

NCMG Comments on Draft Eurobodalla Local Environmental Plan

The Nature Coast Marine Group is particularly interested in the effect the Local Environment Plan will have on the Shire's marine and estuarine environments. Since these are affected by what happens in the whole catchment, our members support ecologically sustainable development and want the proposed E3 Environmental Management zone to be kept.

Detailed comments:

1. KEEP THE E3 ENVIRONMENTAL MANAGEMENT ZONE

The E3 zone has been chosen as a result of prolonged and detailed studies of the shire's natural resources and development potential. The land in this zone is significantly constrained and the zoning is a good indication to landowners of its suitability for various uses. Preventing unsuitable development in these constrained areas will reduce erosion, minimise sedimentation of rivers and estuaries, and help maintain water quality and biodiversity.

The Objectives of the Zone are appropriate for this type of land

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

2. RIPARIAN BUFFERS

In 2009 we asked that riparian buffers around larger water bodies should be changed to 90 metres (as recommended by the Department) instead of 80m as the LEP proposed --

*(a) 40m horizontally from the top of bank of Category 1 streams**

**(80m horizontally from the top of the bank or shore for a large water body such as a lake, bay or estuary) [Draft LEP 2009]*

This 2011 Draft LEP is much worse since the riparian buffer has been reduced to only 40m.

Change : At the very least the 80m should be restored at Cl 6.6 (2).

3. DEFINITION OF “Electricity generating works”

We are pleased to see that “*electricity generating works*” has been removed from all the Land Use Tables. However, your previous reply said that the SEPP on Infrastructure overrides Council's planning provisions. Does this mean that biomass burning using products from native forests could still be allowed?

Change: Urge the government to amend the definition of “*Electricity generating works*” to specifically exclude such works which generate electricity using products from native forests.

Reason: As we explained before, NCMG is concerned that should such developments eventually proceed, harvesting activities to feed wood-fired power stations would adversely affect water catchment values and hence water quality. In addition, Council will recall the outcry over, and ultimate defeat of the proposal to establish a similar industry locally a few years back, and given that it needs to represent the views of the majority of ratepayers, it should not make any change which could facilitate such divisive and destructive activity.

4. NATURAL RESOURCES SENSITIVITY BIODIVERSITY MAPS

Unfortunately, at least one error was over-looked in the final compilation of the maps. The corridor through Moruya township has undermined the credibility of the maps. However, that does not mean that the vast majority of the mapping is inaccurate and it should be up to landowners to highlight any mistakes.

Change: Amend obvious errors in the maps immediately and correct others as information becomes available.

5. WATERFRONT LAND

In our previous submission we asked that the escarpment land at Congo Village be zoned E2. We would like to thank Council for doing this. We are also very pleased to see that nearly all seafront escarpments and beach dunes are zoned E2. This zoning should reduce erosion and protect their scenic and conservation values.

We realise that waterfront land around rivers and estuaries is often in private hands. We support the E3 zoning where this has been applied but realise it is not appropriate for some land.

6. APPLICABILITY OF 2011 LEP TO EXISTING USES

eg. sections 6.1, 6.4 and 6.5

We previously asked for the phasing out of existing permitted uses where there are major conflicts with the aims and objectives of the 2011 LEP, and where it is practical to do so.

At the moment this is not possible but the EP&A Act is being reviewed and we ask Council to seek changes that will existing uses to be phased out where this is in the public interest. Grazing of riparian buffers or wetlands are just two examples where ending an existing use would benefit the public and water quality.

Meanwhile we ask that Council should be vigilant in noticing any lapse of use.

QUESTION: Will the currently permitted sand mining activities at Congo be allowed to expand closer to Congo Creek? NCMG is concerned that any expansion should not affect the water quality of the Congo Creek ICOLL. Examination of the draft LEP shows that:

- all of the land where mining does or could occur is Class 2 Acid Sulphate Soil (ref. draft LEP section 6.3 and map ASS_023);
- In this LEP the riparian buffer has been reduced to a completely inadequate 40 metres. It should be at least 80 metres from the top of the creek estuary bank (see point 1 above); and
- it appears that the sandmine is within an area marked as an EEC and/or Biodiversity Corridor (refer draft LEP section 6.5 and map NRS_023).

NCMG considers that the provisions of the 2011 LEP in relation to acid sulphate soils, sensitive ecosystems and biodiversity corridors should apply to any expansion of mining activities. Buffer zones to creeks and estuaries need to be wider than 40 metres.

Thank you for the opportunity to comment on the draft LEP.

We would appreciate being given a copy of the final LEP and maps.