast

In support of the Notice of Motion by Councillor Mayne

We are deeply concerned that Eurobodalla Shire Council is seeking to remove very important environmental protections from our rural landscape, our Nature Coast, through its Rural Land Planning Proposal.

In 2012 Council proposed a new, visionary planning blueprint (LEP 2012) for the Shire's future - protecting our forests, rivers, wetlands and water catchments, our Nature Coast. This included significant rural areas of high conservation value zoned as E2 Environmental Conservation and E3 Environmental Management.

This Planning Proposal undoes most of the excellent conservation planning in the 2012 planning blueprint. In many ways it is even weaker than the old 1987 LEP which better protected rural catchments and biodiversity under its rural zonings.

WE ARE DEEPLY CONCERNED THAT
Council is proposing that: -

- * **All E2 areas – approximately 4,500 ha - be subject to grazing even though they cover most of the Shire's wetlands, riparian areas, endangered species habitat and endangered ecological communities including old growth forests, rare banksia sand forests and littoral rain forests - the result will be progressive destruction of rare and sensitive areas with very significant pollution of wetlands, creeks, rivers and estuaries from animal dung and sediment. The water quality vital to our town and farm supplies and our nature based tourism industry will be badly compromised with potentially devastating impacts on the oyster industry.**
- * **All E3 areas (shown as 'Deferred Matters') - approximately 38,000 ha - be replaced mostly by RU1 Rural or RU4 Rural smallholdings with "Open Uses Tables" that have no conservation provisions) as well as smaller lot sizes for all Rural land; in some cases, from 1000 ha lots down to 40/20/10ha or even 2ha lots, permitting at least 500 additional dwellings in environmentally sensitive or extreme fire hazard areas – the result will be widespread habitat fragmentation and landscape degradation as forests are cleared relentlessly for dwellings, utility services, roads, fences, bush fire hazard reduction and many inappropriate developments. Increased run off and erosion will ultimately damage wetlands, water catchments, lakes, creeks, rivers and estuaries and the nature based tourism and oyster industries.**
- * **Biodiversity overlay mapping and supporting provisions be removed from LEP 2012, yet they are essential to protect biodiversity and prevent developer objections and court appeals (often successful) time after time at the Development Approval stage for individual properties. Residents will have a never-ending fight against inappropriate developments – developer driven proposals that need agreement from only five Councillors because of the Open Uses Tables for Rural land.**

Most of Council's proposed changes are contrary to strong advice from expert State Agencies including the Rural Fire Service, South East Local Land Services, Office of Heritage and Environment, Dept of Primary Industries – Water, Fisheries and Agriculture Divisions given in 2015/206 and again in 2018.

Why is Council ignoring expert advice? Who has influenced Council? Who really stands to benefit?

- We do not agree to the lower protection rezoning, inappropriate uses, reduction of lot sizes and mapping removal proposals put forward by Council for such economically and environmentally important areas.
- We want Council to withdraw this Planning Proposal and then
- We believe it should be reviewed with expert State Agencies and a genuinely representative community advisory panel, including several people with wide nature conservation experience.

~~_____~~
~~_____~~
Chris Jones • To Sheet Two.
for
Nature Coast Alliance

11. PLANNING AND SUSTAINABILITY REPORTS

Nil

Page 2.
Chris Jones

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18. CONFIDENTIAL MATTERS

DR CATHERINE DALE
GENERAL MANAGER

IT FURTHER OCCURS TO ME THAT

TRADITIONALLY, NATURAL RESOURCES ARE ONLY OF ECONOMIC BENEFIT WHEN THEY CAN BE EXPLOITED IN SOME MANNER - BY PRODUCTION OF COMMODITIES SUCH AS TIMBER, FOOD & FIBRE PRODUCTS - PRACTICES THAT INVOLVE DRAMATIC MODIFICATION OR DESTRUCTION OF NATURAL HABITATS. // IT IS INCREASINGLY BEING RECOGNISED THAT HEALTHY NATURAL HABITATS, IN ALL FORMS, PROVIDE ESSENTIAL SERVICES - CRITICAL TO OUR EXISTENCE. - AND IT IS THIS RECOGNITION THAT INTRODUCES QUESTIONS & CONFLICT INTO MANY PAST & PRESENT, RURAL PRACTICES.

SURELY IT IS TIME THAT THESE SERVICES ARE EVALUATED & RECOGNITION GIVEN TO THOSE IN WHOSE CUSTODY THEY RESIDE. COMMUNITIES & POPULATIONS WHO BENEFIT FROM CLEAN AIR, WATER, CARBON STORAGE TO NAME A FEW SHOULD BE PREPARED TO PAY FOR THE CARE & PROVISION OF THOSE LIVING RESOURCES. THIS DISCUSSION SHOULD URGENTLY COMMENCE. *LETTER 606

I am writing to express my significant concerns after reading the Rural Lands Planning Proposal document that is a direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016.

I consider it is naive (and possibly legally negligent) for the Eurobodalla Shire Council (ESC) to minimise and dismiss many state agencies professional concerns. The Council's response is best summed up in the following quote "for all areas, the likely impact is considered to be minor as the potential for native vegetation removal in addition to what is already permissible is minimal. In many areas, where additional development is possible, there are opportunities to avoid or minimise impacts on high quality vegetation. In any case, the significance of any potential impacts on sensitive environmental areas due to proposed development will be assessed during the development application process" (Volume 1:Appendix 5, p59).

My own critique and analysis strongly indicates the planning proposal to implement the Eurobodalla Rural Lands Strategy 2016 is severely flawed and will lead to predictable, substantial and significant negative impacts if the proposal is approved. As a former CSIRO scientist I have over 30 years experience in wildlife and ecosystem research and in my professional opinion the planning proposal is extensively flawed by unproven, implausible and overconfident assumptions.

I do not make these comments lightly or with any desire to cause difficulties for the ESC but from a deep concern for the economic and environmental long-term future of the Shire.

What follows is my submission on the Rural Lands Planning Proposal.

Yours sincerely,
David Grice

PART 1

OBJECTIVES or INTENDED OUTCOMES OF PROPOSAL

Besides the obvious financial windfall to a few individuals, the proposal professes to benefit rural landholders in general. The ESC suggests the proposal is likely to have minor and minimal changes to existing impacts. It is inconceivable how this is possible when their stated objective is to ensure a wider range of existing and additional "opportunities" are maximised and increased. Unfortunately, the inevitable flow-on negative impacts from this will be left to the remaining public to fund the expensive remedies and restoration projects. Is this yet again a selfish example of privatising the profits for a few and socialising the costs and losses to the rest of the public?

By the ESC own assessment, the Rural Lands Strategy Proposal will make "changes to the LEP that will maximise prospects for a vibrant agriculture sector, ensure there is a wide variety of rural living opportunities available in the rural areas, grow rural business opportunities, and support the reasonable desires of landowners to utilise their land resource" (Volume 1, p6). The impacts of these increased uses appear to be ignored.

The ESC suggests the proposed changes will facilitate an "increase in agricultural opportunities in this area" (Volume 2, p47 etc) for 21 of the 70 planning areas. In these 21 identified planning areas alone, it will involve 29 additional new lots and 115 additional new dwellings (or 225 new dwellings if eventual dual occupancy capacity reached in coming decades). For the planning proposal as a whole it will involve 122 additional new lots and 255 additional new dwellings (or 510 new dwellings if eventual dual occupancy capacity

reached in coming decades). Even more new dwellings could be involved, as the ESC states on numerous occasions that they do not know the number of existing dwelling entitlements. The impacts of this increased activity and “opportunities” appears to be ignored.

By the ESC own assessment, “The use of open zone tables proposed for the RU1 and RU4 zones provide for additional agricultural, tourism, residential and community activities in rural areas” (Volume 1:Appendix 1, p31), and more generally the ESC states “the Rural Lands Strategy and this planning proposal encourages and facilitates additional agricultural and rural tourism activities” (Volume 1:Appendix 5, p60). Again the impacts of these 31 to 43 additional land uses and the encouragement of 53 to 30 current uses (Volume 1:Appendix 1, p4, p7), appear to be ignored.

What is not grasped is that these increased “opportunities” will inevitably have significant negative impacts on the beauty, natural values, and stunning landscapes that make the ‘Nature Coast’ standing of the Eurobodalla so desirable for residents and visitors.

- When 122 more lots are allowed (Volume 1:Appendix 5, p47), then the landscapes change and the impact on the natural resources increases.
- When minimum lot sizes decrease (Volume 1:Appendix 5 and Volume 2), then the landscapes change and the impact on the natural resources increases.
- When 255 more dwellings are allowed (Volume 1:Appendix 5, p47), then the landscapes change and the impact on the natural resources increases.
- When these 255 new dwellings are doubled with dual occupancy allowances, then the landscapes change and the impact on the natural resources increases.
- When grazing is allowed in previous E2 environmental conservation zones (Volume 1:Appendix 5), then the landscapes change and the impact on the natural resources increases.
- When 84 to 73 land use “opportunities” across the Shire are increased or enhanced (Volume 1:Appendix 1, p4, p7), the incentives change (as per the stated objectives to “encourage” and “facilitate”), and the previous undeveloped lots become more attractive to develop, then the landscapes change and the impact on the natural resources increases.

The examples of regions changed by these impacts are evident wherever these increased “opportunities” have occurred. You need to look no further than along the rest of the NSW coast, outside of the Eurobodalla, where population pressures have eroded natural system amenity when impacts are dispersed rather than concentrated into sacrificial higher density zones. There are numerous examples where this pattern of increased “opportunities” leads to the deterioration of the natural landscapes that people find so desirable to visit or reside near. Byron Bay and now Jervis Bay are just a couple of more recent examples and the remainder of the north coast contains copious other examples. Our ‘Nature Coast’ landscapes are the marketing point for our Shire and distinguishes us from other regions. Turning the ‘Nature Coast’ into a fragmented and trashed natural systems removes the marketing appeal.

There are numerous state wide ministerial directions that are design to ensure land use change proposals do not interfere with the agricultural production value of rural land. By the ESC own assessment, the proposed changes were deemed inconsistent with Ministerial Directions 1.2 (Rural Zones) in 48 out of 70 planning areas. These inconsistencies were summarily dismissed as “Inconsistent but of minor significance” because the ESC decided their assessment of appropriate rural lot size outweighed any Ministerial Direction because, in their own unique opinion, it conformed to the Direction’s objective.

There are numerous state wide ministerial directions that are design to protect and conserve environmentally sensitive areas. By the ESC own assessment, the proposed planning changes were deemed inconsistent with Direction 2.1 (Environmental Zones) in 5 of the planning areas. The ESC's unique opinion deemed their own planning proposal "appropriate notwithstanding the inconsistency with the Ministerial Direction" (Volume 1:Appendix 2).

By the ESC own assessment, 56 out of 70 planning areas had detailed Office of Environment and Heritage (OEH) concerns about the proposal which the ESC dismissed or minimised. In 44 of these planning areas with OEH objections, the ESC stated "the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas" (Volume 2).

The OEH concerns about the planning proposal in the other 12 planning areas were mostly deemed by the ESC as consistent with the OEH recommendation on the basis that the area "already has a dwelling entitlement and no further subdivision is proposed by the planning proposal" (Volume 2). Unfortunately, in many cases this ignores the impact "increased agricultural opportunities" will have on the "encouraged" and "facilitated" existing land uses, as well as the grazing impacts on previous E2 environmental conservation zones.

The OEH is a well-established state agency employing professional scientific staff with decades of experience and expert knowledge and is not some "greeny group". Ignoring the scientific concerns by the dismissive/minimising ESC responses will only lead to the rest of us having to pay for the consequences. It will be of interest to note if the OEH agrees with the ESC dismissal of their concerns.

ITEM 1 (VOLUME 1:APPENDIX 1)

E2 Zone grazing

Of the 70 planning areas, 39 planning areas had designated E2 environmental conservation zones within them with previous minimum lot sizes mostly of 1000ha. Almost all will become RU1 zones with small parts designated E2 zones with "No Minimum Lot Size". RU1 zones will have open land use tables introduced to allow an extensive range of 84 possible land uses (a 58% increase in possible land uses (Volume 1:Appendix 1 and Volume 2)) and the E2 zones within them will allow extensive grazing.

The impact on the E2 environmental conservation zones is predictable given the extensive range of possible land uses nearby and the extensive grazing allowed in the E2 zones. The ESC itself recognizes "there is potential for other environmental effects such as a reduction in water quality and impact on migratory birds" (Volume 1:Appendix 1, p33). Upstream, upslope and nearby impacts on E2 zones need to be managed at a landscape scale and not by having "No Minimum Lot Size" to "protect" them. Carefully managed livestock grazing in E2 zones, in some seasons and some specific instances, can have limited impacts if managed sensitively. However, changing grazing to an exempt development will predictably increase the incidence and intensity of damaging impacts as hobby farms, inexperienced land managers and others take up the increased "opportunities" arising from the intended purpose and outcome of the planning proposal.

The naive (and possibly negligent) response from the ESC on the proposed listing of grazing of livestock as exempt development in E2 zone is that "It is not anticipated that this will encourage farmers who do not have existing use rights for grazing in wetlands to commence such activities." (Volume 1:Appendix 1, p29) and it "is not expected to result in an increase in grazing activities in the E2 zone." (Volume 1:Appendix 1, p33). I am uncertain what this

statement is based on as it is certainly contrary to what ESC suggests will be the outcome of the planning proposal --- “provide for additional agricultural, tourism, residential and community activities in rural areas.” (Volume 1:Appendix 1, p31) and “encourages and facilitates additional agricultural and rural tourism activities” (Volume 1:Appendix 5, p60).

The ecological impact of livestock grazing is not simply the pruning of vegetation. The significant impacts occur when stocking numbers are held artificially high during the plant sensitive seasons and for periods of time beyond the ability of the vegetation to recover. Some of the reasons this can occur is that: (a) livestock target restricted parts of a paddock because they are attracted by plant palatability, wind shelter, watering points or livestock are restricted by slope conditions or fencing; (b) livestock are supplementary fed which maintains increase pressure on vegetation when livestock would normally be shifted (for native grazers the pressure on the vegetation decreases by emigration, starvation and disease); (c) livestock trample on vegetation to such an extent it is killed; (d) livestock trampling increases erosion of stream banks and at waters edge, resulting in greater sediment loads that can smother vegetation; (e) livestock trampling changes the soil structure so that water and nutrient infiltration diminishes.

The ESC suggests that “ongoing education and land care activities is a better approach to protecting wetlands from inappropriate activities” (Volume 1:Appendix 1, p33). I would suggest (along with any practicing ecologist I know) that not going ahead with the grazing exempt development in E2 zone as well as increasing and maintaining “ongoing education and land care activities” would be the far more sensible approach rather than the naive (and possibly negligent) approach the ESC wants to adopt.

ITEM 1 (VOLUME 1:APPENDIX 1) **Open Land Use Tables**

ESC considers “open land use tables to be appropriate for the RU1 and RU4 zones” as well as being a “more flexible format” (Volume 1:Appendix 1, p3). This flexibility claim seems misplaced given the vastly increased work-load required to assess the increased number of new land uses as well as to ensure their compliance (a 58% increase in possible land uses in RU1 and 143% increase in RU4 (Volume 1:Appendix 1, p4, p7)).

These new RU1 and RU4 zone categories occur in previous E2 zoned areas (of the 70 planning areas, 39 planning areas had designated E2 environmental conservation zones within them with previous minimum lot sizes mostly of 1000ha (Volume 1:Appendix 1 and Volume 2)). A further 25 planning areas were rural zones that had agricultural and environmental objectives (Volume 1:Appendix 5, p55) and these have also been bundled into RU1 or RU4 -- resulting in 64 planning areas (91% of planning areas) with former environmental constraints now losing that zoning category.

The use of open land use tables will be a staff-intensive way of determining appropriate land use because in RU1 zone alone, 31 additional land uses “permissible with consent” are added to those currently requiring consent (a 58% increase, Volume 1:Appendix 1, p4). In RU4 zone alone, 43 additional land uses “permissible with consent” are added to those currently requiring consent (a 143% increase, Volume 1:Appendix 1, p7). This would require a significant increase in the number of development approval officers with increased knowledge of the specific impacts these new land uses would impose on the natural system. There would also need to be a significant increase in the number of compliance officers to ensure the implementation of these new land uses complied with the consent requirements. This would all require increased rates to fund these increased staffing needs.

The increased impacts these additional land uses will have on the natural system has not been sufficiently considered, either as the individual isolated new land use impacts or as cumulative impacts of the increased burden of more land uses on an already struggling natural system which is heading towards significant climate change stressors. Adding additional land uses and increasing “opportunities” for existing land uses to be taken-up, will have substantial impacts as the natural system resources are unsustainably exploited.

Professionals, scientific experts and members of the public with an experienced eye, have all seen the consequence as natural system resources are unsustainably exploited by land uses already allowed in some of our ESC rural landscapes. The following existing RU1 land uses will apply in 46 out of the 70 land use areas in the proposal:

Car parks; Charter and tourism boating facilities; Correctional centres; Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Home occupation (sex services); Industrial training facilities; Information and education facilities; Marinas; Mooring pens; Moorings; Places of public worship; Port facilities; Public administration buildings; Registered clubs; Research stations; Respite day care centres; Restaurant or café; Service stations; Sewerage systems; Storage premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies. (Volume 1:Appendix 1, p4)

These land uses will be added to by even more proposed additional land uses in our ESC rural RU1 landscapes:

Backpackers' accommodation; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies (detached); Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Funeral homes; Function centres; Health services facilities; Helipads; Home occupation (sex services); Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Research stations; Respite day care centres; Restaurant or café; Rural industry (other than Livestock processing industries, Sawmill or log processing works and Stock and sale yards); Secondary dwellings; Sewerage systems; Storage premises; Water recreation structures; Wharf or boating facilities; Wholesale supplies. (Volume 1:Appendix 1, p4)

A similar list of land uses will occur in our ESC rural RU4 landscapes (Volume 1:Appendix 1, p7). Suggesting these land uses in RU1 and RU4 zones (in total 68 out of the 70 land use areas in the proposal are designated as these zones) will have minimal impacts and they will be managed by the DA process, seems unrealistic, inconceivable and unsupported by obvious evidence.

ESC will need a significant input from experienced experts to determine expected impacts. When professional, experienced, and scientific assessment of ESC planning proposals have been obtained (e.g. OEH, South East Local Land Services (SELLS), Department of Primary Industries (DPI) Rural Fire Service (RFS)) these agencies professional assessments have been mostly dismissed (Volume 2). It seems science and experienced experts are dismissed in favour of ‘I just reckon it is not a concern’ based on no scientific data. May I suggest the following publication as an easy start to understanding the scientific data.

J. Fisher and D.B. Lindenmeyer (2007) Landscape modification and habitat fragmentation: a synthesis. *Global ecology and biogeography*, **16**, 265-280.

<https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1466-8238.2007.00287.x>

ESC bold statements that any likely significance of development impacts will be “subject to a merit assessment through the development application process” seems disingenuous given

how readily they dismiss professional, experienced, and scientific advice when it has been provided by OEH, SELLS and DPI.

If the ESC obligations to s79C of the EP&A Act and applicable Development Control Plans and Codes are not adequately assessed, then the ESC will be vulnerable to expensive legal challenges. This would all require increased rates to cover extensive and prolonged legal costs.

ITEM 2 (VOLUME 1:APPENDIX 2)
Minimum Averaging provisions in RU4 zone

ESC suggests that “minimum averaging is intended to facilitate additional positive economic opportunities for land owners, to provide a mix of lot sizes for small-scale rural activities” (Volume 1:Appendix 2, p37). These “opportunities” and activities, by their very extractive nature, inevitably have negative impacts either immediately or in decades to come. This seems in direct contradiction to statement by ESC suggesting that one of the key reasons for using minimum averaging is to “facilitate development opportunities in a manner that minimises impacts on environmentally sensitive areas.” They then suggest “detailed environmental assessments for any proposed subdivision using the minimum averaging clause will be undertaken at the development application stage.” (Volume 1:Appendix 2, p37).

My confidence in any environmental assessments being taken seriously is depleted given how readily the ESC dismisses other state agencies environmental concerns. For example, 56 out of 70 planning areas had detailed OEH concerns dismissed by ESC because they thought they understood the environmental and site specific considerations better. If environmental concerns were to be taken seriously, significantly more DA staff as well compliance officers would be required.

My confidence is further eroded given the changes include “a minimum lot size of 2ha in any minimum averaging proposal” (Volume 2, p35). At that minimum lots size with a dwelling on it, almost the entire lot would, on average, have the understorey cleared (1.42 ha with a NSW average sized new home (ABS 2010)) for a recommended 50m APZ – with sheds it would be 1.8 ha). If the slope was 15 – 18 degrees almost the entire tree cover and all the understorey, would on average be removed (1.87 ha with a NSW average sized new home (ABS 2010) for a recommended 60m APZ – with sheds it would be 2.4 ha).

ITEM 5 (VOLUME 1:APPENDIX 5)
Amend Zoning and Minimum Lot Size

As highlighted above, minimum lot size will have dramatic impacts on vegetation cover, which in turn impacts fauna since vegetation for them directly or indirectly determines their food and shelter. Without the vegetation, fauna are dramatically depleted. If the rare large trees with suitable hollows are cleared, there is an exponential increase in impact.

When you add land uses to that, the impacts are multiplied. We have all seen the consequence of hobby farms on a landscape. Large parts are often denuded by overgrazing and clearing as inexperienced land managers are over-optimistic and misunderstand the carrying capacity of the land, or use inappropriate livestock (goats, alpacas etc) or farming techniques in unsuitable soil types and unsuitable landscapes. Lots 100 ha and under seem destined to create the most damage.

If land use impacts could be ignored, then for new dwellings alone, 1.42 ha within a lot would, on average, have the understorey cleared for a recommended 50m APZ (NSW average sized new home of 227 m² (ABS 2010)). With sheds it would be 1.8 ha. Added clearings for roads and sewage and the area cleared multiplies. If the slope was 15 – 18 degrees, almost the entire tree cover and understorey cover would be removed (1.87 ha tree clearing with a NSW average sized new home (ABS 2010) for a recommended 60m APZ – with sheds it would be 2.4 ha).

South East Local Land Services (SELLS) have noted that “clearing for subdivision, particularly on small land parcels less than 100ha, can result in large amounts of clearing (for dwellings, effluent management, asset protection zones, fence lines and roads). The cumulative impact of such clearing should be carefully considered” (Volume 1:Appendix 5, p61). ESC dismissed these concerns by suggesting clearing would be minimal -- despite 64 of the 70 planning areas having proposed minimum lot sizes of 100 ha or less (Volume 1:Appendix 5, pp 45-47) when most were previously minimum lot sizes of 1000 ha (Volume 2). The ESC suggestion that existing clearing could be used in many lots seems overly confident given that 23 of the planning areas appearing to be majority vegetated sites either in the ESC description (Volume 2) or from viewing supplied aerial photos for each planning area in Volume 3. It will be interesting to see the ESC data that supports their assertion. That data needs to be provided for each lot to make any sense of available clearing possibilities.

Suggesting impacts will be minimal is disingenuous given, in human terms, it is like suggesting that taking away homes and food supply (removing understorey vegetation and/or trees by clearing or livestock grazing -- in floral and faunal terms), leaving a few pillars (the odd tree), adding hordes of visitors and disturbance activities (adding even more land use possibilities -- in floral and faunal terms) will not affect that human.

The ESC dismisses state agencies concerns over land use change, smaller lots, additional numbers of lot and increased numbers of dwellings with the trite statement that “for all areas, the likely impact is considered to be minor as the potential for native vegetation removal in addition to what is already permissible is minimal. In many areas, where additional development is possible, there are opportunities to avoid or minimise impacts on high quality vegetation. In any case, the significance of any potential impacts on sensitive environmental areas due to proposed development will be assessed during the development application process” (Volume 1:Appendix 5, p59).

- Adding 31 new land use possibilities in RU1 zones and 43 in RU4 zones (a 58% and 143% increase, Volume 1:Appendix 1, p4, p7) must add dramatically more possible impacts. Denying this is negligent.
- Adding 141 additional dwellings in RU1 zones (a 14% increase, Volume 1:Appendix 5, p48) and 282 additional dwellings (a 28% increase) if dual occupancy dwellings are added (especially as Australian population pressure exponentially increase over the coming decades.) must add dramatically more possible impacts. Denying this is negligent.
- Adding 114 additional dwellings in RU4 zones (a 47% increase, Volume 1:Appendix 5, p48) and 224 additional dwellings (a 94% increase) if dual occupancy dwellings are added (especially as Australian population pressure exponentially increase over the coming decades.) must add dramatically more possible impacts. Surely 47% or 94% is not a “minor” or “minimal” impact by anyone’s reckoning. Denying this is negligent.
- These figures do not consider all existing dwelling entitlements that may be available in these areas, as not all existing dwelling entitlements are known (a caveat repeated

by ESC throughout Volume 1:Appendix 2). These existing entitlements will potentially be acted on as Australian population pressure exponentially increase over the coming decades. The purpose of the planning proposal is to “encourage” and “facilitate” a range of “opportunities” (Volume 1:Appendix 1, p31, Volume 1:Appendix 5, p60, Volume 2, p47 etc) and this changed incentive regime will further encourage existing entitlements to be acted on, further adding to the impacts from new dwellings.

- More clearly identify 48 more lots that have dwelling entitlement (Volume 1:Appendix 8, pp72-73) must add even more to the cumulative impacts.
- The increase in the number of lots and dwellings adds pressure for future subdivision in the Shire, as the ESC itself states in one example: “additional ... dwellings on existing vacant lots ... potentially raise expectations for future subdivision similar to the adjoining ... land” (Volume 1:Appendix 5, p55). This will further add to the impacts from new dwellings.
- Clearing for bushfire APZ requirements, effluent management, land use activities, fence lines, powerlines and roads will lead to significant clearing of trees and understorey vegetation. In many of the smaller lots almost all the understorey vegetation and most of the tree cover will be cleared. As most of the planning areas will have minimal lot sizes of 100 ha and under (64 of the 70 planning), the impacts from clearing and land use activities will be significant. Denying this is negligent.
- The ESC’s dismissive statement that “the significance of any potential impacts on sensitive environmental areas due to proposed development will be assessed during the development application process” lacks credibility it will be taken seriously given how readily the ESC dismisses other state agencies environmental concerns. For example, 56 out of 70 planning areas had detailed OEH concerns dismissed by ESC because they thought they understood the environmental and site specific considerations better. SELLS concerns over large amounts of clearing and the cumulative impacts (Volume 1:Appendix 5, p61) were dismissed by ESC by somewhat surprisingly suggesting there was only a small number of dwellings involved.
- If environmental concerns were to be taken seriously, significantly more DA staff as well compliance officers would be required. Denying significant impacts is negligent.
- The RFS concerns over clearing requirements for bushfire protection measures and creating unreasonable expectations for current and future landowners (Volume 1:Appendix 1, p33) were dismissed by ESC by somewhat surprisingly suggesting there would be minimal impacts. ESC ignored the obvious fact that more lots with increased land use “opportunities” spread throughout the Shire would increase the demands/incentives/expectations to save infrastructure and rescue livestock during bushfires -- leading to increased entrapment and loss of life risks to RFS personnel and landowners. ESC is well aware that this is also within the context of increased fire risk in the coming decades. Denying significant impacts is negligent and could expose the ESC to legal proceedings after bushfire damage inquiries.
- DPI Fisheries concerns with on-site sewerage management systems in rural residential areas and unsealed roads in oyster producing estuaries were dismissed by ESC by boldly suggesting ESC would ensure appropriate assessment of development impacts.
- DPI Water concerns that additional rural living opportunities and growth in rural tourism would place greater demands on the Eurobodalla’s water resources were dismissed by ESC by boldly suggesting the potential increased demands were considered minor and unlikely to have a significant impact on water resources (Volume 1:Appendix 5, p60).

ITEM 7 (VOLUME 1:APPENDIX 7)

Remove Terrestrial Biodiversity Maps

OEH, RFS and SELLS all advised that the retention of the Terrestrial Biodiversity Map was important. This advice is ignored by ESC.

OEH supports the use of Terrestrial Biodiversity Maps in the current format and argues that the Rural Lands Strategy proposed by the ESC is, on the whole, inconsistent with s.117 Direction 2.1 regarding Environmental Protection zones (Volume 1:Appendix 7, p70). RFS supports the use of Terrestrial Biodiversity Maps and their supporting clauses in the LEP to identify and protect areas of high conservation value (Volume 1:Appendix 7, p71). SELLS considers that the combined use of appropriate land zoning and overlays provides landholders with optimal levels of certainty, flexibility and realistic expectations for development (Volume 1:Appendix 7, p71).

The ESC, in their unique wisdom, ignored the advice from relevant expert advice by suggesting the map and clause currently in the LEP will be replicated in a Code and relevant DCPs and the Terrestrial Biodiversity Map will still be available (Volume 1:Appendix 7, p71). This beggars the question, why go against all the advice if you intend to simply replicate it?

SELLS expressed concern that the proposed Native Vegetation Map will not separately identify EECs and biocorridors. ESC ignored this by suggesting it is difficult to accurately define the boundaries of EECs without detailed studies and ground truthing that could be resolved through specific planning proposals or development applications. This justification is flawed as ESC could easily (a) retain the Terrestrial Biodiversity Map, (b) add the overlays of the Council's EECs database and (c) use additional details gained during specific planning proposals.

SUMMARY

The Rural Lands Planning Proposal is unsupported by the professionals whose advice have been sought (OEH, SELLS, DPI Fisheries, DPI Water, RFS). ESC ignores, minimises or dismisses this advice and, in its unique wisdom, without supporting data and scientific research, just does not "reckon" it is a concern.

My own critique and analysis strongly indicates the planning proposal to implement the Eurobodalla Rural Lands Strategy 2016 is severely flawed and will lead to predictable, substantial and significant negative impacts if the proposal is approved.

The failure to accept scientific, professional and expert advice defies logic and I am left to assume this is because too much money is at stake – for a few individuals. As usual the rest of the public will be left with the expense of cleaning up the inevitable mess and living with the consequence of a diminished 'Nature Coast' public national amenity. Council staff have been lumbered with the task of implementing and finding excuses for a severely flawed Eurobodalla Rural Lands Strategy 2016.

Suzanne
Curry

SEGRAY
notes to council
14/8/18

Dear Councillors,

Please support the MOTION:

TO DEFER THE VOTE ON ACCEPTING THE RURAL LANDS STRATEGY UNTIL ALL COUNCILLORS HAVE BEEN PERSONALLY BRIEFED BY STATE AGENCY EXPERTS AND LOCAL SCIENTISTS

BACKGROUND

I am a research scientist specialising in terrestrial and aquatic ecosystem health and assessment, with many years of testing water quality for council, in estuaries and water supply catchments and assisting fishing enterprises. I have lived and worked in this area for 20 years and am well known in the community. I worked closely with council staff 1999-2013 including Fergus Thompson and Pam Green to establish guidelines for protecting our water supply, our precious lakes, lagoons and estuaries which are nurseries for many of our oceanic species that literally feed millions of people.

The Eurobodalla Shire has unique natural assets, in excellent condition, that are worth billions of dollars over the next five to 10 years, in tourism, industry and, future property values. From the Northern beaches of Sydney to Byron Bay and the Tweed, coastal councils have made the mistake of denuding their coastal forests and wetlands, degrading their natural assets, leading to severe impacts on rivers, such as the Richmond, where acid-sulfate soils incursions are regularly killing fish and shellfish.

Councillors, you have the power to ensure the Eurobodalla Shire's wealth of natural assets are protected from development in perpetuity, so everyone can benefit, now and in generations to come. The current proposed changes to the 1987 LEP fail to do this. A deferment of the vote allows for state government and scientists to provide councillors and staff with the expertise to make a fully informed decision. As I understand it, this is your legal obligation.

RATEPAYERS, INDUSTRY AND SCIENTIFIC COMMUNITY BACKLASH

I have been besieged in the last few weeks, daily receiving information and copies of submissions from community groups and scientists that point out areas which have been rezoned for development that are totally inappropriate. Earlier this year, I had conversations with staff within the state planning office that suggest some members of the council are not fully considering the objections to the RLS, in particular the downgrading of environmental protection zones and changes that allow small block holdings in sensitive areas.

The advantages to councillors in deferring the vote far outweigh the disadvantages, given that the process has already taken six years, a few more months to address the key environmental protection issues are nothing compared to the risk of liability by ignoring the impact of rezoning

of areas which will be severely detrimental to existing property, rivers and industry, if not protected.

BILLIONS OF DOLLARS vs 0.6 MILLION

Approximately 400 million dollars is currently generated every year from tourism in the Eurobodalla Shire. There is no other region like this on the planet, with its plethora of pristine beaches, and ICOLLS (intermittently closing and opening lagoons and lakes). These incredible natural assets bring people into the region and are far more valuable in terms of jobs, profits and property values than the increase of monies gained by council rates of 255 new dwelling entitlements, making approximately \$600,000. It doesn't make good business sense to jeopardise 100's of millions of dollars to make a few hundred thousand. Any councillors who are going to personally benefit from the rezoning of property that they own, you must abstain from voting.

MOSSY POINT ESTUARY

Specifically I would like to address the rezoning planned for Mossy Point estuary. As a coastal hydrologist and researcher, I have personally monitored fish kills as a result of acid waters flowing into nearby waterways and also, as a result of toxic algal blooms from increased nutrient run-off due to development and, clearing. Replacing forest and wetlands with hard surfaces adjacent to waterways always leads to problems, particularly when acid-sulfate soils are present as found at Mossy Point.

It makes no sense to rezone this land E4. Please see my reasoning below and, the letters sent last week to councillors and state ministers. If the council can make such a huge error here, how many other sites are like this?

COMMUNITY AND INDUSTRY PROTEST TOMAGA REZONING ON STRONG GROUNDS

The community absolutely love this patch of forest and all of its wildlife, including the endangered gliders. Over 60 people attended a community meeting about this rezoning to E4, with only 2 days' notice. This was the first I had heard about it. When I provided my scientific data and reports in 2013, I thought the whole area was to be rezoned E2. The community love it for the biodiversity of nature, as a scientist, I know it is critical habitat for the health of the river.

Tomaga is designated a Habitat Protection zone and a valuable nursery to many of our oceanic fish species. These fingerlings feed millions of people, with most of the catch from commercial fishing going to Sydney. I worked with the former chair of Bermagui Fishermens Cooperative and Oceanwatch, Allan Broadhurst 2001-2013 and we found that not only is the Tomaga and Candlagan crucial nursery habitat for fish, it also grows calamari spat. Calamari only spawn once every two years and very few places are acceptable habitat. The calamari industry alone



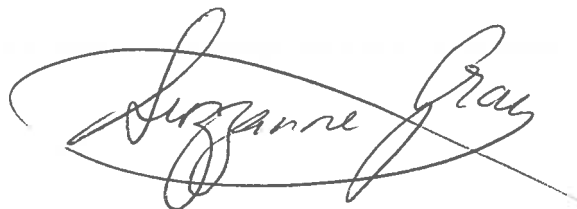
is worth millions annually. The Oyster growers utilise this estuary for growing up oyster spat. Both these species are very susceptible to pollution especially juveniles.

Recreational fishing is huge in the Tomaga and surrounds. The Mogo Zoo and the Tomakin Sports and Recreation Club both rely on a healthy river for their tourism dollars. The hillside that feeds the bend in the river scheduled for development into small blocks is highly unstable and in turn, this directly affects the next bend in the river which is beside the ocean, known as the Spit. If this unstable piece of land is lost, the entire village of Tomakin is affected and Mossy Point has 50 houses close to sea level, that are immediately put under threat.

THREAT TO EXISTING HOUSES IS VERY REAL

Also, there is a greater risk of flooding to existing houses if the trees are cleared, as I have found on my own property in Connells Close. I detailed this in my letter to councillors. Also, the watertable resides very close to the surface and will rise when the trees on the hill are removed. The wetlands are already inundated by rising sea levels and will be unable to process or hold the additional storm water in high intensity events. As I said in my letter, there is no engineering solution to deal with storm events. We annually get at least one downpour of 9 inches, on steep slopes. The water covers the entire road and flows past the stormwater drain. Without forest and adjacent wetlands to soak it up, approximately 30 houses are immediately at risk.

I encourage all councillors to defer the vote until such time as the RLS can be fully vetted for inappropriate rezoning of critical habitat and, councillors can be fully briefed by experts from State agencies and also, local scientists (including myself).

A handwritten signature in black ink, reading "Suzanne Gray". The signature is written in a cursive style with a large, sweeping flourish that loops under the name.

EUROBODALLA HOCKEY CLUB PROPOSAL FOR HOCKEY FEILD

Eurobodalla Hockey Club would like to see the new perimeter fence for the hockey field to remain at the same height as the existing fence. When we had our field on open ground we have had trouble with other sporting bodies training in our goal mouths, even when asked not to they still did.

We need a smooth surface especially our goal mouths as if the ball raises because of uneven ground we could be subject to liability from players saying they are going to sue because of field not being safe.

The turf practice field is this actually artificial; as our understanding of turf is artificial water based or sand, Could you please clarify this.

We would like to see seating on the western side of our field as well as the eastern side.

I thankyou for the opportunity to speak about our concerns of the masterplan for Gundry.



Gail Brown

President