

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS
OF CLIMATE CHANGE ON THE ENVIRONMENT AND
COMMUNITIES**

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Portfolio Committee 7 – Planning and Environment
NSW Legislative Council
Parliament House
Macquarie Street
Sydney

Inquiry into the planning system and the impacts of climate change on the environment and communities

Tuross Head Planning Inquiry Submission/Coila Planning Enquiry **SUBMITTED BY:**

I am addressing some of the terms of reference but do not wish to give evidence at a hearing due to being the sole carer for my elderly mother. I would also prefer not to have my name or personal details made public to avoid any potential issues with the development company as my place of residence is directly affected by and close to the development. I have also submitted my name to the online Coila Planning Enquiry Submission but as I feel so strongly about the environmental impact of the development, I am also presenting my own submission.

My mother, _____ has been a resident of Chauvel Crescent since the 1980's and I, _____ have been residing here since 2021 as her carer. I am making this submission as the approved zombie DA Lot 325 DP244559 of 1983 will permanently adversely impact the quality of life of local permanent residents of Tuross Head, as well as, the fragile ecosystem and the native fauna and flora of the area. Furthermore, the approved zombie development will not alleviate the acute housing shortage in the region for Eurobodalla residents as there is no requirement by the council or any other authority to ensure the development includes affordable housing for locals. The council's recently approved modification appears solely to be for the developers' benefits as allowing a significant increase to the number of lots of a much reduced size from the original subdivision design of 1983 to be developed will increase the developer's profits, as well as increased rates for the council, at the expense of the environment and quality of life for locals.

TERMS OF REFERENCE TO BE ADDRESSED:

How the planning system can best ensure that people and the natural and built environment are protected from climate change impacts and changing landscapes, and in particular:

- (a) developments ... approved: (i) in flood and fire prone areas or areas that have become more exposed to natural disasters as a result of climate change***

FLOOD - Coila Lake in Flood 2022

Flooded Coila Creek on left flowing into Coila Lake



Land adjacent to development (Chauvel Crescent, evidencing boggyess of ground)

Flooded parts of development land (Anderson Avenue) evidencing benefit of having excess water being absorbed into meadow and not over spilling into creek. Mature trees in background due to be felled under 1984 Act.

The importance of limiting the development is evidenced above by the land zoned for development being able to absorb much of the excess rain flow which prevents the erosion of the creek's banks which runs parallel to the Anderson Avenue development and flows into Coila Lake.

Water Quality and the risk of flooding and erosion

The Eurobodalla Shire Council's Coastal Management Program (CMP) has identified two high risks regarding the environment management of Lake Coila: bank erosion and increased storm water run-off, both of which are affected by the urban environment and the 'cleaning' [read 'clearing'] of the land for the subdivision which will have a substantial impact on the catchment area for Coila Lake, water sediment turbidity and risk of faecal contamination.

The CMP identifies Coila as having a relatively small catchment, with most water coming from Coila Creek. However, this approved DA covers an area immediately adjacent to another significant, smaller feeder creek. The development runs the risk of creating more erosion, run-off and sedimentation (silting up) of this creek that can impact the Coila salt marsh, and the delicate nearby seagrass beds.

As the lake is 'closed' for most of the year, it provides a safe nursery for fish species. Any worsening of water quality caused by additional human development including 'run off' into the lake, could seriously damage fish stock and other native species.

The low-lying saltmarsh between Coila and the development is subject to sea-level rise and "coastal squeeze". By building new urban developments close to Coila Lake we may well be hindering the ability of local vegetation to adapt to rising sea levels. Areas of the development are already subject to flooding during periods of heavy rainfall. Would property owners on this land be able to get home-flood insurance?

FIRE

Increased human/building-housing development in itself poses a substantial fire hazard due to access difficulty for fire services and an increase in a variety of flammable material.

My mother and I were both present during the bushfire season of December 2019/January 2020 and evacuated to the Country Club.

Although it is understandable that there needs to be firebreaks in order that fire services can access scrubland prone to fire, the events of 2019/20 illustrate that over development and housing pose just as great, if not greater fire hazard for the following reasons:

- If scrubland is impacted by fire, fire services are aware of the combustible material (apart from human material) and how to approach its control.
- If fire engulfs man-made material including housing and developments, there is a greater variety of flammable material and what is precisely contained in each building is not clear. Also as a great number of houses could be left vacant, at the time of crisis, flammable material could be left outside and exposed eg plastics from plant pots etc and form a greater fire hazard.

During the evacuation, residents who took refuge at the Country Club were updated by the fire service who advised that only cold embers had fallen on Tuross Head.

Upon leaving the country club the next day, number 17 Chauvel Crescent and other houses in the street, as well as, elsewhere in the built up area of Tuross Head were covered in cold, burnt leaves. Had one of these embers been alight then the residential area of Tuross could have burnt down. Thus both residential construction and vegetation should be considered as fire hazards and not just native scrubland.



Burnt leaves, embers & ash on decking and lawn of 17 Chauvel Crescent

Furthermore, the need to protect a further 60 plus residential homes will increase the stress placed on the local fire service. Should this situation happen in the future, then the increased housing development would provide not only more combustible material for the fire but lead potentially the destruction of more rate payer's properties should they be set alight.

Fire breaks should also form part of the development on the land of Lot 325 DP244559 (Anderson Avenue) and be **on the land for development** between the development and the existing trees and scrub land on both sides of the creek along the walking track **AND NOT** on land outside the development area as this would lead to further destruction of the environment.

(ii) in areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change,

DROUGHT CONDITIONS

A sustained period of low rainfall and high wind in 2023, has within a few months, led to the drying out of the creek which runs into Coila Lake, Tuross Head. This drop in the water level of the lake has led to islands being formed on the lake and insufficient fresh water levels to maintain tree and plant health as evidenced below. The water is now too salty.

Photos taken on 3.11.2023



Below: Evidence of the environmental damage caused by i) a sustained period of lack of rainfall (drought), ii) the water level of the lake being too low and iii) high winds show: 1) particularly indigenous casuarina trees under stress losing their leaves, 2) branches being blown down and 3) trees dying. The impact on wildlife can be profound. Bird nests are not hidden from predators and there is much less protective cover for ground dwelling animals.

Photos taken on 3 November 2023 on the public pathway adjacent to the development at Anderson Avenue.



Path leading to development site which will become the main walking path once the development is complete.



Current pathway used by the community which council has indicated will not be maintained once the development has been completed. This is one of the few areas in Tuross Head where locals have access and can experience nature on both sides of a walk. Once this is no longer maintained by Council, permanent residents will be reduced to walking next to a housing estate with much less experience and enjoyment of nature.

The developer also intends to lay a concrete foundation in order to place a large sculpture of a wooden whale on a part of the site which the council has not permitted him to set aside for housing. As the sculpture belongs to the developer he will be able to remove it at some point in the future leaving a concrete block.

Erosion threat of development at Chauvel Crescent

Landscape affected by the development.



Boundary marker – development at Chauvel Crescent which is very close to the edge of the embankment to the creek. Clearance of trees could lead soil and bank erosion causing soil to flow into creek during periods of heavy rain.



and (iii) in areas that are threatened ecological communities or habitat for threatened species

Anderson Avenue

'In regard to the environmental impact we are of the view that the current approval implies the right to clean the land for subdivision so the resulting lots are fit for their intended purpose and Council have in the past conveyed this to us in regard to historical consents. In our view this would also apply to lot 61 for commercial proposal.'
Eurobodalla Council

This would lead to substantial loss of mature habitat trees and the resulting destruction of roosting/nesting sites for native birdlife as well as the total destruction of the area's land based wildlife habitat.

BIODIVERSITY - THREATS TO AN ENDANGERED & FRAGILE ECO-SYSTEM

No habitat assessments have been conducted or submitted for public scrutiny and no associated mapping of constraints has been provided. A wide range of animals and plants are dependent on existing trees for roosting, nest-building and rearing the next generation. Endangered and vulnerable species include:

- Eastern Hooded Dotterel Hood Plover Sooty Oystercatcher
- Large Bentwing Bat Little Bentwing Bat Yellow-bellied Sheath-Tail Bat
- Southern Myotis Wilsonia Rotundifolia

Coila Lake, wetlands and foreshores also provide habitat for many species of native birds, three of which are classified as 'threatened' - the little tern, hooded plover and sooty oystercatcher. The eastern curlew, bar-tailed godwit, red-necked stint and sharp-tailed sandpiper are among the many migratory birds occurring seasonally at Coila Lake that are protected under international agreements.

The potential loss of native species including more common species of birds could damage the local ecosystem further. 'Compared with birds elsewhere, Australian birds exert more ecologically powerful influences on our native vegetation and the shape of our forest environment.' – ***'The Complete Guide to Australian Birds'***, George Adams (Penguin, Random House, Australia 2018, Page 10)

I have photographed over 90 species of native birds which are dependent on maintaining and improving the number of existing native flora and quality of waterways. The destruction of the current environment for the financial benefit the developer (and Council in terms of potential additional rates received, particularly with further subdivisions) will drastically and potentially disastrously impact the health and variety of native flora and fauna, as well as, the enjoyment and enrichment of locals and visitors.

Over development including these 10 additional lots both in Chauvel Crescent and LOT 325 DP 244559, Anderson Avenue and the likely introduction of more non-native species such as dogs and especially cats will lead to the further decline in native animal species, particularly birds and small native mammals.

Some other native species impacted include:

- Echidnas Eastern Grey Kangaroos Snakes
- Possums Lizards (including the Jacky Lizard, Blue-tongued Lizard)

Although the Eastern Grey Kangaroo is not listed as a threatened species under the EPBC Act or BCAct, all native fauna is protected under the National Parks and Wildlife Act 1974 (NPW ACT).

b) the adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:

(iii) rapidly changing social, economic and environmental circumstances

The proposed development does not provide for the provision of accommodation for local people who require permanent accommodation as there is no requirement for the developer to sell a certain percentage of lots etc at affordable prices to locals. (eg at pre-pandemic prices)

The fear is that the majority of lots will be sold as second homes to holiday makers who may potentially use the property for only, for example, 45 weeks a year which will not support local shopkeepers or the local community in a sustainable economic way. This also means that much beautiful natural habitat will be destroyed for the enjoyment of permanent residents who do sustain the local economy.

Concerns raised regarding Monash Avenue/Chauvel Crescent development include:

1. Change in character of Chauvel Crescent due to the significantly reduced lot sizes.

2. Potential removal of trees in the reserve to create a Bushfire Asset Protection Zone.
3. An additional 10 lots at the western end of Chauvel Crescent

POSSIBLE SOLUTION

Revert to the larger plot sizes with a reservation/condition the schedule of the certificates of titles of potential buyers of the larger sized plots from the developer that the 'lot cannot be subdivided'. This would be more environmentally friendly with a greater number of native trees being saved from destruction and save the council additional work in considering future requests for the subdivisions of lots. This would also limit the amount of traffic using Chauvel Crescent

LOT SIZES

- Chauvel Crescent is part of the old Tuross Subdivision, and its existing blocks are in excess of 1000sqm. The original subdivision maintained the larger block sizes in keeping with the character of the street.
- The smaller lot sizes in the modifications of 2020 and 2021 could result in pressure being applied to Council to clear trees in the reserve to the rear of lots 59 to 67 to help create an a minimum APZ set back of 16m to the building line. At the meeting between Chauvel Crescent residents and council representatives on 2 July 2021, council's representatives admitted that a large number of mature casuarina trees and other trees on these lots would be granted permission to be removed by the developer.

The council seems able to mix and match different regulations irrespective of when the development was originally approved. Why is land able to be totally clear-felled of mature trees and local vegetation under the 1984 regulations and yet the council which approved 5/6 dwellings in that era can now use more modern legislation to increase the number of dwellings by almost 300 per cent to 17 dwellings? Although the development at Chauvel Crescent has the same footprint, the impact on the environment is far worse. (Almost three times as much concrete eg driveways and construction which means excess rain water cannot be absorbed and will flow towards the creek and lake with the potential for soil instability and erosion.)

e) Any other related matters – Please note the following encompasses some reference to points (b), (c) and (d)

GENERAL RECOMMENDATIONS FOR THE COILA LAKE DEVELOPMENT AND ALSO FUTURE DEVELOPMENTS IN NEW SOUTH WALES

- 1) Where trees and flora are destroyed for the purposes of clearing land for development, developers, as part of their landscaping process, to plant a variety of plants indigenous to the area on each lot for sale and not simply one plant per lot. This is to ensure a variety of shelters and food sources for native animals.
- 2) Either councils or an independent authority be responsible for monitoring the quality of any fill on development sites to ensure the quality and appropriateness of the fill. Eurobodalla Council has acknowledged it no longer has the resources to oversee this. Locals are concerned that this could potentially lead to the contamination of the site which would have an adverse effect on the environment. The developer to be responsible for paying for this service.
- 3) The Chauvel Crescent/Monash Avenue area of the development would have been an ideal location to construct 'tiny houses' with car ports for social housing. The council could have vetted the suitability of potential occupiers/owners. Access to a crescent could have been from the Monash Avenue end opposite the club house. As these would have been 'tiny houses' the development would have had less impact

on the environment as fewer trees would need to be felled. I feel that the 'tiny house' model could be employed for many future developments throughout New South Wales as it has a lower environmental footprint and could be particularly successful with regard to public housing.

- 4) That in areas where native wildlife is affected by development that an independent wildlife officer(s)/organisation(s) be given the opportunity to save and relocate wildlife. The developer to be responsible for paying any fees associated with such removal. Also the council/local residents/wildlife organisation or officer to be given, in writing, a schedule of works and agreed dates when removals to take place prior to any clearing of the land. Councils should be required to log wildlife interventions. Tuross Head has a snake catcher who is qualified and does relocate snakes.
- 5) Many local communities have volunteer groups who often work with local council to revegetate public areas. This occurs in Tuross Head. I would recommend that not only in Tuross Head but state-wide that developers be required to work with these groups with a view to identifying indigenous plants which could be removed and saved by the developer and donated to local groups for replanting locally outside the development area.
- 6) Where mature trees and nest sites are being destroyed that the developer provide local residents (paid for by the developer) with nesting boxes for native birds which have been identified as having been impacted by the development. Local residents or wildlife organisations to be responsible for locating and placing such nesting boxes in appropriate sites outside the development.
- 7) That the New South Wales Government legislate for a full independent environmental impact study to take place with each zombie development to determine what changes need to be made to existing approved developments to minimise not only environmental damage but also potential risks for new home owners due to the possible rise in water levels and flooding. In the planned development at Coila Lake the majority of lots are less than 10 metres above sea level. Of these, 16 are less than 5 metres above sea level and 5 are less than 3 metres above sea level.

Signed

Dated: 3 November 2023