



Title	Mr
First name	David
Last name	Grice
I am making this submission as	Academic
Submission type	Personal
Organisation making the submission (if applicable)	
Your position in the organisation (if applicable)	
Consent to make submission public	Public
Your story	
1.1 Causes and contributing factors	
1.2 Preparation and planning	<p>NSW Independent Bushfire Inquiry</p> <p>My submission will address the NSW bushfire enquiry terms of reference (2), (5) and (6). I have attached this same submission as an uploaded file to this form.</p> <p>The Eurobodalla Shire Council (ESC) has recently (11 October 2019) had changes to their Local Environment Plan (LEP) signed off by the NSW Department of Planning, Industry and Environment after concerted and intensive lobbying by the Mayor</p>

Innes and the local state member Andrew Constance (e.g. meeting 4 February 2019, meeting 6 February 2019, meeting 21 May 2019). These changes will result in an exponential increase in the fire risks to life and property in the high fire risk Eurobodalla Shire. This will be even further exacerbated by the predicted dramatic increase in the prevalence of catastrophic fire rated days.

The ESC recognises that many parts of our shire are significantly bushfire prone. The Rural Fire Service's (RFS) many submissions (RFS letter 4 December 2015, letter 12 July 2016, meeting 27-30 September 2016, letter 28 June 2018, meeting 4 February 2019, meeting 6 February 2019, meeting 21 May 2019, letter 31 May 2019) convey their increasing concerns with the LEP and the RFS even state that despite attending the meetings, inspections and discussions ... "the Planning Proposal appears largely unchanged from previous versions and has not addressed the specific concerns identified by the NSW RFS nor undertaken a strategic bush fire study." (RFS Letter to General Manager 28 June 2018).

The council's solution to this has been to NOT accept the RFS concerns and advice for dwellings and facilities to be located in defensible locations, but instead, to push ahead with the amended LEP which encourages more dwellings and facilities sprinkled through parts of our heavily forested and bush fire prone areas expecting the RFS to risk personnel to try to save them. The RFS are not the only agency the ESC has refused to accept concerns and advice from. The ESC has refused to accept the concerns and advice provided in submissions from the Department of Primary Industries (DPI) Fisheries, DPI Agriculture, DPI Water, Local Land Services (LLS) and Office of Environment and Heritage (OEH). Council simply states they are having "professional disagreements" with each of these agencies -- rather than admitting they are blatantly disregarding expert advice.

Council continually argues the changes only involve a few dwellings and will not create a significant change. Council seems to ignore the entire stated purpose of the amended LEP is to 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" (RLS Volume 1, p6 <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/rural-lands-strategy/planning-proposal>). In volume 2, the ESC suggests the proposed changes will facilitate an "increase in agricultural opportunities in this area" (RLS Volume 2, p47 etc). 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" (RLS 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" (RLS Volume 1:Appendix 5, p60).

The ESC LEP changes allow 247 new dwellings (or eventually as many as 494 dwellings with dual occupancy provisions) added to the existing housing stock over subsequent years. These existing and new dual occupancy provisions would also permit an eventual doubling in existing dwellings by approximately 1,330 new dwellings, which in total equates to over 1,800 new dwellings (137% increase) spread across the landscape including steep forested areas that have a high bushfire risk. Each of the 1800 new dwellings could have many lives within them.

In addition to these increases in allowed dwellings, there are extensive 60% to 170% increases in the number of rural land uses, including 'rural' uses such as function centers, respite centers, and tourist accommodation facilities scattered throughout our rural landscape. 'Rural' landscapes will now have 73 to 84 land uses possible. Many of the facilities allowed by the land use changes will have numerous lives needing to be protected from catastrophic fire conditions.

It will be of no exaggeration to say, that the resultant coronial inquiry will be shocking to watch as council management is held responsible for the many victims resulting from their seemingly obstinate extreme position.

On 24 September 2019, the Eurobodalla Shire Council (ESC) adopted their Development Control Plan (DCP) without amendment despite significant public concerns. The RFS has not endorsed the resultant Schedule 4 and 5. I will suggest (see Appendix 1 below) that the RFS cannot endorse it because much of the RFS's persistent advice never made it into the DCP. The ESC Director of Planning (Lindsay Usher) refused to directly answer a councilor's persistent enquiry about whether the DCP had been endorsed by the RFS or not.
<http://webcast.esc.nsw.gov.au/archive/video19-0924.php> (Slide time bar to approx. 33:43)

ESC refused to accept the RFS advice for a strategic bush fire study which would have allowed sensible zoning, rather than trying to rely on a clumsy and inadequate DA-combined-DCP to mitigate fire risks. Council seemed to take an obstinate, illogical and derogatory position towards the RFS and suggested during several public meetings that the RFS fire study would map the entire shire as fire prone and result in no development at all (Slide time bar to approx. 4:08:43
<http://webcast.esc.nsw.gov.au/archive/video18-0828.php#placeholder>). Rather than a strategic bush fire study, the Council insisted on broad general Rural (RU) zoning which raises development expectations and encourages numerous developments and dwellings in amongst heavily forested areas that cannot be defended.

The RFS pre-conditions to the LEP and DCP creation have been left out and the ESC has even tried to personally implicate the RFS Commissioner as being responsible for helping derive Schedule 4 and 5 of DCP (Slide time bar to approx. 15:45 to 16:09 & 34:07 <http://webcast.esc.nsw.gov.au/archive/video19-0924.php>
As the DCP will now be part of the ELEG 2012, I am concerned the RFS will be implicated as having some responsibility for the clumsy and inadequate DCP solution to the extreme fire risk this DCP and ELEG 2012 will produce.

It has been suggested by Council managers, that negotiations relevant to the DCP have resulted in the majority of the objections from the RFS and OEH being withdrawn (<https://aboutregional.com.au/planning-department-continues-review-of-eurobodalla-rural-lands-rules/> & in ESC Agenda 13 August 2019). This will be news to the RFS and OEH. Many councilors are left with the impression (promulgated by Director Lindsay Usher and the Mayor Innes) that the RFS over-reacted and have now returned to a more sensible position. I suggest this is insulting to the professional integrity of the RFS. The fact is Council applied their own extreme personal filters and refused to accept any of the advice and recommendations of the subject-matter experts before they forced the proposal through to the NSW Department of Planning and Environment. Council simply called it a "professional disagreement" and suggested the Council did not have the narrow focus of agencies and had to

consider all aspects (Slide time bar to approx. 4:09:30 <http://webcast.esc.nsw.gov.au/archive/video18-0828.php#placeholder>). However, the RFS staff are the ones that actually have to consider all aspects. The RFS are the people on the front line. These are the people that know what it takes to protect property and people. They do not advise lightly or in ignorance. OEH staff are also well skilled at considering multiple aspects, as is always demanded in the study of ecology.

What seems to have not been fully appreciated in developing Schedule 4 and 5 of the DCP is that existing RU zoned land, as well as the new RU zoned land, will all have dramatically increased numbers of land uses permitted on these rural lands through the use of open land use tables with a multitude of facilities/constructions possible – many of them being SFPP facilities (e.g. land already zoned RU1 will have a 60% increase in land uses and RU4 land will have a 142% increase. New zoned land will have a 250% to 212% increase in the number of land uses permitted -- depending on previous zoning). Those Lots are not identified in the DCP. Added to this are the implications of the new detached dual occupancy proposal. These developments and impacts will not happen in the next few years, but it is inevitable within decades as population pressures and climate change dominates.

The RFS, OEH and Council will be swamped by inappropriate proposal just because the council resolutely refuses to provide appropriate planning zones. The rejection and subsequent challenging of expensive DA's will lead to numerous legal battles because of the unrealistic development expectations suggested by the 84 RU1 land use possibilities and 75 RU4 land use possibilities. As a result, inappropriate DA's could be forced through. An obscure "Note" in a DCP Schedule is not going to solve this. The Eurobodalla Bush Fire Management Plan has been ignored by insisting on a Schedule in a DCP rather than treating the risk by using LEPs to exclude development in extreme bush fire risk areas. This is not a good precedent for other LGAs

This has resulted in a severely flawed ELEM 2012 that 5 other state agencies have major concerns with. The risk to numerous human lives alone is severe and real. The Eurobodalla DCP and ELEM 2012 fails to address RFS concerns and is dangerous, clumsy and inadequate.

RECOMMENDATIONS

This enquiry needs to strongly recommend that the current ELEM is radically modified so that numerous deaths and infrastructure losses are reduced during the next highly predictable catastrophic fire conditions.

1. The 2019 amended ELEM and DCP should not continue without the strategic bushfire study that was strongly recommended by the RFS.
2. The 2019 amended ELEM and DCP should not continue without including all the previous advice provided by the numerous RFS submissions.
3. The 2019 amended ELEM and DCP should not continue without a current Eurobodalla Bushfire Risk Management Plan that was last updated in September 2011.
4. The 2019 amended ELEM and DCP should not continue without updated mapping of bushfire prone land.
5. The 2019 amended ELEM and DCP should not continue without the overhaul of the Eurobodalla Emergency Management Plan that has outdated content and inadequate "likelihood", "consequence", and "risk" ratings.
6. The 2019 amended ELEM and DCP should not continue without the ESC first resolving the numerous ESC inadequacies highlighted in the public submissions to this enquiry.

APPENDIX 1

Failures to address RFS concerns in Schedule 4 and 5 of ESC DCP.

I provide this detailed Appendix as an indication of the vast extent of ESC's failures to address the RFS's persistent concerns and advice documented from December 2015 upto May 2019.

Besides the failure to account for additional land uses proposed in all Lots of existing Rural (RU) zones and new RU zones (these newly zoned Lots are not accounted for in RFS submissions), the following examples provides an indication of the extent of flaws within Schedule 4 and 5. The implications of new detached dual occupancy proposals on existing and new Lots has been ignored.

As can be seen below, the ESC only partially addressed some of the RFS's persistent concerns they had upto May 2019. In many cases the DCP has even omitted the RFS's persistent concerns about specific Lots. It was only after persistent and intense lobbying by Mayor Innes and the local state member Andrew Constance, that the RFS, under considerable pressure, made very qualified changes to some of their objections. These very qualified RFS conditions have not been met or assimilated into the ESC LEP or DCP. The vast majority of OEH and other agencies concerns have been completely omitted.

Note: Question marks (?) indicate some site specific uncertainties generated by ESC insisting on using obscure "Area" identifies in documents, rather than Lot numbers or recognized site names.

- Area 1 (Kings Hwy). RFS serious concerns if tourist facilities or public assembly. ESC response: nothing, silence. The RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. ESC needs to alert proponents with unrealistic expectations that these and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- Area 1 (Kings Hwy). RFS serious concerns if tourist facilities or public assembly. ESC response: nothing, silence. The RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- Area 4b (South Durras), Area 4c (Maloneys Beach), Area 5 (West Batemans Bay), Area 6a (Goba Lane), Area 12 (Tomakin, Roesdale and Guerilla Bay), Area 15 (North Moruya), Area 19 (Wamban Road (South)), Area 20a (Wamban Road (North)), Area 22a (Princess Hwy (East)), Area 22b (Kyla Park), Area 26 (Bumbo Road (East)), Area 26a (Bumbo Road (West)), Area 35 (Belowra), Area 39, Area 40, Area 41, Area 42 . RFS no objection if no increased density. What is ignored is the RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre;

Entertainment Facility; Place of Public Worship. How are these facilities going to be protected? ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 3 (Old Bolaro Rd Sth) . RFS does not support, isolated, access traversed is heavily forested, and needs bushfire study. ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 20 (Bergalia). RFS does not support increased densities in western area. ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 39 (South Moruya) OEH has major concerns and Area needs an E4 or R5 zoning to protect Lowland Grassy Woodland EEC and application of Vegetation SEPP. ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 40 (Turnbulls Lane) OEH has major concerns and Area needs an E4 or R5 zoning to protect Lowland Grassy Woodland EEC and application of Vegetation SEPP. ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 4a (Benandarah?) RFS unlikely to support if > 200m from Hwy. ESC response does not include RFS need for <200m from Hwy. ESC response: preferred route/location via existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns.

- Area 21 (Bingie?) RFS does not support north and south portions, needs bushfire study. ESC response: dwellings close to Bingie Road. "Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: No mention of restrictions on Lot 141/856799. ESC response: Practical and legal access to be provided and 10kw APZ's for onsite refuge. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

- Area 23/24/25/25a (Bodalla?) RFS unlikely to support, considerable risks, Lot 101/753131 needs to be also excluded, needs to be <200m from Hwy. ESC response: has not excluded Lot 101/753131. ESC response: preferred route/location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 24/837516, 1/878320, 17/837516, 14/772053, 13/772053, 1/1202563, 125/752131, 6/800167 need to reflect OEH concerns with impact on Swift parrots, EEC, and catchment issues.

- Area 11/11a (Broulee?) RFS needs dwellings <200m from main Road/Hwy. ESC response: preferred route/location close to

major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.

- Area 38 (Buckenbrow?) RFS not supported, concerns on increased density in isolated area, access is traversing heavily forested, bushfire study needed. ESC response: preferred location via existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

- Area 34 (Cadgee?) RFS serious concerns and unlikely to support. ESC response: preferred location via existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

- Area 22 (Coila?) RFS needs dwellings <200m from major Road/Hwy. ESC response: preferred route/location close to Coila Creek Road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.

In addition 5/264244 needs to reflect OEH concerns with impact on Swift parrots.

- Area 18/18a/18b (Congo?) RFS accepts 18a but RFS does not support 18 & 18b, needs bushfire study. ESC response: preferred route/location close to Congo Rd. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 269/752137 needs to reflect OEH concerns with Swift parrots, E4 and EEC.

- Area 4 (Currowan?) RFS unlikely to support, isolated, access traversed is heavily forested, steep slopes. ESC response does not include RFS concerns on Lots 1/6635327, 1/789278, 11/619285. ESC response for other Lots: preferred location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 1/789278, 1/635327, 11/263081, 11/619285 needs to reflect OEH concerns with Swift parrots, Greater Gliders, and Glossy Black Cockatoo given RU land uses could be extensive. What is ignored is the RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. How are these facilities going to be managed to protect threatened species? ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 36, 37a, 37b (Dua River Valley?) RFS serious concerns, unlikely to support, isolated, access traversed is heavily forested.

ESC response: preferred location in specific portion of Lot. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

- Area 33 (Dignams Creek?) RFS serious concerns, isolated, unlikely to support. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

- Area 34 (Eurobodalla?) RFS serious concerns, isolated, access traversed is heavily forested, unlikely to support. ESC response: preferred location in existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

Area 10, 10a (Jeremadra?) RFS needs dwellings <200m from main Road/Hwy, Lot 26 is not suitable for development, Area 10 and 10a Lots require performance solution to comply. ESC response: no warning about Lot 26 has no possible further development and Lots in Area 10 and 10a have major restrictions. ESC response: preferred location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response for some Lots: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 3/248634, 40/792157, 41/792157, 7/248634, 6/248634, 8/248634, 9/248634, 16/1158098, 10/248634, 12/248634, 13/248634, 24/248634, 4/248634 needs to reflect OEH concerns with swift parrots. ESC has ignored OEH restricting 16/1158098 to cleared area and other OEH concerns.

- Area 7a, 7b (Malua Bay?) RFS needs dwellings <200m from main Road/Hwy. ESC response: preferred location close to George Bass Drive. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.

In addition 1/1012083 needs to reflect OEH concerns with wildlife corridor issues.

- Area 18c (Meringo?) RFS does not support, needs bushfire study. ESC response: preferred location close to Meringo Road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.

- Area 13, 14, 16 (Mogendoura?) RFS does not support, considerable risks, needs bushfire study, Area 14 Lots should be a cluster subdivision and restricted to far south east of site. ESC response: preferred location in specific portion of Lot, close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

- Area 6, 8b, 9a (Mogo?) RFS unlikely to support, dwellings <200m from main Road/Hwy, unlikely to support northern portion

of Area 6, unlikely to support western portion of Area 9a, need bushfire study. ESC response: preferred location close to public road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. Lots in northern portion of Area 6, and west portion of Area 9a need to be alerted that RFS unlikely to support.

In addition 1/875990, 2/716598, 2/1002045, 26/755963 needs to reflect OEH concerns with impacts on Swift parrots, EEC and wildlife corridor issues. ESC has ignored OEH restricting 1/875990 to cleared area. What is ignored is the RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. How are these facilities going to be managed to protect threatened species? ESC response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- Area 16, 17, 17a (Moruya?) RFS unlikely to support, dwellings <200m from main Road/Hwy, access traversed is heavily forested, needs bushfire study, Area 16 has specific dwelling possible locations. ESC response: no specific dwelling possible locations highlighted for Area 16. ESC response: preferred location in specific portion of Lot, close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.

- Area 17b, 18, 18b (Moruya Heads?) RFS does not support, dwellings <200m from main Road/Hwy, needs bushfire study. ESC response: preferred location in close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk. In addition 11/1068966 needs to reflect OEH concerns with impacts on Swift parrots. ESC has ignored OEH restricting 11/1068966 to cleared area.

Area 12a (Mossy Point?) RFS need dwellings <200m from main Road/Hwy, needs perimeter road. ESC response: preferred location in close to public access road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. In addition 16/1248291 needs to reflect OEH concerns with impacts on Yellow-bellied Gliders, EEC, and need for an E2 zone. ESC has ignored OEH concerns and this will trigger BAM and expensive offset.

- Area 27, 28, 29, 30, 30a, 30b, 31 (Narooma?) RFS unlikely to support, needs perimeter road, dwellings <200m from main Road/Hwy, needs bushfire study, Lot 7037/1113842 needs to be excluded. ESC response: Lot 7037/1113842 has not been excluded. ESC response: excluded preferred location in specific portion of Lot, close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk. Substantial clearing will be needed for these extreme measures.

In addition 10/1225554, 92/752162, 2/1048232, 20/1063060, 208/752155, 3/838142, 7037/1113842 needs to reflect OEH concerns with catchment issues, EEC and Swift parrots.

- Area 2, 3, 3a, 38 (Nelligen?) RFS serious concerns, isolated, access traversed is heavily forested, does not support. ESC response: preferred location/ route in specific portion of Lot, close to access servicing the site. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 10/871181, 20/755908, 28/1058243, 35/1077080, 2/1240100 needs to reflect OEH concerns with threatened species habitat, old growth forests and E4 issues.

- Area 38 (Runnyford?) RFS not supported, concerns on increased density in isolated area, access is traversing heavily forested, bushfire study needed. ESC response: preferred location close to public road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns. ESC response shows major anomalies with this Area 38 given that 3 potential dwellings are listed but the dDCP lists 22 Lots. This discrepancy needs to be explained.
- Area 34 (Tinpot?) RFS unlikely to support, serious concerns, access traversed is heavily forested. ESC response: preferred location in existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. ESC response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- Area 22, 22c (Turlinjah?) RFS need dwellings <200m from main Road/Hwy. ESC response: preferred location in close to public access road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.
- Area 37c (Wamban?) RFS need dwellings <200m from main Road/Hwy, needs bushfire study. ESC response: preferred location in existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. ESC response: practical and legal access to be provided.
- Area 8, 8a (Woodlands?) RFS need dwellings <200m from main Road/Hwy. ESC response: preferred location in close to Dunns Creek Road/ Tomakin Road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. Close" needs to be changed to "<200m" to reflect RFS concerns.

1.3 Response to bushfires

1.4 Any other matters

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NSW Independent Bushfire Inquiry

My submission will address the NSW bushfire enquiry terms of reference (2), (5) and (6).

The Eurobodalla Shire Council (ESC) has recently (11 October 2019) had changes to their Local Environment Plan (LEP) signed off by the NSW Department of Planning, Industry and Environment after concerted and intensive lobbying by the Mayor Innes and the local state member Andrew Constance (e.g. meeting 4 February 2019, meeting 6 February 2019, meeting 21 May 2019). These changes will result in an exponential increase in the fire risks to life and property in the high fire risk Eurobodalla Shire. This will be even further exacerbated by the predicted dramatic increase in the prevalence of catastrophic fire rated days.

The ESC recognises that many parts of our shire are significantly bushfire prone. The Rural Fire Service's (RFS) many submissions (RFS letter 4 December 2015, letter 12 July 2016, meeting 27-30 September 2016, letter 28 June 2018, meeting 4 February 2019, meeting 6 February 2019, meeting 21 May 2019, letter 31 May 2019) convey their increasing concerns with the LEP and the RFS even state that despite attending the meetings, inspections and discussions ... "the Planning Proposal appears largely unchanged from previous versions and has not addressed the specific concerns identified by the NSW RFS nor undertaken a strategic bush fire study." (RFS Letter to General Manager 28 June 2018).

The council's solution to this has been to NOT accept the RFS concerns and advice for dwellings and facilities to be located in defendable locations, but instead, to push ahead with the amended LEP which encourages more dwellings and facilities sprinkled through parts of our heavily forested and bush fire prone areas expecting the RFS to risk personnel to try to save them. The RFS are not the only agency the ESC has refused to accept concerns and advice from. The ESC has refused to accept the concerns and advice provided in submissions from the Department of Primary Industries (DPI) Fisheries, DPI Agriculture, DPI Water, Local Land Services (LLS) and Office of Environment and Heritage (OEH). Council simply states they are having "professional disagreements" with each of these agencies -- rather than admitting they are blatantly disregarding expert advice.

Council continually argues the changes only involve a few dwellings and will not create a significant change. Council seems to ignore the entire stated purpose of the amended LEP is to 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" (RLS Volume 1, p6 <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/rural-lands-strategy/planning-proposal/>). In volume 2, the ESC suggests the proposed changes will facilitate an "increase in agricultural opportunities in this area" (RLS Volume 2, p47 etc). 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" (RLS 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” (RLS Volume 1:Appendix 5, p60).

The ESC LEP changes allow 247 new dwellings (or eventually as many as 494 dwellings with dual occupancy provisions) added to the existing housing stock over subsequent years. These existing and new dual occupancy provisions would also permit an eventual doubling in existing dwellings by approximately 1,330 new dwellings, which in total equates to over 1,800 new dwellings (137% increase) spread across the landscape including steep forested areas that have a high bushfire risk. Each of the 1800 new dwellings could have many lives within them.

In addition to these increases in allowed dwellings, there are extensive 60% to 170% increases in the number of rural land uses, including ‘rural’ uses such as function centers, respite centers, and tourist accommodation facilities scattered throughout our rural landscape. ‘Rural’ landscapes will now have 73 to 84 land uses possible. Many of the facilities allowed by the land use changes will have numerous lives needing to be protected from catastrophic fire conditions.

It will be of no exaggeration to say, that the resultant coronial inquiry will be shocking to watch as council management is held responsible for the many victims resulting from their seemingly obstinate extreme position.

On 24 September 2019, the Eurobodalla Shire Council (ESC) adopted their Development Control Plan (DCP) without amendment despite significant public concerns. The RFS has not endorsed the resultant Schedule 4 and 5. I will suggest (see Appendix 1 below) that the RFS cannot endorse it because much of the RFS’s persistent advice never made it into the DCP. The ESC Director of Planning (Lindsay Usher) refused to directly answer a councilor’s persistent enquiry about whether the DCP had been endorsed by the RFS or not.

<http://webcast.esc.nsw.gov.au/archive/video19-0924.php> (Slide time bar to approx. 33:43)

ESC refused to accept the RFS advice for a strategic bush fire study which would have allowed sensible zoning, rather than trying to rely on a clumsy and inadequate DA-combined-DCP to mitigate fire risks. Council seemed to take an obstinate, illogical and derogatory position towards the RFS and suggested during several public meetings that the RFS fire study would map the **entire** shire as fire prone and result in no development at all (Slide time bar to approx. 4:08:43 <http://webcast.esc.nsw.gov.au/archive/video18-0828.php#placeholder>). Rather than a strategic bush fire study, the Council insisted on broad general Rural (RU) zoning which raises development expectations and encourages numerous developments and dwellings in amongst heavily forested areas that cannot be defended.

The RFS pre-conditions to the LEP and DCP creation have been left out and the ESC has even tried to personally implicate the RFS Commissioner as being responsible for helping derive Schedule 4 and 5 of DCP (Slide time bar to approx. 15:45 to 16:09 & 34:07 <http://webcast.esc.nsw.gov.au/archive/video19-0924.php>)

As the DCP will now be part of the ELEG 2012, I am concerned the RFS will be implicated as having some responsibility for the clumsy and inadequate DCP solution to the extreme fire risk this DCP and ELEG 2012 will produce.

It has been suggested by Council managers, that negotiations relevant to the DCP have resulted in the majority of the objections from the RFS and OEH being withdrawn (<https://aboutregional.com.au/planning-department-continues-review-of-eurobodalla-rural-lands-rules/> & in ESC Agenda 13 August 2019). This will be news to the RFS and OEH. Many councilors are left with the impression (promulgated by Director Lindsay Usher and the Mayor Innes) that the RFS over-reacted and have now returned to a more sensible position. I suggest this is insulting to the professional integrity of the RFS. The fact is Council applied their own extreme personal filters and refused to accept any of the advice and recommendations of the subject-matter experts before they forced the proposal through to the NSW Department of Planning and Environment. Council simply called it a “professional disagreement” and suggested the Council did not have the narrow focus of agencies and had to consider all aspects (Slide time bar to approx. 4:09:30 <http://webcast.esc.nsw.gov.au/archive/video18-0828.php#placeholder>). However, the RFS staff are the ones that actually have to consider all aspects. The RFS are the people on the front line. These are the people that know what it takes to protect property and people. They do not advise lightly or in ignorance. OEH staff are also well skilled at considering multiple aspects, as is always demanded in the study of ecology.

What seems to have not been fully appreciated in developing Schedule 4 and 5 of the DCP is that **existing** RU zoned land, as well as the **new** RU zoned land, will **all** have dramatically increased numbers of land uses permitted on these rural lands through the use of open land use tables with a multitude of facilities/constructions possible – many of them being SFPP facilities (e.g. land already zoned RU1 will have a 60% increase in land uses and RU4 land will have a 142% increase. New zoned land will have a 250% to 212% increase in the number of land uses permitted -- depending on previous zoning). Those Lots are not identified in the DCP. Added to this are the implications of the new detached dual occupancy proposal. These developments and impacts will not happen in the next few years, but it is inevitable within decades as population pressures and climate change dominates.

The RFS, OEH and Council will be swamped by inappropriate proposal just because the council resolutely refuses to provide appropriate planning zones. The rejection and subsequent challenging of expensive DA's will lead to numerous legal battles because of the unrealistic development expectations suggested by the 84 RU1 land use possibilities and 75 RU4 land use possibilities. As a result, inappropriate DA's could be forced through. An obscure “Note” in a DCP Schedule is not going to solve this. The Eurobodalla Bush Fire Management Plan has been ignored by insisting on a Schedule in a DCP rather than treating the risk by using LEPs to exclude development in extreme bush fire risk areas. This is not a good precedent for other LGAs

This has resulted in a severely flawed ELEP 2012 that 5 other state agencies have major concerns with. The risk to numerous human lives alone is severe and real. The Eurobodalla DCP and ELEP 2012 fails to address RFS concerns and is dangerous, clumsy and inadequate.

RECCOMENDATIONS

This enquiry needs to strongly recommend that the current ELEP is radically modified so that numerous deaths and infrastructure losses are reduced during the next highly predictable catastrophic fire conditions.

1. The 2019 amended ELEP and DCP should not continue without the strategic bushfire study that was strongly recommended by the RFS.
2. The 2019 amended ELEP and DCP should not continue without including all the previous advice provided by the numerous RFS submissions.
3. The 2019 amended ELEP and DCP should not continue without a current Eurobodalla Bushfire Risk Management Plan that was last updated in September 2011.
4. The 2019 amended ELEP and DCP should not continue without updated mapping of bushfire prone land.
5. The 2019 amended ELEP and DCP should not continue without the overhaul of the Eurobodalla Emergency Management Plan that has outdated content and inadequate “likelihood”, “consequence”, and “risk” ratings.
6. The 2019 amended ELEP and DCP should not continue without the ESC first resolving the numerous ESC inadequacies highlighted in the public submissions to this enquiry.

APPENDIX 1

Failures to address RFS concerns in Schedule 4 and 5 of ESC DCP.

I provide this detailed Appendix as an indication of the vast extent of ESC’s failures to address the RFS’s persistent concerns and advice documented from December 2015 upto May 2019.

Besides the failure to account for additional land uses proposed in *all* Lots of *existing* Rural (RU) zones and *new* RU zones (these newly zoned Lots are not accounted for in RFS submissions), the following examples provides an indication of the extent of flaws within Schedule 4 and 5. The implications of new detached dual occupancy proposals on existing and new Lots has been ignored.

As can be seen below, the ESC only partially addressed some of the RFS’s persistent concerns they had upto May 2019. In many cases the DCP has even omitted the RFS’s persistent concerns about specific Lots. It was only after persistent and intense lobbying by Mayor Innes and the local state member Andrew Constance, that the RFS, under considerable pressure, made very qualified changes to some of their objections. These very qualified RFS conditions have not been met or assimilated into the ESC LEP or DCP. The vast majority of OEH and other agencies concerns have been completely omitted.

Note: Question marks (?) indicate some site specific uncertainties generated by ESC insisting on using obscure “Area” identifies in documents, rather than Lot numbers or recognized site names.

- *Area 1 (Kings Hwy)*. **RFS** serious concerns if tourist facilities or public assembly. **ESC** response: nothing, silence. The RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. ESC needs to alert proponents with unrealistic expectations that these and more are not allowed

on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- *Area 1 (Kings Hwy)*. **RFS** serious concerns if tourist facilities or public assembly. **ESC** response: nothing, silence. The RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- *Area 4b (South Durras), Area 4c (Maloneys Beach), Area 5 (West Batemans Bay), Area 6a (Goba Lane), Area 12 (Tomakin, Roesdale and Guerilla Bay), Area 15 (North Moruya), Area 19 (Wamban Road (South)), Area 20a (Wamban Road (North)), Area 22a (Princess Hwy (East)), Area 22b (Kyla Park), Area 26 (Bumbo Road (East)), Area 26a (Bumbo Road (West)), Area 35 (Belowra), Area 39, Area 40, Area 41, Area 42* . **RFS** no objection if no increased density. What is ignored is the RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. How are these facilities going to be protected? **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- *Area 3 (Old Bolaro Rd Sth)* . **RFS** does not support, isolated, access traversed is heavily forested, and needs bushfire study. **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- *Area 20 (Bergalia)*. **RFS** does not support increased densities in western area. **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- *Area 39 (South Moruya)* **OEH** has major concerns and Area needs an E4 or R5 zoning to protect Lowland Grassy Woodland EEC and application of Vegetation SEPP. **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- *Area 40 (Turnbolls Lane)* **OEH** has major concerns and Area needs an E4 or R5 zoning to protect Lowland Grassy Woodland EEC and application of Vegetation SEPP. **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with

unrealistic expectations what land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- *Area 4a (Benandarah?)* **RFS** unlikely to support if > 200m from Hwy. **ESC** response does not include RFS need for <200m from Hwy. **ESC** response: preferred route/location via existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns.
- *Area 21 (Bingie?)* **RFS** does not support north and south portions, needs bushfire study. **ESC** response: dwellings close to Bingie Road. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: No mention of restrictions on Lot 141/856799. **ESC** response: Practical and legal access to be provided and 10kw APZ's for onsite refuge. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- *Area 23/24/25/25a (Bodalla?)* **RFS** unlikely to support, considerable risks, Lot 101/753131 needs to be also excluded, needs to be <200m from Hwy. **ESC** response: has not excluded Lot 101/753131. **ESC** response: preferred route/location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
In addition 24/837516, 1/878320, 17/837516, 14/772053, 13/772053, 1/1202563, 125/752131, 6/800167 need to reflect OEH concerns with impact on Swift parrots, EEC, and catchment issues.
- *Area 11/11a (Broulee?)* **RFS** needs dwellings <200m from main Road/Hwy. **ESC** response: preferred route/location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.
- *Area 38 (Buckenbowra?)* **RFS** not supported, concerns on increased density in isolated area, access is traversing heavily forested, bushfire study needed. **ESC** response: preferred location via existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- *Area 34 (Cadgee?)* **RFS** serious concerns and unlikely to support. **ESC** response: preferred location via existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- *Area 22 (Coila?)* **RFS** needs dwellings <200m from major Road/Hwy. **ESC** response: preferred route/location close to Coila Creek Road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.

In addition 5/264244 needs to reflect OEH concerns with impact on Swift parrots.

- **Area 18/18a/18b (Congo?)** **RFS** accepts 18a but RFS does not support 18 & 18b, needs bushfire study. **ESC** response: preferred route/location close to Congo Rd. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk. **In addition** 269/752137 needs to reflect OEH concerns with Swift parrots, E4 and EEC.
- **Area 4 (Currowan?)** **RFS** unlikely to support, isolated, access traversed is heavily forested, steep slopes. **ESC** response does not include RFS concerns on Lots 1/6635327, 1/789278, 11/619285. **ESC** response for other Lots: preferred location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk. **In addition** 1/789278, 1/635327, 11/263081, 11/619285 needs to reflect OEH concerns with Swift parrots, Greater Gliders, and Glossy Black Cockatoo given RU land uses could be extensive. What is ignored is the RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. How are these facilities going to be managed to protect threatened species? **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.
- **Area 36, 37a, 37b (Dnea River Valley?)** **RFS** serious concerns, unlikely to support, isolated, access traversed is heavily forested. **ESC** response: preferred location in specific portion of Lot. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- **Area 33 (Dignams Creek?)** **RFS** serious concerns, isolated, unlikely to support. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- **Area 34 (Eurobodalla?)** **RFS** serious concerns, isolated, access traversed is heavily forested, unlikely to support. **ESC** response: preferred location in existing cleared areas. "Preferred" needs to be changed to "Restricted" to

reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

Area 10, 10a (Jeremadra?) **RFS** needs dwellings <200m from main Road/Hwy, Lot 26 is not suitable for development, Area 10 and 10a Lots require performance solution to comply. **ESC** response: no warning about Lot 26 has no possible further development and Lots in Area 10 and 10a have major restrictions. **ESC** response: preferred location close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response for some Lots: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 3/248634, 40/792157, 41/792157, 7/248634, 6/248634, 8/248634, 9/248634, 16/1158098, 10/248634, 12/248634, 13/248634, 24/248634, 4/248634 needs to reflect OEH concerns with swift parrots. ESC has ignored OEH restricting 16/1158098 to cleared area and other OEH concerns.

- *Area 7a, 7b (Malua Bay?)* **RFS** needs dwellings <200m from main Road/Hwy. **ESC** response: preferred location close to George Bass Drive. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.
In addition 1/1012083 needs to reflect OEH concerns with wildlife corridor issues.

- *Area 18c (Meringo?)* **RFS** does not support, needs bushfire study. **ESC** response: preferred location close to Meringo Road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.
- *Area 13, 14, 16 (Mogendoura?)* **RFS** does not support, considerable risks, needs bushfire study, Area 14 Lots should be a cluster subdivision and restricted to far south east of site. **ESC** response: preferred location in specific portion of Lot, close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- *Area 6, 8b, 9a (Mogo?)* **RFS** unlikely to support, dwellings <200m from main Road/Hwy, unlikely to support northern portion of Area 6, unlikely to support western portion of Area 9a, need bushfire study. **ESC** response: preferred location close to public road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. Lots in northern portion of Area 6, and west portion of Area 9a need to be alerted that RFS unlikely to support.

In addition 1/875990, 2/716598, 2/1002045, 26/755963 needs to reflect OEH concerns with impacts on Swift parrots, EEC and wildlife corridor issues. ESC

has ignored OEH restricting 1/875990 to cleared area. What is ignored is the RU land use zone potentially allows the following and much, much more: Health Services Facility; Group Home; Educational Establishment; Child Care Centre; Seniors Housing; Respite Centre, Tourist accommodation facility, Function Centre; Entertainment Facility; Place of Public Worship. How are these facilities going to be managed to protect threatened species? **ESC** response: nothing, silence. Nothing to alert any unrealistic expectation proponents. ESC needs to alert proponents with unrealistic expectations that these land uses and more are not allowed on these Lots. A good way would be to zone it appropriately rather than resolutely persisting with inappropriate zoning.

- *Area 16, 17, 17a (Moruya?)* **RFS** unlikely to support, dwellings <200m from main Road/Hwy, access traversed is heavily forested, needs bushfire study, Area 16 has specific dwelling possible locations. **ESC** response: no specific dwelling possible locations highlighted for Area 16. **ESC** response: preferred location in specific portion of Lot, close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.
- *Area 17b, 18, 18b (Moruya Heads?)* **RFS** does not support, dwellings <200m from main Road/Hwy, needs bushfire study. **ESC** response: preferred location in close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.

In addition 11/1068966 needs to reflect OEH concerns with impacts on Swift parrots. ESC has ignored OEH restricting 11/1068966 to cleared area.

Area 12a (Mossy Point?) **RFS** need dwellings <200m from main Road/Hwy, needs perimeter road. **ESC** response: preferred location in close to public access road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.

In addition 16/1248291 needs to reflect OEH concerns with impacts on Yellow-bellied Gliders, EEC, and need for an E2 zone. ESC has ignored OEH concerns and this will trigger BAM and expensive offset.

- *Area 27, 28, 29, 30, 30a, 30b, 31 (Narooma?)* **RFS** unlikely to support, needs perimeter road, dwellings <200m from main Road/Hwy, needs bushfire study, Lot 7037/1113842 needs to be excluded. **ESC** response: Lot 7037/1113842 has not been excluded. **ESC** response: excluded preferred location in specific portion of Lot, close to major Road/Hwy. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk. Substantial clearing will be needed for these extreme measures.

In addition 10/1225554, 92/752162, 2/1048232, 20/1063060, 208/752155, 3/838142, 7037/1113842 needs to reflect OEH concerns with catchment issues, EEC and Swift parrots.

- **Area 2, 3, 3a, 38 (Nelligen?) RFS** serious concerns, isolated, access traversed is heavily forested, does not support. **ESC** response: preferred location/ route in specific portion of Lot, close to access servicing the site. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk. **In addition** 10/871181, 20/755908, 28/1058243, 35/1077080, 2/1240100 needs to reflect OEH concerns with threatened species habitat, old growth forests and E4 issues.
- **Area 38 (Runnyford?) RFS** not supported, concerns on increased density in isolated area, access is traversing heavily forested, bushfire study needed. **ESC** response: preferred location close to public road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns. **ESC** response shows major anomalies with this Area 38 given that 3 potential dwellings are listed but the dDCP lists 22 Lots. This discrepancy needs to be explained.
- **Area 34 (Tinpot?) RFS** unlikely to support, serious concerns, access traversed is heavily forested. **ESC** response: preferred location in existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. **ESC** response: dwelling(s) to provide 10kw APZ's for onsite refuge and BAL 29 construction, practical and legal access to be provided. These extreme measures can be avoided if the ESC reflected the concerns and zoned the area appropriately to reflect RFS concerns without putting the public at risk.
- **Area 22, 22c (Turlinjah?) RFS** need dwellings <200m from main Road/Hwy. **ESC** response: preferred location in close to public access road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.
- **Area 37c (Wamban?) RFS** need dwellings <200m from main Road/Hwy, needs bushfire study. **ESC** response: preferred location in existing cleared areas. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. **ESC** response: practical and legal access to be provided.
- **Area 8, 8a (Woodlands?) RFS** need dwellings <200m from main Road/Hwy. **ESC** response: preferred location in close to Dunns Creek Road/ Tomakin Road. "Preferred" needs to be changed to "Restricted" to reflect RFS concerns. "Close" needs to be changed to "<200m" to reflect RFS concerns.